

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 28th May, 2008**

Time: **2.00 p.m.**

Place: **The Council Chamber, Brockington, 35
Hafod Road, Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

**To: Councillor PGH Cutter (Chairman)
Councillor MJ Fishley (Vice-Chairman)**

**Councillors CM Bartrum, H Bramer, BA Durkin, AE Gray, TW Hunt (Ex-Officio),
JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, RV Stockton (Ex-Officio),
DC Taylor and JB Williams**

Pages

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

To note that, at the Annual Council meeting on 16 May 2008 Councillor PGH Cutter was elected Chairman and Councillor MJ Fishley was appointed Vice-Chairman of the Southern Area Planning Sub-Committee.

2. APOLOGIES FOR ABSENCE

To receive apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.

4. MINUTES

To approve and sign the Minutes of the meeting held on 30 April 2008.

5. ITEM FOR INFORMATION - APPEALS	17 - 18
<p>To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.</p>	
REPORTS BY THE HEAD OF PLANNING SERVICES	
<p>To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.</p>	
<p>Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p>	
6. DCSE2007/3618/C AND DCSE2007/3619/F - PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE.	19 - 28
<p>A) Alterations and refurbishment of 27 Brookend Street and demolition of the separate detached rear commercial premises.</p>	
<p>B) Alterations and extensions to 27 Brookend Street including new shop front and extension to retail unit and 4 no. existing flats. Demolition of the detached commercial building to the rear and erection of 9 no. new build residential dwelling apartments.</p>	
7. DCSE2008/0710/O - 1 WOODVIEW, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SY.	29 - 34
<p>Erection of detached house and garage to include joint access with 1 Woodview</p>	
8. DCSW2008/0911/RM - SANDRIDGE, BARRACK HILL, LITTLE BIRCH, HEREFORD, HR2 8AY.	35 - 42
<p>New dwelling in garden of Sandridge.</p>	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 30 April 2008 at 2.00 p.m.

Present: Councillor G Lucas (Chairman)
Councillor PD Price (Vice Chairman)

Councillors: CM Bartrum, H Bramer, PGH Cutter, BA Durkin,
MJ Fishley, JA Hyde, DC Taylor and JB Williams

In attendance: Councillors JP French, TW Hunt and RV Stockton

148. APOLOGIES FOR ABSENCE

Apologies were received from Councillors AE Gray, JG Jarvis and RH Smith.

149. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
G Lucas	Agenda Item 16 DCSE2008/0553/F – Variation of condition 8 in relation to boundary wall to replace the wooden fencing (application no. DCSE2007/2920/F). The Old Canoe Store, Millpond Street, Ross-on-Wye, Herefordshire, HR9 7AP.	A prejudicial interest was declared and the member left the meeting for the duration of the item.

150. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 April 2008 be approved as a correct record and signed by the Chairman.

151. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the southern area of Herefordshire.

152. DCSW2008/0282/F - PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HR2 8HJ. (AGENDA ITEM 5)

Erection of 4 no. single storey hotel accommodation suites.

The Southern Team Leader reported the following updates:

- The applicant has now stated that there was never any intention to remove

the tree and the proposal is being revised with a smaller footprint.

RESOLVED

THAT the determination of the application be deferred pending further discussions with the applicant in respect of the two mature beech trees.

153. DCSE2008/0050/F - JAYS PARK, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH. (AGENDA ITEM 6)

Erection of agricultural storage building.

Councillor H Bramer, the local ward member, noted that the enforcement issues had now been resolved on the site and therefore moved the recommendation.

RESOLVED

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

4 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

5 E10 (Use restricted to that specified in application)

Reason: To define the terms of the permission and to protect the rural character of the area.

6 No development shall take place until not less than 0.5ha of soft fruit has been planted in the fields OS parcels 0002 and 1900.

Reason: To ensure that there is a need for an agricultural building.

INFORMATIVES:

1 N19 - Avoidance of doubt

2 N15 - Reason(s) for the Grant of Planning Permission.

154. DCSE2008/0207/F - SYMONDS YAT RAPIDS, SYMONDS YAT (ON THE RIVER WYE), NEAR MONMOUTH. OS GRID REFERENCE SO 561156 (AGENDA ITEM 7)

Replacement of existing rock groyne and other in-river restoration works to improve rapids and habitats in the River Wye at Symonds Yat.

The Principal Planning Officer reported the following updates:

- Forest of Dean District Council have no objection in principle but draw attention to the need for compliance with para 99 of ODPM Circular 06/2005 (on protected species).

In accordance with the criteria for public speaking, Mr Blows, a local resident, spoke in objection to the application and Mr Hawkesworth, the applicant, spoke in support.

RESOLVED

That planning permission be granted subject to the following conditions:

Commencement of works

- 1 A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

Approved plans

- 2 B01 (Development in accordance with the approved plans)**

Reason: To ensure adherence to the approved plans and details in the interests of a satisfactory form of development and to comply with policy DR1 of the Herefordshire Unitary Development Plan 2007.

Working Method Statement

- 3 No development shall take place until a working method statement for the project has been submitted to and approved in writing by the local planning authority. The statement shall include in particular:**

- i) Details of the type, source and estimated quantity of stone to be used;**
- ii) A plan showing the indicative locations for stockpiles of stone and parking of construction vehicles plant and equipment;**
- iii) Details of, arrangements for the public rights of way, including fencing, signage, and the use of a banksman for the crossing point;**
- iv) Details of all preparatory work necessary, including vegetation trimming the ground preparation, excavations, working area and stone movements;**
- v) Indicative provision for a watching brief to identify, record and protect archaeological remains;**
- vi) Details, and a large scale plan, of the design, construction method and materials to be used for the proposed access ramp on the riverbank and the haul route at the river's edge;**
- vii) Full methodology for the in-river working, groyne construction and all other works;**
- viii) Measures to prevent pollution to ground and surface waters;**
- ix) Health and safety details and precautions including emergency strategy;**

- x) Mitigation proposals for the minimal disturbance of silt during the in-river works, including a risk assessment of alternative measures.
- xi) A scheme for the treatment and control of Japanese knotweed.
- xii) Timescales for all the above.

The works shall be undertaken in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure a satisfactory form of development in accordance with agreed principles, to ensure public safety during the operations, to ensure a design solution is sought to minimise archaeological disturbance, and to protect the amenity of the area in accordance with policies S1, S2, DR1, ARCH5, ARCH6, NC2 & NC3 and LA1 of the Herefordshire Unitary Development Plan 2007.

Restoration Scheme

- 4 No development shall take place until a reinstatement and restoration scheme for the completion of the project has been submitted to and approved in writing by the local planning authority. In particular the scheme shall include:
 - i) A large-scale plan showing details of the removal of the in-river haul route and temporary river access ramp as shown on plan reference 04-1106-200 rev 4 dated September 2007 and date stamped 13 Mar 2008,
 - ii) Details of the reinstatement of the riverbank on completion of the works, and final restoration including any re-planting or re-seeding areas including the earth bank at the crossing point;
 - iii) Specifications for the resurfacing and restoration of the definitive footpath and cycleway route/s;
 - iv) Removal of temporary fencing, signage etc and making good;
 - v) Indicative details of ancillary remedial works on the island.
 - vi) Timescales for all the above.

The works shall be undertaken in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure the site is restored in accordance with agreed principles and to protect the amenity of the area in accordance with policies S1, S2, DR1 and LA1 of the Herefordshire Unitary Development Plan 2007.

Protected species

- 5 Prior to the commencement of any works, schemes for surveying and protecting the following species and their habitats shall be submitted to and approved in writing by the local planning authority:
 - i) White clawed crayfish
 - ii) Freshwater pearl mussel
 - iii) Bats (all species)
 - iv) Otter
 - v) Dormouse

The scheme shall include a Method Statement and give details of any protection, mitigation and translocation measures as appropriate, which shall be thereafter implemented in accordance with the approved schemes, unless otherwise agreed in writing in advance by the local planning authority in consultation with Natural England and the Environment Agency.

