

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 23rd July, 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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E-mail: rclarke@herefordshire.gov.uk*

Herefordshire 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, JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, RV Stockton, DC Taylor and JB Williams

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. 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.

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3. MINUTES

To approve and sign the Minutes of the meeting held on 25 June 2008.

4. ITEM FOR INFORMATION - APPEALS

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.

Pages

1 - 8

9 - 10

PLANNING APPLICATIONS

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.

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>5. DCSE2008/1120/F - OAK HOUSE NURSERY SCHOOL, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JD.</p> <p>Two storey extension to Oak House Nursery School, comprising a special needs and staff training room at first floor, and a baby room at ground floor, plus entrance lobby.</p> | <p>11 - 20</p> |
| <p>6. DCSW2008/1264/O - LAND ADJACENT TO THE BOUND HOUSE, DIDLEY, HEREFORDSHIRE, HR2 9DA.</p> <p>Erection of detached bungalow and garage.</p> | <p>21 - 26</p> |
| <p>7. DCSE2008/0791/F - TAN HOUSE FARM, LITTLE PUCKMOOR, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UP.</p> <ul style="list-style-type: none">1) Barn A use of permitted barn to house extensively farmed livestock on periodic basis.2) Barn B part use of permitted barn for use as a stable.3) Drainage provision of a grey water soakaway to serve existing office (retrospective application) | <p>27 - 32</p> |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 25 June 2008 at 2.00 p.m.

Present: Councillor PGH Cutter (Chairman)
Councillor MJ Fishley (Vice Chairman)

Councillors: CM Bartrum, H Bramer, BA Durkin, JA Hyde, G Lucas,
PD Price, RH Smith, DC Taylor and JB Williams

In attendance: Councillors TW Hunt, JE Pemberton and RV Stockton

9. APOLOGIES FOR ABSENCE

Apologies were received from Councillors AE Gray and JG Jarvis.

10. DECLARATIONS OF INTEREST

The following declarations of interest were received:

7. DCSE2008/1120/F - OAK HOUSE NURSERY SCHOOL, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JD. (Agenda Item 7).

Councillor JA Hyde; Personal; Cabinet Member for Children's Services.

9. DCSW2008/0941/F - LOWER LULHAM FARM, LULHAM, MADLEY, HEREFORD, HEREFORDSHIRE, HR2 9JJ. (Agenda Item 9).

Councillor RH Smith; Personal and Prejudicial.

11. MINUTES

RESOLVED: That the Minutes of the meeting held on 28 May 2008 be approved as a correct record and signed by the Chairman.

12. ITEM FOR INFORMATION - APPEALS

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

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

Erection of 4 no. single storey hotel accommodation suites.

Councillor RH Smith, the local ward member, noted the concerns raised by the neighbouring residents regarding drainage, traffic, and overlooking. He felt that these issues had been addressed thoroughly in the Officer's report and that they could be

resolved through conditions.

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 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 F30 (Use as holiday accommodation)

Reason: Having regard to Policy H7 of Herefordshire Unitary Development Plan the local planning authority are not prepared to allow the introduction of separate units of residential accommodation in this rural location.

5 Prior to the commencement of development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and be approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

Reason: To ensure the proper care and maintenance of the trees and to conform with Policy LA5 of Herefordshire Unitary Development Plan.

6 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.

7 I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

8 I18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

9 L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

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

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informative(s):

1 N19 – Avoidance of doubt – Approved Plans

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

14. DCSE2008/0976/F - ROSELEIGH, OAK ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BB (AGENDA ITEM 6)

Replacement of dangerous garage/workshop with summerhouse/studio for seasonal use and direct replacement of unstable outbuilding

In accordance with the criteria for public speaking Miss Davies, representing numbers 6,7, and 8 Brampton Close, spoke in objection to the application.

Councillor CM Bartrum, the Local Ward Member, noted the concerns of the local resident but felt that some of the issues that had been raised were not material planning considerations. He also noted that Ross Town Council had not objected to the application. Following confirmation in respect of the size of the proposed building he moved the recommendation.

The Senior Planning Officer confirmed that the use of the summerhouse would be ancillary to the existing dwelling. He advised members that the summerhouse may be used for music lessons.