Reason: To ensure the protection of White clawed crayfish, Freshwater pearl mussels, Bats and other species in accordance with policies S1, S7, NC1, NC2, NC3, NC5 and NC6 of the Herefordshire Unitary Development Plan 2007.

Archaeology

6 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of policies ARCH1 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

In-river working

7 Any in-channel works shall only be carried out during the period between 1st July and 15th October in any year and at no other time, unless otherwise agreed in writing in advance by the local planning authority in consultation with the Environment Agency.

Reason: To prevent adverse impact on protected species and to comply with policies S7, NC1, NC5 and NC6 of the Herefordshire Unitary Development Plan 2007.

Western channel

8 No working or disturbance shall take place in the channel to the west of the island or the western riverbank unless agreed in writing in advance by the local planning authority in consultation with the Environment Agency and Natural England.

Reason: To prevent adverse impact on protected species and to comply with policies S7, NC1, NC5 and NC6 of the Herefordshire Unitary Development Plan 2007.

Operating hours

9 F01 (Restriction on hours of working)

While the in-river works are actually in progress, the hours during which working may take place shall be restricted to 0700-1900 on any day. At all other times including preparatory and restoration work until the project is complete, unless otherwise agreed in writing in advance the hours during which working may take place shall be restricted to 0800 to 1800 hours Mondays to Fridays, 0800 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies NC5 and DR2 of the Herefordshire Unitary Development Plan

2007, whilst enabling the in-river works to be completed as quickly as possible utilising available daylight.

Biodiversity protection

- 10 The recommendations set out in the submitted Ecological Assessment date-stamped 23 Jan 2008 shall be followed unless otherwise stipulated by conditions attached to this permission or as agreed in writing in advance by the local planning authority. An appropriately qualified and experienced Ecological Clerk or Works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure the adequate protection of important species, habitats and designated sites and to comply with the requirements of policies S7, NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

Protection of trees

- 11 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure the development conforms with policy DR1 of the Herefordshire Unitary Development Plan 2007.

No burning

- 12 I43 (No burning of material/substances)

Reason: To safeguard amenity and biodiversity, prevent pollution, and to comply with policy DR4 of the Herefordshire Unitary Development Plan 2007.

Vehicle parking and materials storage

- 13 No plant, machinery, equipment or materials shall be parked or stored other than in the designated location/s approved under condition 3 of this permission unless otherwise agreed in writing in advance by the local planning authority.

Reason: In order to protect the amenity of the area and to comply with policies DR1, T6 and T8 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1 Aquatic invertebrates, in particular Riffle beetles and mussels, should be protected from disturbance; fine gravels and material such as rotting bark and exposed tree roots should be retained as important habitat.
- 2 Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause the growth of Japanese knotweed in the wild. Chemical control of Japanese knotweed should be undertaken once per year only, during August/September. No cutting of the plant should be carried out. 2,4-D Amine is not approved for use near water.
- 3 Himalayan balsam should be controlled by manually uprooting the plant

prior to the production of seeds, and the plants appropriately disposed of away from the riverbank.

- 4 The Conservation (Natural Habitats &C) Regulations 1994 (the Habitats Regs) have recently been updated so that disturbance of a European Protected Species can be an offence even if it is the result of an otherwise lawful activity.
 - 5 If an area of the river is to be sealed off and drained down (in order to create a dry working area), then a fish rescue must be carried out by suitably competent people on the advice of the Environment Agency's Fisheries Team.
 - 6 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
 - 7 N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats
 - 8 N11C - General
 - 9 N18 - European Protected Species Licence
 - 10 ND03 - Contact Address
 - 11 HN03 - Access via public right of way
 - 12 N04 - Rights of way
 - 13 Any re-planting or re-seeding should comprise native species only. The scheme submitted under the requirements of condition 4 ii) above should specify the species, numbers, sizes and area of land.
 - 14 HN20 - Common land
 - 15 Environment Agency advice on statutory responsibilities and good environmental practice is available at <http://www.environment-agency.gov.uk/business/444251/444731/ppg/> . Please refer to Pollution Prevention Guideline 5 'works in, near or liable to affect watercourses'.
 - 16 Any waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Act 1990, Carriers transporting waste from the site must be registered waste carriers.
 - 17 N15 (Reasons for the Grant of Planning Permission)
 - 18 N19 – Avoidance of doubt
155. DCSE2008/0710/O - 1 WOODVIEW, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SY. (AGENDA ITEM 8)

Erection of detached house and garage to include joint access with 1 Woodview

The Senior Planning Officer reported the following updates:

- Weston under Penyard Parish Council do not object to the application.

In accordance with the criteria for public speaking, Mr Caldicutt, the applicant's agent, spoke in support of the application.

Councillor H Bramer, the local ward member, felt that the concerns regarding the visibility splay could be resolved by relocating the site entrance. He noted that the application would have been approved under the former South Herefordshire District Plan.

The Southern Team Leader advised members that the application was contrary to the UDP. He confirmed that the UDP classified Pontshill as open countryside and felt that the application should be refused accordingly.

RESOLVED

THAT the determination of the application be deferred pending further discussions with the applicant in respect of the access.

156. DCSE2008/0481/F - LONG RIDGE, LINTON, ROSS-ON-WYE, HEREFORD, HR9 7RS. (AGENDA ITEM 9)

Change of use of existing double garage to holiday accommodation.

RESOLVED

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 F30 (Use as holiday accommodation)

Reason: Having regard to Policies RST1, RST12 and RST13 of Herefordshire Unitary Development Plan the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation.

3 H03 (Visibility splays)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

4 H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

5 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements

of Policy T11 of Herefordshire Unitary Development Plan

7 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

INFORMATIVES:

- 1 HN01 - Mud on highway
- 2 HN04 - Private apparatus within highway
- 3 HN05 - Works within the highway
- 4 HN10 - No drainage to discharge to highway
- 5 HN22 - Works adjoining highway
- 6 N15 - Reason(s) for the Grant of Planning Permission
- 7 N19 - Avoidance of doubt - Approved Plans

157. DCSE2008/0749/F - UNIT E, BEAVER CENTRE, ASHBURTON INDUSTRIAL ESTATE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BW. (AGENDA ITEM 10)

Change of use of Unit E Beaver Centre from B1/B8 to A1 retail warehouse.

The Senior Planning Officer reported the following updates:

- 16 letters of support from potential customers had been received
- WM Griffiths, Ross Feed Ltd, commented that he had been advised that there were no plans to expand retail uses onto industrial land.

In accordance with the criteria for public speaking Mr Jackson, the applicant's agent, spoke in support of the application.

Councillor PGH Cutter, one of the local ward members noted that there were a number of retail outlets in close proximity to the application site. He felt that the creation of 4 to 5 jobs would be beneficial to the town of Ross and noted that the applicants planned to deal in bulk sales of agricultural feed. He felt that the proposed usage did not constitute a normal A1 retail use and therefore moved the recommendation.

Councillor H Bramer noted that the application site had been empty for some years and felt that the proposed usage was acceptable.

RESOLVED

The Southern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.

- 1) This permission shall enure for the benefit of Mr and Mrs J Taylor only and not for the benefit of the land or any other persons

interested in the land.

- 2) Retail sales should be limited to Bulky Goods only
- 3) the retail display and sales area shall be restricted to that area shown on the layout plan

If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the scheme of delegation to officers be instructed to approve the application to such conditions referred to above.

[Note: Following the vote on this application, the Southern Team Leader advised that he would not refer the decision to the Head of Planning Services]

158. DCSW2008/0272/F - UPPER CEFN, EWYAS HAROLD, HEREFORD, HEREFORDSHIRE, HR2 0JJ. (AGENDA ITEM 11)

Proposed new livestock housing/fodder storage building. Alterations to existing access and proposed roadway across to building.

Councillor JB Williams, the local ward member, felt that the livestock building was needed in order to preserve animal welfare. He noted the comments of the local residents and supported the application.

RESOLVED

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

4 G13 (Tree planting)

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

5 H03 (Visibility splays)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6 H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

7 H09 (Driveway gradient)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8 H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

Informative(s):**1 HN01 - Mud on highway****2 HN04 - Private apparatus within highway****3 HN05 - Works within the highway****4 HN10 - No drainage to discharge to highway****5 N19 - Avoidance of doubt - Approved Plans****6 N15 - Reason(s) for the Grant of Planning Permission****159. DCSW2008/0294/F - HUNTERS LODGE, WORMELOW, HEREFORD, HR2 8EQ. (AGENDA ITEM 12)**

Construction of a 5 bed residential C2 care home for adults with learning disabilities with associated parking

In accordance with the criteria for public speaking Mr Spencer, the applicant, spoke in support of his application.

Councillor MJ Fishley, the local ward member, noted the concerns raised by the parish council as well as the local residents. However she felt that all of these concerns had been addressed in the officer's report and therefore moved the recommendation.

In response to a question, the Senior Planning Officer confirmed that the access road was not in the ownership of the applicant.

RESOLVED

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the

requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

Informative(s):

1 N19 - Avoidance of doubt - Approved Plans

2 N15 - Reason(s) for the Grant of Planning Permission

160. DCSW2008/0430/F - BRYNMELYN, CUSOP, HAY-ON-WYE, HEREFORDSHIRE, HR3 5RQ. (AGENDA ITEM 13)

Alteration to garden building (retrospective).

In accordance with the criteria for public speaking Mr Greaves, a neighbouring resident, spoke in objection to the application, and Mr Hardin, the applicant's agent, spoke in support.

Councillor PD Price, the Vice-Chairman speaking in his capacity of local ward member, felt that the addition of a condition requiring the use of opaque glass would address any concerns of overlooking for the neighbouring resident. He noted that the outbuilding would not be inhabited and moved the recommendation.

RESOLVED

That planning permission be granted subject to the following conditions:

1 F08 (No conversion of outbuilding to habitable accommodation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

3 C08 (Colour of cladding)

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

Informative(s):

1 N19 - Avoidance of doubt - Approved Plans

2 N15 - Reason(s) for the Grant of Planning Permission

161. DCSE2008/0613/F - LAND TO THE REAR OF PYECROFT, FRIMBLE HOUSE AND EGATTOC, MONK'S MEADOW & DYMOCK ROAD, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NF. (AGENDA ITEM 14)

Change of use from agricultural land to domestic.

RESOLVED

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 F14 (Removal of permitted development rights)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and HBA6.

3 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

4 Within 3 months of the date of this permission a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

- a) A plan(s) showing details of all existing trees and hedges on the application site
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and grass areas
- c) The position, design and materials of all site enclosures (e.g fences)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and HBA6.

5 The landscaping scheme approved under condition 4 (as shown on the approved plan no.) shall be maintained for a period of 5 years. During this time, any trees, hedges or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the LPA gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR.1 and HBA.6

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

2 N15 - Reason(s) for the Grant of Planning Permission

162. DCSE2008/0384/F - BROCKWOOD, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SH. (AGENDA ITEM 15)

Two storey extension and replacement of existing garage

RESOLVED

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 C02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 F16 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

4 F07 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5 H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

7 H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8 H09 (Driveway gradient)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

INFORMATIVES:

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN09 - Drainage details for Section 38

4 N19 – Avoidance of doubt – Approved Plans

5 N15 – Reason(s) for the Grant of Planning Permission

163. DCSE2008/0553/F - THE OLD CANOE SHOP, MILL POND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AP. (AGENDA ITEM 16)

Variation of condition 8 in relation to boundary wall to replace with wooden fencing, (application number DCSE2007/2920/F).

The Vice-Chairman took the chair for the following item.

The Southern Team Leader reported the following update:

- Further clarification of Welsh Water's views has been sought. It is understood that construction of a brick wall may be acceptable but an application needs to be made to Welsh Water showing details of the proposal before a decision can be made.

In accordance with the criteria for public speaking, Mr Wadge, a resident of Wallace Court, spoke in objection to the application.

Councillor PGH Cutter, one of the local ward members, felt that the applicant should honour the condition and build a boundary wall as agreed. He said that a wooden fence would not give the same level of security to the residents of Wallace Court and felt that the application should be refused contrary to the officer's recommendation.

Councillor JA Hyde felt that the residents of Wallace Court had been reasonable throughout the whole application process and had only requested one condition. She felt that the applicant should ensure that this condition was complied with.

RESOLVED

That: (i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

A) Negative impact on residential and visual amenity.

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

[Note: Following the vote on this application, the Southern Team Leader advised that he would not refer the decision to the Head of Planning Services.]

164. DCSE2008/0627/RM - HAZELNUT COTTAGE AND ADJOINING LAND, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ. (AGENDA ITEM 17)

Erection of five houses and one bungalow.

Councillor JA Hyde, the local ward member, had a number of reservations in respect of the access to the site and the visibility splays. She voiced her concerns in respect of the application but felt that she should move the officer's recommendation.

RESOLVED

That approval of reserved matters be granted subject to the following conditions:

1 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

2 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

3 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

4 I32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

5 I51 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

6 F16 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

Informative(s):

1 N19 - Avoidance of doubt - Approved Plans

2 N15 - Reason(s) for the Grant of Planning Permission

The meeting ended at 3.55 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSW2008/0156/O**

- The appeal was received on 28 April 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr M Davies
- The site is located at Rangers Lodge, Little Birch Road, Kingsthorpe, Herefordshire, HR2 8AU
- The development proposed is Proposed erection of a detached dwelling with ancillary works.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932**Application No. DCSE2007/3872/F**

- The appeal was received on 28 April 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Marstons Plc
- The site is located at The Hope and Anchor, Rope Walk, Ross-on-Wye, Herefordshire, HR9 7BU
- The development proposed is the erection of a 5m x 9m garden room structure to the front of the building. Predominantly timber with trellis panels and balustrade and timber shingle roof.
- The appeal is to be heard by Written Representations

Case Officer: Charlotte Atkins on 01432 260536**APPEALS DETERMINED****Application No. DCSE2007/1391/F**

- The appeal was received on 1 February 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Camanoe Estate Limited
- The site is located at The Chase Hotel, Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5LH
- The application, dated 4 May 2007, was refused on 18 July 2007
- The development proposed was Erection of 6 apartments and associated parking
- The main issue is the effect of the proposed development on the character and appearance of the Chase Hotel and its grounds. This bears in mind the appeal site's location in the Ross on Wye Conservation Area, the Wye Valley Area of Outstanding Natural Beauty (AONB) and trees covered by a preservation order.

Decision: The appeal was UPHELD on 29 April 2008**Case Officer: Steven Holder on 01432 260479**

Further information on the subject of this report is available from the relevant Case Officer

Enforcement Notice EN2006/0053/ZZ

- The appeal was received on 30 July 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by RA Farr
- The site is located at Merrifolde, Orcop, Herefordshire
- The breach of planning control alleged in this notice is:
Change of use of the land from agriculture to a mixed use for agriculture and to a site for a mobile home used for residential purposes.
- The requirements of the notice are:
 - i) *Permanently cease the unauthorized use of the land as a site for a mobile home*
 - ii) *Remove the mobile home from the land*
 - iii) *Disconnect and remove the associated foul drainage system, gas cylinders and wooden decking from the land*
- The main issue is whether there is a need for an agricultural workers dwelling on the site, which is land situated in open countryside as defined by the Herefordshire Unitary Development Plan 2007.

Decision: The appeal was DISMISSED on 13 May 2008

Case Officer: Andrew Prior on 01432 261932

If members wish to see the full text of decision letters copies can be provided

6A DCSE2007/3618/C - ALTERATIONS AND REFURBISHMENT OF 27 BROOKEND STREET AND DEMOLITION OF THE SEPARATE DETACHED REAR COMMERCIAL PREMISES.