The Development Control Manager advised Members that the application only required planning permission due to the location of the site, which fell within an Area of Outstanding Natural Beauty otherwise it could be permitted under permitted development rights.

Members discussed the application and had concerns regarding the possibility of sound emanating from the summerhouse, they also had concerns in respect of the exterior finish of the building. The Legal Practice Manager confirmed that these issues could be addressed with the inclusion of two additional conditions.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 Within 3 months of the date of this permission the summerhouse/studio and outbuilding shall be painted a colour, details of which shall be**

submitted to and approved in writing by the local planning authority and thereafter maintained.

Reason: To protect the visual amenities of the area and to ensure the development complies with policies DR1, H18 and LA1 of the Herefordshire Unitary Development Plan.

- 2** The summerhouse/studio and outbuilding shall be used solely for purposes ancillary to the residential use of the dwellinghouse.

Reason: In order to safeguard the character and amenity of the area and to comply with policy H18 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1** N19 - Avoidance of doubt - Approved Plans

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

- 15. DCSE2008/1120/F - OAK HOUSE NURSERY SCHOOL, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JD. (AGENDA ITEM 7)**

Two storey extension to Oak House nursery school comprising a special needs and staff training room at first floor and a baby room at ground floor, plus entrance lobby

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

The Senior Planning Officer reported the following:

- Further comments received from Rosemary Knapp on behalf of the village hall committee.
- A further letter of support received from Rosy Phillips, 31 The Gresleys, Ross-on-Wye.

Councillor BA Durkin, the Local Ward Member, advised Members that the applicants ran a very successful nursery. He noted the concerns from local residents in respect of the car parking issues and felt that this situation would deteriorate further if the village hall removed parking rights for staff on two occasions per week as suggested by the village hall committee.

The Area Engineer (Development Control) felt that the applicants should encourage alternative modes of transport for staff and advised Members that this could be promoted through a suitable travel plan.

Members had concerns regarding the proposal from the village hall committee to remove car parking for the nursery. They felt that a site inspection may be beneficial in order to address the parking issues fully. The Local Ward Member requested that a travel plan be drafted prior to Members determining the application and that further consideration be given to the issue of alternative parking arrangements for the nursery.

RESOLVED:

That the determination of the application be deferred pending a site inspection on the following grounds:

- The setting and surroundings are fundamental to the determination or to the conditions being considered.

16. DCSW2008/1123/F - GWERNDWR, NEWTON ST. MARGARETS, HEREFORDSHIRE, HR2 0QY. (AGENDA ITEM 8)

Erection of general storage building

The Principal Planning Officer confirmed that amended plans had been received from the applicant.

RESOLVED

That on receipt of suitably amended plans the officers named in the Scheme of Delegation to Officers be authorised to determine the application subject to the following condition and any additional conditions considered necessary by officers:

1. The building shall be used for storage for farm implements and vehicles for the benefit of the applicant only, and shall otherwise only be used for purposes ancillary to the dwelling known as Gwerndwr and not for any trade of business.

Reason: The local planning authority wish to control the use of the premises in the interest of local amenity and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

Informative(s):

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

17. DCSW2008/0941/F - LOWER LULHAM FARM, LULHAM, MADLEY, HEREFORD, HEREFORDSHIRE, HR2 9JJ. (AGENDA ITEM 9)

Construction of a steel framed building for agricultural/forestry storage

Councillor DC Taylor, the Local Ward Member, advised Members that 12 people were employed on the farm. He felt that the applicant should be applauded for offering a sustainable product and he felt that the bund would address the concerns raised by local residents.

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.

Informative(s):

1 N19 - Avoidance of doubt - Approved Plans

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

18. DCSW2008/1181/F - CHURCH COTTAGE, ALLENSMORE, HEREFORD, HR2 9AQ. (AGENDA ITEM 10)

Replacement dwelling and garage

Councillor MJ Fishley, the Vice-Chairman speaking in her capacity as Local Ward Member, advised Members that the current dwelling had become neglected. She added that she felt the proposed dwelling would improve the site and therefore she was happy to move 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 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with 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 D05 (Details of external joinery finishes)

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the amenity of the locality and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

5 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

Informative(s):

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

The meeting ended at 3.30 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSE2007/2130/O**

- The appeal was received on 10 June 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 & Mrs PN Barcoe
- The site is located at Land at Gamage Farm, Lyne Down, Much Marcle, Herefordshire, HR8 2NS
- The development proposed is Relocation of equestrian business: erection of stables, barn, dwelling and associated works.
- The appeal is to be heard by Inquiry

Case Officer: Duncan Thomas on 01432 261974

Application No. DCSE2007/3043/F

- The appeal was received on 18 June 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 Kewmoor
- The site is located at Kings Head Hotel, High Street, Ross-on-Wye, Herefordshire
- The development proposed is Conversion of and first and second floor extension to disused garage building at rear of hotel to create three storey building of 9 no. flats.
- The appeal is to be heard by Hearing

Case Officer: Ed Thomas on 01432 261961

Application No. DCSE2008/0553/F

- The appeal was received on 25 June 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 MF Freeman
- The site is located at The Old Canoe Shop, Mill Pond Street, Ross-on-Wye, Herefordshire, HR9 7AP
- The development proposed is Variation of condition 8 in relation to boundary wall to replace with wooden fencing. (Ref: application number DCSE2007/2920/F)
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432 261974

APPEALS DETERMINED

Application No. DCSW2007/2372/F

- The appeal was received on 7 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 Mr & Mrs D Breakwell
- The site is located at Daren Barn, Hazelfield, Broad Oak, Herefordshire, HR2 8QZ
- The application, dated 20 July 2007, was refused on 18 September 2007
- The development proposed was Proposed conversion of existing redundant barn to provide new dwelling and garden.
- The main issue is whether the proposal would harm the character or appearance of the area.

Decision: The appeal was UPHELD on 12 June 2008

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2007/2068/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 Mr D Gundy
- The site is located at Little Trewen Farm, Whitchurch, Ross-on-Wye, Herefordshire, HR9 6ER
- The application, dated 12 June 2007, was refused on 16 August 2007
- The development proposed was Change of use of agricultural building to B8 storage of secure containers.
- The main issue is the effect of the change of use on the safety of users of the local highway network.

Decision: The appeal was DISMISSED on 18 June 2008

Case Officer: Yvonne Coleman on 01432 383083

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

5 DCSE2008/1120/F - TWO STOREY EXTENSION TO OAK HOUSE NURSERY SCHOOL COMPRISING A SPECIAL NEEDS AND STAFF TRAINING ROOM AT FIRST FLOOR, AND A BABY ROOM AT GROUND FLOOR, PLUS ENTRANCE LOBBY AT OAK HOUSE NURSERY SCHOOL, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JD

For: Mrs S Marshall per Geoff Jones Architect, 53 Broad Street, Ross on Wye, Herefordshire, HR9 7DY

Date Received: 24 April 2008

Ward: Old Gore

Grid Ref: 60343, 26523

Expiry Date: 19 June 2008

Local Member: Councillor BA Durkin

Introduction

This application was deferred at the Southern Area Planning Sub-Committee on 25 June 2008 to enable a site visit to be undertaken. Members visited the site on 8 July 2008. Also, Members required details of a travel plan and alternative parking arrangements.

1. Site Description and Proposal

- 1.1 Oak House Nursery is located on the south side of the junction of the C1273 with the unclassified 70419 that leads to St Michael's Church. The village hall is to the north-west, with Luan to the south of the site and Rivendell is on the opposite side of the C1273. A 4 metre high leylandii hedge runs along the boundary with Luan. There is a paddock on the west side of the site. The site is located in open countryside.
- 1.2 This application proposes a 2-storey addition with a pitched roof that will be on the south side of an administration and baby unit building, which is on the western boundary of the site. The extension will provide a baby room and lobby on the ground floor with a staff/therapy room at first floor. Dormer windows are proposed to the east and west elevations. The extension will be constructed in matching materials.
- 1.3 This revised application is a re-submission following the refusal of permission on 18 July 2007.