6B DCSE2007/3619/F - ALTERATIONS AND EXTENSIONS TO 27 BROOKEND STREET INCLUDING NEW SHOP FRONT AND EXTENSION TO RETAIL UNIT AND 4 NO. EXISTING FLATS. DEMOLITION OF THE DETACHED COMMERCIAL BUILDING TO THE REAR AND ERECTION OF 9 NO. NEW BUILD RESIDENTIAL DWELLING APARTMENTS.

PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE.

For: Nos No 2 Limited per Hook Mason Ltd, 11 Castle Street, Hereford HR1 2NL

Date Received: 22 November 2007 Ward: Ross-on-Wye East Grid Ref: 60120, 24352

Expiry Date: 17 January 2008

Local Members: Councillor PGH Cutter and Councillor AE Gray

Introduction:

These applications were deferred at the Southern Area Planning Sub-Committee on 2 April 2008 for negotiation on contributions to off-site highway works; the provision of a pedestrian crossing in Station Street. The Traffic Manager is able to confirm the need for the crossing evolved from meetings with local Members of the Council.

The applicant has agreed a contribution to the construction of the crossing and the Draft Heads of Terms are attached at the end of this report.

1. Site Description and Proposal

1.1 Palma Court is an unlisted 3-storey C19 commercial building with a vacant café on the ground floor and 4 apartments over is on the east side of Brookend Street, between Auntie Wainwrights and Dragon House Chinese Take-Away. At the rear is a C20 portal framed building of a warehouse style that is occupied by "Fun 2 Sea Island Nursery" which is accessed through an archway that also accesses 3 vacant shop units. There is a 1.8 metre high wooden boarded fence along the boundary with Wallace Court, which adjoins the site on its south side. In the south-east corner of the site is a dry access route from Wallace Court. Gardner Butcher is opposite.

1.2 The site is located in the Ross-on-Wye conservation area, the Wye Valley Area of Outstanding Natural Beauty and the central shopping commercial area as shown in the

Herefordshire Unitary Development Plan 2007. The frontage is defined as secondary shopping frontage.

- 1.3 This application proposes the demolition of the nursery and the shop units and replacement by a terrace of 9 dwellings. The café "shopfront" is to be replaced by a Victorian style shopfront. The café and apartments over are also to be extended to provide kitchen, WC and stairway to the apartments over which are to be extended to accommodate a bedroom to each. This is a car free development with storage for 13 bicycles. Foul drainage is to be disposed to the main sewer, and surface water is part-drained to a soakaway (permeable ground surfaces) and part to a rainwater harvester to facilitate grey water usage within the dwellings.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS6	-	Planning for Town Centres
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy T6	-	Walking
Policy T7	-	Cycling
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR4	-	Secondary Shopping Frontage
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH2	-	Foundation Design and Mitigation for Urban Sites
Policy ARCH6	-	Recording of Archaeological Remains
Policy CF2	-	Foul Drainage

3. Planning History

- 3.1 DCSE2007/0132/F Alterations and extensions to 27 Brookend Street including new shopfront and extension to retail unit and 4 existing flats. Demolition of detached commercial premises to rear and erection of 14 residential dwellings. - Withdrawn. 09.03.07
- DCSE2007/0133/C Demolition of detached commercial building. - Withdrawn. 09.03.07

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager has no in principle objection subject to a financial contribution to the promotion of sustainable development. Following the deferral of this item he has agreed that the £6000 contribution towards the pedestrian crossing would be reasonable and appropriate.
- 4.3 Conservation Manager has no objection.
- 4.4 Archaeological Advisor has no objection subject to conditions.

5. Representations

- 5.1 A Design and Access Statement has been submitted with the application
- The proposals comprise alterations, extensions and refurbishment of the original building fronting onto Brookend Street, demolition of redundant commercial premises to the rear and erection of new residential dwellings.
 - The frontage building at 27 Brookend Street will comprise an A3 retail unit at ground floor extended at the rear to provide a vertical circulation core and staff facilities.
 - The proposed residential block will comprise 9 mews type town houses within a single 2-storey block.
 - The proposed rear extension to the frontage building is designed to relate closely to the refurbished Brookend Street façade and reflects earlier Victorian alterations carried out.
 - The rear residential building replaces a redundant commercial building which resembles an industrial unit.
 - The layout and massing of the proposed building reflects the building to be removed and is positioned to maximise the remaining site area which has south westerly orientation and which will form a communal, predominantly hard landscaped amenity area.
 - The ground floor level of the new residential block is raised in order to prevent potential future flooding and to facilitate rainwater harvesting tanks to be sited below the building for grey water re-use within the dwellings created.
 - The scale of the new buildings reflect that of the existing retained frontage building and the commercial building to be removed.
 - The site is located within a busy town centre area and its width reflects the original burgage plots dating from the medieval period.

- The landscape proposals incorporate predominantly hard landscaped pedestrian amenity areas softened by planting strips.
 - Vehicular and transport links will be unaffected by the application.
 - Due to the existing site restrictions access into the site will be pedestrian (or cycle only).
 - The site is level, however in order to ensure potential flooding will not impact on the new dwellings, the ground floor is raised by approximately 800mm above existing ground level.
 - Level access to individual dwellings is provided by ramped access in accordance with Building Regulation requirements.
- 5.2 Ross Town Council: Concern was expressed that the development is marketed as family homes and therefore it was unrealistic not to consider provision for parking when there was limited availability of local transport in Ross-on-Wye. Affordable housing should be inclusive in a development of this size and Members of the Town Council would like to be consulted on any benefits available under Section 106.
- 5.3 A petition with 12 signatures from the residents of Wallace Court, Station Street, Ross-on-Wye objecting to this application has been received:
- Overdevelopment of the site, including height with many windows being placed in the elevation facing Wallace Court.
 - There are no windows in the present "green building" overlooking Wallace Court and the proposed building would be a gross invasion of privacy into the flats and grounds. This would be exacerbated if the building extends beyond the current building.
 - Access and egress for the builders from the already busy Brookend Street - is this possible with the Listed building restrictions to the retail end of the site?
 - Security for the residents of Wallace Court with the number of people possibly using the dry access gate into Wallace Court grounds when there is no flooding in the area.
 - Access and egress for emergency vehicles.
 - Attempted parking in the private grounds of Wallace Court during the building and then by the residents of the flats/mews houses.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford, and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The site is located in the Ross-on-Wye Conservation Area where special attention must be given to the desirability of preserving or enhancing the character and appearance of the area. The character of this part of the conservation area derives from a variety of architectural styles including height and scale of buildings, use of materials and detailing. The application proposes a replacement shopfront that will be of a Victorian style, a type that is considered acceptable in this locality. The bulk of this proposal is at the rear of site, the replacement of the warehouse type building and the 3 vacant shop units. These buildings are of no architectural/historic character or value to the conservation area. Accordingly, there is no objection to their demolition.
- 6.2 The application proposes the erection of a terrace type development that will accommodate 9 dwellings with a front aspect looking out towards Wallace Court. The linear form of the development recognises the narrowness of the historic burgage plot. The bulk, form and scale of the building are representative of the existing buildings. The Conservation Manager has no objection to the massing and scale of the proposal.