2. Policies

2.1 Planning Policy Statements

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

2.2 Herefordshire unitary Development Plan

- Policy S2 - Development Requirements
- Policy S6 - Transport

- Policy S11 - Community Facilities and Services
- Policy DR1 - Design
- Policy DR3 - Movement
- Policy E6 - Expansion of Existing Businesses
- Policy E11 - Employment in the Countryside
- Policy CF5 - New Community Facilities

3. Planning History

- | | | | | |
|-----|-----------------|---|---|----------------------|
| 3.1 | SH870705PF | Change of use of former village shop to nursery school. | - | Approved
29.07.87 |
| | SH980046PF | Amend condition 3 on planning permission SH950377PF for occasional use of music movement, PE and after school child care. | - | Approved
06.05.98 |
| | SS980837PF | Variation of condition 2 of planning permission SH980046PF (whole of Oak House Nursery to be limited to 40 children at any one time). | - | Approved
05.02.99 |
| | SS980938PF | Conservatory for use by nursery school. | - | Approved
05.02.99 |
| | SS980838PF | Use of building for children's nursery. | - | Approved
05.02.99 |
| | DCSE2007/1324/F | Extension to baby unit. | - | Refused
18.7.07 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.
- 4.3 Children and Family Information Service Manager: This is a good quality day care setting, which is looking to expand. Provision for children with special needs is always welcomed and the need for baby care in more rural areas is highlighted within the sufficiency assessment.

5. Representations

- 5.1 The applicant has submitted a Design and Access Statement:
- This application follows a previous one which was refused planning permission;
 - The reason for refusal was related to issues of the design being compromised by a flat roof and a sun screen fence, health and safety on the flat roof, lack of emergency access from the roof and the effect of noise on the nearby dwelling;
 - The proposal is now for a 2-storey extension with a pitched roof to match the existing building, but with a slightly lower ridge line;
 - It will provide additional facilities for approximately 6 babies on the ground floor with a much needed training room and an area for staff, play workers and speech therapists to work with children who have special educational needs and who already attend the nursery;

- We have taken care to overcome the objections of the previous scheme;
- The enclosed upper floor overcomes the perceived problem of noise;
- A second internal staircase provides access to the staff/training room acting as an additional means of escape;
- Materials will match;
- Windows are positioned to gain maximum daylight, and care has been taken not to compromise privacy of the neighbour;
- As some of the babies will be siblings of existing pupils it is expected the proposal will result in no more than 4 additional vehicles visiting the nursery daily;
- Access to the site will be as present. All accesses have shallow ramps to ease the movement of children and pushchairs;
- It is anticipated that there will be need for 1 extra member of staff; and
- This will not affect parking on site as the nursery rents staff parking spaces at the nearby village hall.

5.2 The applicant has said "we have undertaken a nursery traffic survey which led us to extend our drop off and pick up times from 8.00am to 9.30 each morning and from 3.30pm to 5.30pm each afternoon thereby avoiding congestion at any one time".

The applicant has further commented:

- "The original planning permission many years ago was for 40 children – but subsequent planning permissions [for the change of use of the upstairs room to nursery space and the use of former storage areas] REMOVED the child numbers and stated that the numbers would be in accordance with the Ofsted requirements;
- We have 67 children at Oak House at any one. The child numbers would increase slightly – in accordance with Ofsted regulations. It was decreed that Planning Committees throughout the country leave it to the regulations of Ofsted to direct the child numbers that nurseries are registered to accept;
- We have less congestion of traffic than nearly any other nursery or primary school in the County. The most ANY LOCAL car has to wait when passing down the lane would be 30 secs max – and our parents sometimes have to wait for a minute or two [to get into the drive] and that is the honest truth;
- I do believe that they (the Planning Sub-Committee) need to come and see the traffic for themselves at 9 o'clock and 3.30pm – [the main times] we have extended the dropping off times from 8am to 9.15am and the collection times from 3.30pm to 5.30pm so there really is no bottleneck at all."

5.3 Brampton Abbots and Foy Group Parish Council:

"The Brampton Abbots & Foy Group Parish Council opposes the above application for a two-storey extension to house special needs/staff training requirements on the first floor, and a baby room on the ground floor. We do so because of the traffic implications and detrimental effect that any such development would have for the neighbouring area and the negative impact on residents' amenities.