- 6.3 The site restraints of the plot dictate the form and siting of the proposal with doors and windows facing out towards Wallace Court. In relation to Wallace Court, upper floor bedroom windows look out over the grounds, access road, parking area and the western flank elevation and windows to hallways and bedrooms. The height of ground floor windows will be slightly higher than the 1.8 metres boundary fence that runs along the boundary with Wallace Court. The application site and Wallace Court have similar ground levels. There will be approximately 9 metres separation between the proposal and the flank elevation of Wallace Court. While there will be overlooking of the grounds to Wallace Court this degree of overlooking is not sufficient to detract significantly from the privacy of habitable rooms.
- 6.4 The application proposes a car-free development. Advice contained in Planning Policy Guidance 13: Transport advocates such a proposal in the appropriate location. Also, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing advocates the cutting of carbon emissions by focusing new development in locations with good transport accessibility and to ensure housing is developed in suitable locations, which offer a range of community facilities, and with good access to jobs and key services. Furthermore, PPG13 states that the availability of car parking has a major influence on the means of transport people choose for their journeys. Studies suggest that even in areas well served by public transport, if parking provided people will still travel by car. Therefore, if this option is removed, people are less likely to travel by car thereby creating a more sustainable environment. Car-free developments are unlikely to be appropriate with most sites but this site is ideally suited to such a proposal; there is public car parking almost opposite the site, Red Meadow, which would meet the parking needs of the development if required, and it is within walking distance to shops, jobs and entertainment facilities. The applicant's agreement to contribute towards the provision of a pedestrian crossing will further promote pedestrian access to and from the site as well as benefiting the wider locality.
- 6.5 In terms of archaeology, the site is located in a sensitive area, within the historic core of Ross-on-Wye as defined by the Central Marches Historic Towns Survey 1996. Ross-on-Wye is considered to be an archaeologically important urban area. The Archaeological Advisor has commented the nature and scale of ground disturbance will probably be moderately severe. It is though possible to mitigate any damaging effect of the development by means of an archaeological investigation prior to and during development works through the use of an appropriate foundation design.
- 6.6 The site is located in a flood risk area. The application has been submitted with a flood risk assessment, which the Environment Agency considers acceptable subject to conditions. The dry access route from Wallace Court into the application site is preserved in this proposal.

RECOMMENDATION

In respect of DCSE2007/3618/C

That Conservation Area Consent be granted subject to the following condition:

- 1 D01 (Time limit for commencement (Listed Building Consent))**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- 1 N19 - Avoidance of doubt
- 2 N15 - Reason(s) for the Grant of Conservation Area Consent.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

In respect of DCSE2007/3619/F:

That:

(1) The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms as he considers appropriate.

(2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue Conservation Area Consent subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

- 3 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

- 4 E04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

- 5 No development shall commence until a scheme for the provision and implementation of a surface water regulation system including the Sustainable Urban Drainage System, as detailed in the Flood Risk Assessment, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a sustainable means of surface water disposal.

- 6** Prior to the occupation of the development, an Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of proposed awareness training and procedures for evacuation of persons and property and method and procedures for timed evacuation. It shall also include a commitment to retain and update the plan and include a timescale for revision of the plan.

Reason: To minimise the flood related danger to people in the flood risk area.

- 7** Prior to the first occupation of the development flood-free access as shown on drawing number 50026-01, dated 3/1/08, including finished ground levels no lower than 33.19 metres AOD along the route, shall be in place and thereafter maintained.

Reason: To ensure a safe development and prevent flood risk.

- 8** The finished floor levels of the dwellings hereby permitted shall be no lower than 33.80 metres AOD, with finished floor level of the car set no lower than the existing and flood proofing techniques incorporated at least 33.80 metres AOD, in accordance with the Flood Proofing and Flood Resilient Construction in the Flood Risk Assessment Addendum, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a safe development and prevent flood risk.

- 9** L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

- 10** L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 11** L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 12** Before development commences architectural details of the shopfront to a scale of 1:1 or 1:5 shall be submitted to the local planning authority approved in writing.

Reason: To safeguard the character and appearance of the building.

INFORMATIVES:

- 1 W01 - Welsh Water Connection to PSS
- 2 N19 - Avoidance of doubt
- 3 N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

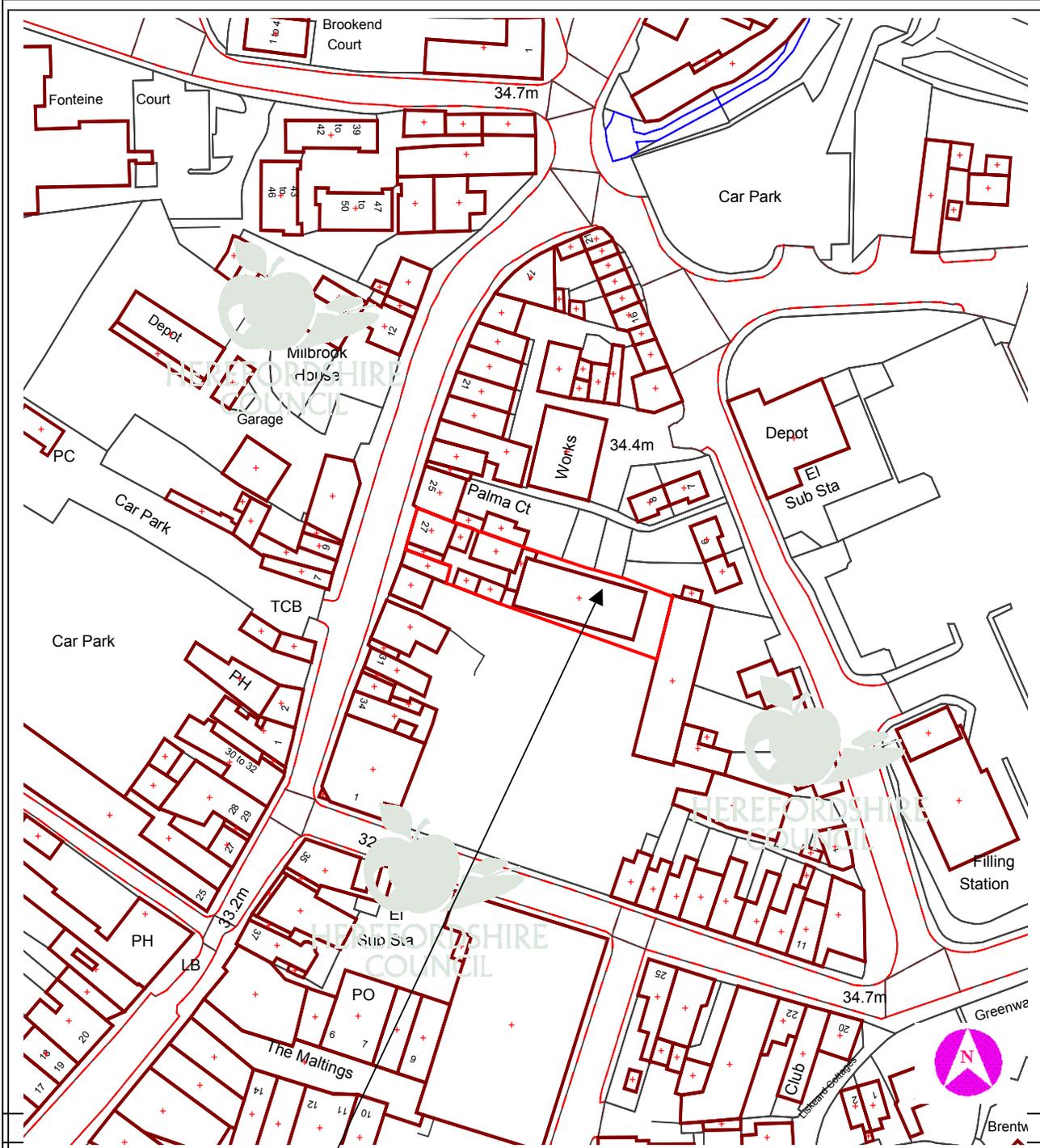
DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement
Section 106 Town and Country planning Act 1990

Planning Application DCSE2007/3619/F

Alterations and extensions including new shop front and extension of retail unit and 4 no. existing flats. Demolition of the detached commercial building to the rear and erection of 9 no. new build residential dwelling apartments, Palma Court, 27 Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EE

1. The developer covenants with Herefordshire Council, in lieu of the provision of a pedestrian crossing to pay Herefordshire Council the sum of £6000 which shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council as its option for the following:
 - (i) Provision of a pedestrian crossing in Station Street, Ross-on-Wye
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purpose specified in the agreement Clause 2 within 5 years of the date of this agreement, the Council shall repay to the developer the said sum which has not been used.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the completion of the Agreement.
5. The developer shall complete the Agreement by 28 September 2008 otherwise the application will be registered as deemed refused.



APPLICATION NOS: DCSE2007/3618/C & DCSE2007/3619/F

SCALE : 1 : 1250

SITE ADDRESS : Palma Court, 27 Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EE

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7 DCSE2008/0710/O - ERECTION OF DETACHED HOUSE & GARAGE TO INCLUDE JOINT ACCESS WITH 1 WOODVIEW, 1 WOODVIEW, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SY.

For: Mrs GV Caldicutt per Mr B Caldicutt, 125 Bullingham Lane, Hereford, HR2 7RZ.

Date Received: 17 March 2008 **Ward: Penyard** **Grid Ref: 64005, 22046**
Expiry Date: 12 May 2008
 Local Member: Councillor H Bramer

Introduction:

This application was deferred at the last meeting of the Southern Area Planning Sub-Committee on 30 April 2008 for the applicant to submit amended plans that show access and visibility splay can meet the requirements of the Traffic Manager; 2 metres x 30 metres in both directions. At the time of this report the matter of highway safety remains unresolved. An update will be given at the meeting.

1. Site Description and Proposal

- 1.1 1 Woodview is a large semi-detached house that forms a crescent of four dwellings on the north side of the unclassified 70213, almost opposite the former Travelling Hen public house. The Acre is to the west.
- 1.2 This is an outline application for a dwelling and garage that will be located on the south on the south side of the property. The application reserves all matters other than access for future consideration. The existing entrance is to be repositioned west of its present position. Foul drainage is to be disposed to a Bio Disc treatment plant that will drain into an existing septic tank that serves 1-4 Woodview.

2. Policies

2.1 Planning Policy Statement

PPS1 - Delivering Sustainable Development
 PPS3 - Housing
 PPS7 - Sustainable Development in Rural Areas
 PPG13 - Transport

2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy S3 - Housing
 Policy S6 - Transport
 Policy DR1 - Design
 Policy DR3 - Movement

Policy H7 - Housing in the Countryside outside Settlements

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager - recommends refusal. Inadequate frontage to provide satisfactory visibility splay. Comments will be updated in respect of additional information requested in relation to visibility. This will be done verbally.

5. Representations

5.1 A Design and Access Statement has been submitted with the application:

- The proposed development lies in the centre of the village and has good access to the A40, which has good bus service to Ross-on-Wye and Gloucester;
- The village is also served by two local primary schools at Lea and Weston-under-Penyard with the main comprehensive school at Ross-on-Wye;
- The site cannot be termed open countryside, but in a well-established village environment, with the site being central to the village;
- A development of eight houses is taking place directly across the road from the application site and also a large detached house built some 200 metres west of the site;
- It is fully understood that these house were approved prior to the adopted Unitary Development Plan, but it is difficult to see how circumstances have changed since these approvals;
- In the Deposit Draft Written Statement 2002, Pontshill was included in housing in smaller settlements albeit this has now been superseded;
- While, it is appreciated that it does fall within the adopted Unitary Development Plan, it is felt that this document is becoming restrictive in its form and development should be considered within a defined village envelope such as this application;
- At present the land is being used as access to 1 Woodview, with the garden largely layed down to grass, with a double garage and drive;
- The proposal is for a two-storey detached house with a garage;
- The house will not be any larger than 90 square metres, constructed in brick under a plain tiled roof generally to match the surroundings;
- The aspect of the proposal will be east/west so as to give no overlooking problems with The Acre to the west being some 24 metres from the proposal;
- Foul drainage will be to Bio Disc treatment system;
- The site has a paved drive which is used to serve two properties; and
- It is proposed to move the access slightly to the west to provide joint access to the proposal and 1 Woodview.

5.2 Weston-under Penyard Parish Council: No reply received at time of report.

- 5.3 Objection from Mr and Mrs GP Smith, 2 Woodview, Pontshill and Mr and Mrs M Teague, Meadow View, Pontshill
- The position of the proposed new build, whilst not preventing light, will obscure the present outlook of 2 and 3 Woodview and be in full view from 2, 3 and 4 Woodview;
 - The new build will stand out against the original houses and be detrimental to the look of the crescent;
 - Create problems with the water soakaway for 2 and 3 Woodview, a particular issues after heavy or prolonged rainfall;
 - Cause problems due to the instability of the ground after being used as a soakaway for 60 years;
 - The effect another house will have on the sewerage disposal if the present septic tank is to be used;
 - It will block light out our home;;
 - A house placed here would look absolutely ridiculous; and
 - By altering the layout at the front of the crescent a possible decrease in value of the remaining 3 properties.
- 5.4 A petition with 9 signatures from the residents of 2 and 3 Woodview, Meadow View and The Old Alley, Pontshill objecting to this application has also been received.
- 5.5 Mr R Hughes, 4 Woodview, Pontshill comments "I have enough room for a house or bungalow on my property you will be creating a precedent and I will apply for planning and expect the same consideration."

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford, and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 Pontshill is neither a smaller settlement nor a main village identified in the Herefordshire Unitary Development Plan 2007, in "de-listing" Pontshill from the list of smaller settlements the Inspectors Report said "it does not have the level of services or public transport provision necessary for inclusion." As a result the occupants of the proposed dwelling would be likely to rely to a significant extent on the private car. This would be contrary to the objectives of government policy on reducing the need to travel by car as set out in policies S1, S2, S3 and S3 of the UDP, Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Guidance 13: Transport. Consequently, for purpose of planning policy Pontshill is located in open countryside, where housing development is strictly controlled unless it meets the exceptions listed in policy H7. The application is not supported by any extenuating reason as to why planning permission should be granted as an exception to the objectives of policy H7 that restricts housing development in the open countryside.
- 6.2 Reference is made by the applicant's agent to the eight houses that are under construction almost opposite the site and the development of a single dwelling to the west of the site. Planning permission for these developments pre-dates the adoption of the UDP. The decisions to approve these applications were considered to accord with the development plan at that time, the South Herefordshire District Local Plan that identified Pontshill as a settlement. It is not considered these decisions make this application acceptable.

6.3 In terms of highway safety, this application proposes to reposition the existing entrance west of its current position. In order to provide safe access the Traffic Manager requires a 2 metre x 30 metres visibility splay in both directions. At the time of writing, a response to the need for the required visibility is still awaited and will be reported verbally.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The site is located outside a smaller settlement or main village identified for further residential development in the Herefordshire Unitary Development Plan 2007. For the purpose of planning policy the site is located in open countryside where new housing development would be contrary to policy H7. The proposal would also detract from and relate poorly to the planned layout of Woodview, resulting in overlooking from those dwellings. There is no justification for the proposal such that an exception should be made.**
- 2 Pontshill does not have the level of services or public transport necessary to consider it an appropriate place for further housing development. As a consequence the occupants of the proposed dwelling would rely on the use of private transport. Consequently the proposal is not considered sustainable. Accordingly, the proposal conflicts with policies S1, S2, S3 and S6 of the Herefordshire Unitary Development Plan 2007, and the advice relating to sustainable development contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Guidance 13: Transport.**
- 3 There is insufficient site frontage available to provide adequate visibility splays to provide safe access to the development. Also the planned driveway will lead to conflict to drivers. Accordingly, the proposal conflicts with policies S6 and DR3 of the Herefordshire Unitary Development Plan 2007.**