Oak House has established itself as an extremely successful nursery in the 21 years of its existence, currently catering for some 67 children. Unfortunately, given its location, the business has, in our opinion, reached and indeed exceeded, what is an acceptable and sustainable limit.

In support of our position we make the following observations:

1. The nursery occupies a corner site in a rural setting and is approached via a relatively narrow road, either from Ross or from the direction of Garstone Lane. At certain times of the day, other drivers leaving or approaching the parish are frequently faced by a succession of parents' vehicles – many of them 4 x 4s – going to, or coming from, the nursery. Journeys on the lanes are often hazardous because of others excessive speeds, and by heavy goods vehicles, farm machinery and so on. Existing traffic created by Oak House seriously compounds this problem.
2. There are very limited parking spaces available at the nursery itself. Parents delivering or collecting their children usually park their vehicles as near to the nursery as possible. When they move off, they are followed by others. This creates a hazard for residents and other road users who are entering or leaving the village via the T-junction in question [where visibility, at the best of times, is poor, partly because of the boundary hedge of Oak House].
3. Because of the limited car space both in the grounds of the nursery and immediately outside, parents experience difficulty in turning their vehicles. If they cannot do so at Oak House, they then drive towards the village hall where they use the grassed area, with its horse chestnut tree, as a traffic roundabout, again often to the inconvenience of others.
4. The applicant anticipates, on the assumption that some of the babies will be siblings of children already attending the nursery, an increase of 4 vehicles each day. This could, of course, well be an under-estimate. In any case, as has been argued above, any increase whatsoever in traffic is to be deplored.
5. In addition to parents' vehicles, the local roads cope with the traffic created by some 22 staff [whose number, we are told, would grow to 23 if the application were approved]. The cars of those employees cannot be parked at the nursery but are accommodated at the village hall car park – an arrangement on which the nursery is heavily dependent. Should that agreement ever come to an end, then additional problems would be created.
6. Traffic and parking problems are exacerbated whenever the school organises a special event such as the celebration of its twentieth anniversary in 2007.
7. The applicant herself has long ceased to live at Oak House, and perhaps has no real appreciation of the impact of her business on the local community. She previously declined an invitation to discuss the traffic situation with parish councillors.
8. Local residents are often made to feel that they have secondary status as road users. Several parents create the impression of assuming that they have automatic priority when dropping-off and collecting children.
9. Although we note with approval that the residents at the neighbouring properties of 'Luan' and 'Rivendell' have, on this occasion, been apprised of the proposals, we are also aware that those residents continue to have serious concerns. While noise is no longer a serious issue – as it was with an earlier application – those residents remain unhappy about the traffic situation, even at current levels.

10. It is our understanding that a previous extension was approved for storage and other specified purposes. In practice there has been a subsequent partial change of use in the form of office space. In that context, we wonder how confident we could be that if this current application were approved, extra space would not somehow be found eventually for yet more children.

Local residents are overwhelmingly tolerant people with no great urge to air grievances even when their concerns are both heartfelt and reasonable. It is, however, our firm belief that the nursery, even at its current level of operations, has created unacceptable traffic problems for our community.

It is for this reason that we oppose the application and would suggest a site visit at either 8.30am or 3.30pm when the problem is at its worst.”

5.4 Objections have been received from:

Mr G Marsh, Luan, Brampton Abbotts, Ross-on-Wye
Mrs R Knapp, Towns End Cottage, Brampton Abbotts, Ross-on-Wye
R and V Coker, Rivendell, Ross Road, Brampton Abbotts