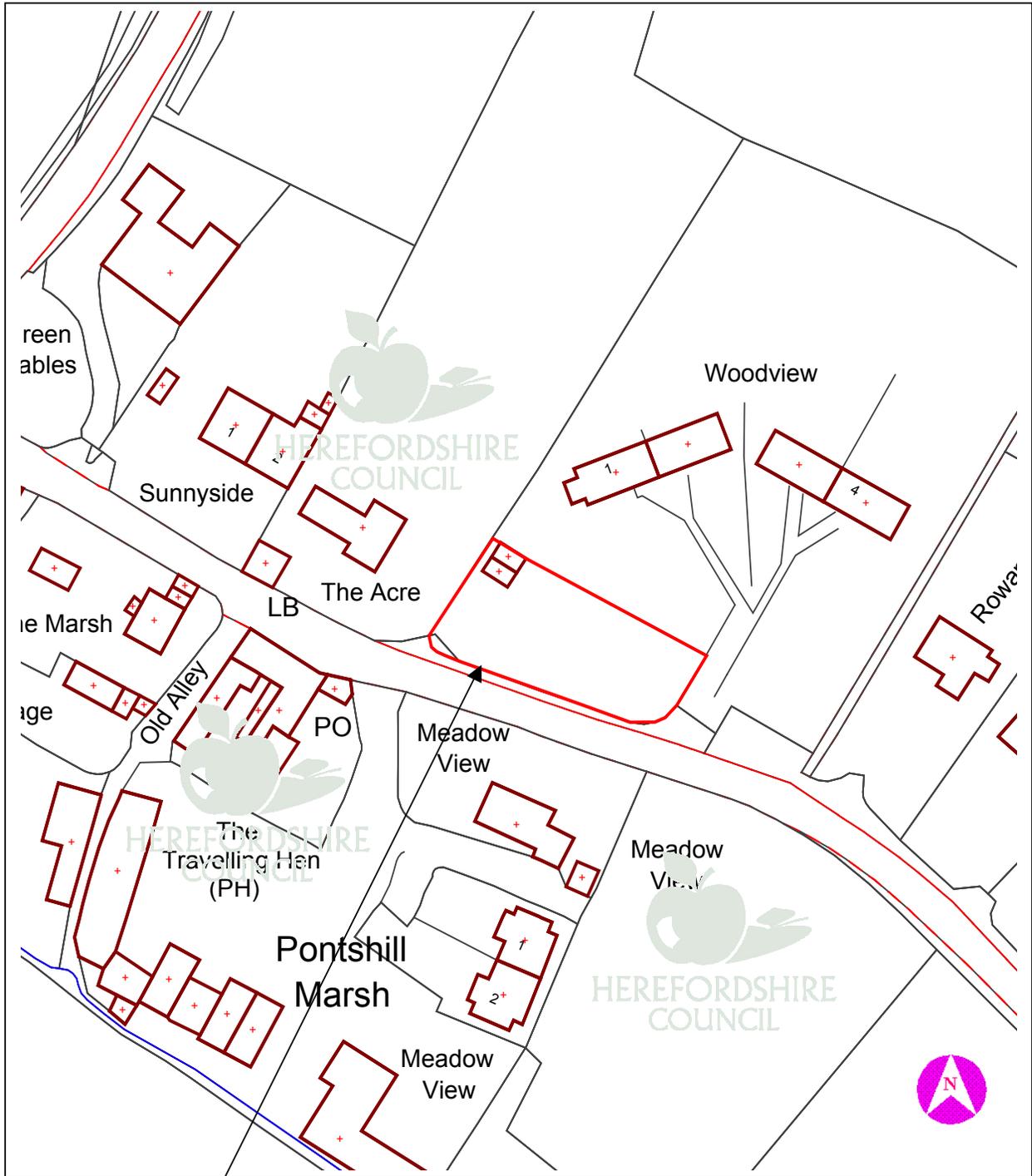
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0710/O

SCALE : 1 : 924

SITE ADDRESS : 1 Woodview, Pontshill, Ross-on-Wye, Herefordshire, HR9 5SY

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8 DCSW2008/0911/RM - NEW DWELLING IN GARDEN OF SANDRIDGE, SANDRIDGE, BARRACK HILL, LITTLE BIRCH, HEREFORD, HR2 8AY.

For: Mr R Poole & Mrs G Phillips per Mr C Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW

Date Received: 3 April 2008

Ward: Pontrilas

Grid Ref: 50428, 32276

Expiry Date: 29 May 2008

Local Member: Councillor RH Smith

1. Site Description and Proposal

- 1.1 The proposal site known as Sandridge lies to the western side of Barrack Hill U/C 71609 and is accessed via an unadopted driveway known as Eden Lane serving six dwellings. It is situated within large grounds, providing parking and a double garage to the south-west and Sandridge, a modern bungalow, is to the west. The boundary to the north is of a low stone wall adjoining the unadopted driveway. To the east adjoining the highway there is post and rail fencing situated behind hedgerow and various trees. There are two yew trees situated to the north-eastern corner overhanging the junction of the U/C 71609. To the southern boundary lies Anfield House, which is bounded by high evergreen hedging.
- 1.2 The proposal seeks reserved matters for the layout, scale, appearance and landscaping for a four bedroom dwelling to be constructed within the grounds of Sandridge to the east. The dwelling will be situated at an angle to the north-west within its plot measuring 11m (l) x 6m (w) x 7m (h). The existing access will remain to serve both properties where the drive would curve to the north-west elevation to provide outside parking. The dwelling will be constructed using feather-edge boarding under a blue/black slate and landscaped with lawned gardens, a terrace area to the south-west and further indigenous mixed hedgerow along the roadside boundary.
- 1.3 The site does not form part of a smaller settlement of Kingsthorpe and as such the site lies within open countryside. Nonetheless, the principle of development has been established pursuant to Outline application SW2008/2534/O.

2. Policies

2.1 Planning Policy Statement

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment

- Policy H6 - Housing in Smaller Settlements
- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H13 - Sustainable Residential Design

3. Planning History

- | | | | | |
|-----|-----------------|------------------------|---|-------------------|
| 3.1 | DCSW2006/3917/O | New dwelling in garden | - | Refused 05.02.07 |
| | DCSW2007/1087/O | New dwelling in garden | - | Refused 14.05.07 |
| | DCSW2008/2543/O | New dwelling in garden | - | Approved 28.09.07 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager's observations are as follows:

"The parking layout does not show parking or turning for the new house, if 2 cars were parked against the retaining wall, they would need to reverse to the garage to turn, there could be a turning area where it is identified as lawn on drawing number 05/437/06a. There is no garage shown for the new property, there needs to be secure cycle parking facility. Recommends conditions".

- 4.3 Further observations were received from the Traffic Manager on the 9th May 2008, referring to Agent's letter dated 30th April 2008 and states the following:-

"Cycle parking for the property will need to be stand alone and not rely on the neighbouring property, even if they are in the same ownership at present. If half the double garage was owned by the new house then this would be acceptable, without this, it may be difficult to guarantee garage and cycle parking for the future."

5. Representations

- 5.1 The applicants agent has submitted a Design and Access Statement. The following points are raised:

- The proposed plans show a compact four bedroom dwelling, south facing terrace and lawned gardens and two new parking spaces to the side.
- The dwelling will have a maximum internal floor area of 100sq. m.
- No structures such as additional garaging are proposed.
- Featheredge boarding to the cottage-style building will be traditional in appearance with natural materials and natural slate pitched roof.
- The dwelling will be ecological and 'carbon-free' within a budget and designed as a life-time home.
- Provisions for three bedrooms on the first floor and fourth bedroom on the ground floor for the future.
- The building will incorporate geothermal heating, rainwater harvesting and solar panels.

- Extended porch areas give shading during the summer months from excessive solar gain, allowing winter sun into the living areas.
 - Landscaping for the dwelling involves little alteration, however, includes a new hedge adjoining Barrick Hill being planted with a mixture of ingenious species. Existing trees will be retained.
 - Access is shared.
 - There is a level approach to the new dwelling from the parking area to provide direct access from the car parking into principle floor level.
 - The dwelling provides level access to all rooms as well as external areas.
- 5.2 In a further letter from the Agent dated 30 April 2008, the following main planning issues are raised:

- Amended site plan showing reduction in the length of the porch at the rear of the house.
- Information regarding secure cycle parking. Confirm that applicants have use of half the double garage in the shared parking/turning between the houses.
- Garage will be used for dedicated secure lock-up for bicycles.
- Garages have two separate lockable doors, one of which will be controlled by occupants of new dwelling.
- Applicants wish to avoid laying more hard surfaces and will use shared access to exit site in forward gear.

- 5.3 Much Birch Parish Council makes the following observations:

"The proposed dwelling is too large for the surrounding area in relation to other properties in this location. The design is also inappropriate and it is observed that this dwelling would overshadow other properties close by application. Objection and unsupported".

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The main issues in the determination of the application are considered to be the impact upon the character and appearance of the area, neighbouring amenity and highway safety.
- 6.2 Policy DR1 sets out the need for all developments to achieve architectural and urban design solutions, which reflect and enhance local distinctiveness, retain site features and respect their landscape and townscape context. Policy H13 provides more specific policy guidance, which sets out a checklist of considerations to achieve sustainable residential environments.
- 6.3 The proposal has been designed as a gabled two-storey dwelling with an attached single storey hipped element that wraps around the east, south and west elevations which forms a canopy measuring one metre in width. The design of the canopy enables rainwater harvesting as well as providing shade in the summer and sunlight during the winter. Solar panels will also be situated on this section of the roof. The dwelling will be constructed of featheredged boarding under a blue/black slate roof. The grounds will be lawned providing a terrace area to the south and east elevations having a gravelled driveway and an area of parking for two cars to the north-west. The dwelling will be developed as a life-time home being ecological and carbon-free that

creates an internal layout benefiting from adaptable rooms for living on the ground floor and low level access to ensure future needs of disabled users.

- 6.4 Discussions regarding the area of canopy and its requirement were held with the Agent, to seek whether the roof area could be reduced. Having explained the need of the canopy in terms of rainwater harvesting, shading and log storage, the canopy was reduced in length on the west elevation to be in proportion with the east elevation and as such amended plans were received on the 1st May 2008. Overall, the design whilst driven by environmental standards, is considered to be acceptable having regard to the mixed character of dwellings within the locality.
- 6.5 The size of the four bedroom dwelling provides 98.67sq. m internal space, this being the required size of such development outlined under Policy H.6. The scale of the dwelling is considered to be acceptable in terms of its height and mass. It has been positioned at an angle to the north-west section of the garden being set back 5m from the roadside boundary and 1m from the evergreen hedging to the south. Its orientation within its plot has had regard to the neighbouring properties to the north and south in terms of overlooking and shadowing as well as ensuring there is sufficient external space for the dwelling. The proposal has made the best use of the land in order to ensure that the resultant scheme would not be visually harmful upon the character and appearance of its surroundings nor have an adverse affect upon the neighbouring amenity referred to.
- 6.6 The objections raised by the Parish Council are noted, however, as referred to above, the area of Little Birch offers a wide mix of design, types and size of dwellings that are either constructed of stone, brick, render and boarding. The dwelling in terms of its size and design would not be incongruous or harm the visual character and appearance of the surrounding area. Its layout within the site has ensured that both north and south elevations have no windows to harm the privacy of adjoining neighbours, at Anfield to the south and Elland Cottage to the north.
- 6.7 The concerns of the Traffic Manager are noted regarding secure cycle parking and use of one garage for the dwelling. The Agent has stated that such requirements will be provided, as such it would be unreasonable to condition.
- 6.8 The proposed dwelling within the grounds of Sandridge is considered to comply with Policies S1, S2, DR1, DR2 and H13 of the Herefordshire Unitary Development Plan and accordingly is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B03 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4 Before work commences, details of windows and their openings, doors and their openings at a minimum scale of 1:5 for general arrangements shall be submitted to the local planning authority. The work shall be subsequently only be carried out in accordance with details which have been approved in writing by the local planning authority.

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

5 D06 (External finish of flues)

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

6 Before development commences, details or specification of the type and size of the solar panels to be situated on the roof shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

7 F15 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

8 H10 (Parking - single house)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

9 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

10 G12 (Hedgerow planting)

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informative(s):

- 1 N19 - Avoidance of doubt - Approved Plans**
- 2 N15 - Reason(s) for the Grant of Planning Permission**

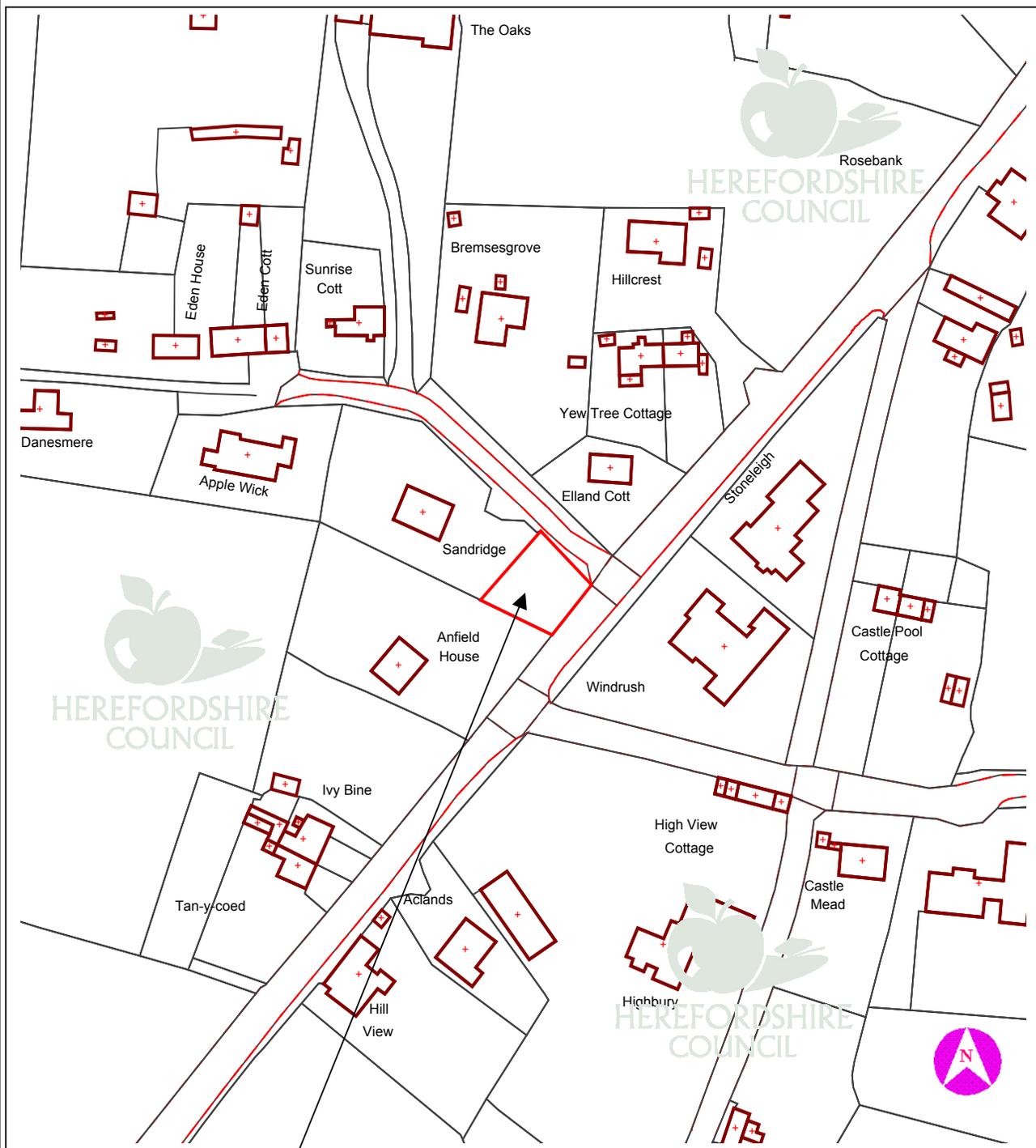
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/0911/RM

SCALE : 1 : 1250

SITE ADDRESS : Sandridge, Barrack Hill, Little Birch, Hereford, Herefordshire, HR2 8AY

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