- The extension due to its use generating unacceptable noise and loss of amenity to neighbouring residential property and the unacceptable loss of privacy;
- The massing of the building on the site and further development represents overdevelopment of the site to the detriment of the character of the surrounding area;
- We believe that there are about 60 children who attend the nursery school, which generates a significant amount of traffic in an area where the roads are narrow. We believe that this traffic is a major contributor to the poor state of the road network;
- Adverse impact on traffic, compromising the safety and well being of those using the road network;
- This is an unsuitable location for a nursery that is highly dependant on car borne traffic. Its expansion should not be permitted;
- The facility presents no economic value to the community in this rural location.
- We are very happy for Mrs Marshall's staff to park in the grounds of the village hall as per our long standing agreement;
- However, the hall is now very busy on certain days and her staff have increased over the past few years;
- We are already in a position that we have to ask her to arrange parking elsewhere on 2 days a week and this may increase in the future;
- We are slightly concerned that if this application goes through, there will be a considerable increase in the number of staff needed in the baby unit;
- Naturally the number of parents will also increase;
- At dropping off and pick-up times we already have a potentially dangerous situations occurring and there is a very real concern that an accident is waiting to happen; and
- The increase in cars is a very real worry.

5.5 Rosy Phillips, 31 The Gresleys, Ross-on-Wye comments:

- Oak House is an outstanding nursery which provides excellent quality care for local children;
- I have a child attending the nursery and will no doubt send my future children there;

- As a parent I value the safe, secure surroundings and caring staff;
- The consequences of extending the baby unit will help continue to enrich the children's learning environment; and
- I whole-heartedly support this application as the need for expansion can only enhance what Oak House already has.

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 Oak House is an established nursery business with a register of 67 nursery places but planning permission SS980837PF restricts the number of children at any one time to a maximum of 40.

6.2 This application is for the replacement of a temporary marquee with a 2-storey addition that will be used as a baby room on the ground floor with a staff/therapy room on the first floor. A previous application, DCSE2007/1324/F, for a similar proposal was refused planning permission on 18 July 2007 for the following reason:

"The local planning authority is not satisfied that the proposed development fully addresses the issues of health and safety for all users, or their reasonable access needs. Furthermore the design and appearance of the building would be compromised particularly by the flat roof design and high level fencing which itself would be an incongruous feature to the detriment of the appearance of the building. The design may also compromise the residential amenity of the nearby dwelling through noise nuisance and overlooking. The proposal is thereby also contrary to policies DR1 and CF5 of the Herefordshire Unitary Development Plan 2007."

6.3 This application proposes an extension that is contiguous with the character of the parent building; the flat roof previously proposed is replaced by a traditional gable roof that proposes a ridgeline that will be lower than the adjoining building. Also, the extension will be set back allowing the extension to be subservient to the scale and form of the existing building. It is considered the bulk and form of the extension is acceptable to the character and appearance of the existing building and does not cause an over-development, in that ample space remains to allow movement around the site.

6.4 The extension has been designed to avoid overlooking of the adjoining dwelling Luan. There is a high leylandii hedge running along the boundary, which effectively screens the site from the adjoining dwelling. The hedge provides an effective dense screen, which prevents overlooking from the site into the garden and living rooms of Luan. Given the height of the boundary hedge it is not considered the extension would be unneighbourly.

6.5 In the matter of highway safety, the Traffic Manager considers the proposed intensification in use would be low-key; the proposal is to provide space for 6 more babies and an additional worker, generating an additional 7 more trips in the morning and afternoon. In view of the traffic generated by the existing facility, which does cause localised congestion at drop off and collection times, the Traffic Manager does not consider this increase in traffic generated by this proposal would provide sufficient grounds to refuse this application for reasons of highway safety. In recognition of the parking situation, the applicant rents part of the village hall car park for staff parking

which parents can also use at drop off and pick up times. Accordingly, the Traffic Manager considers the road network adequate to serve the proposal.

- 6.6 It is considered that this more traditional extension proposal has effectively overcome the reason for the refusal of the previous application and accordingly is recommended for approval.
- 6.7 Following the deferral of this application at the last meeting of the Sub-Committee the applicant has been requested to provide details of a travel plan. Also, at the last meeting it was reported that the Village Hall Committee had withdrawn the agreed parking arrangements at the village hall on 2 days a week which could increase. Members required details of alternative parking during this period. At the time of writing the report the applicant has not provided details of the travel plan or alternative parking proposal. Any further information will be reported verbally at the meeting. Notwithstanding Members' obvious concerns regarding the issue of parking provision, your officers consider that the limited uplift in traffic generated by this proposal is insufficient to warrant refusal of permission with or without the currently available parking area.

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 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

3 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

4 H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

5 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

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

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

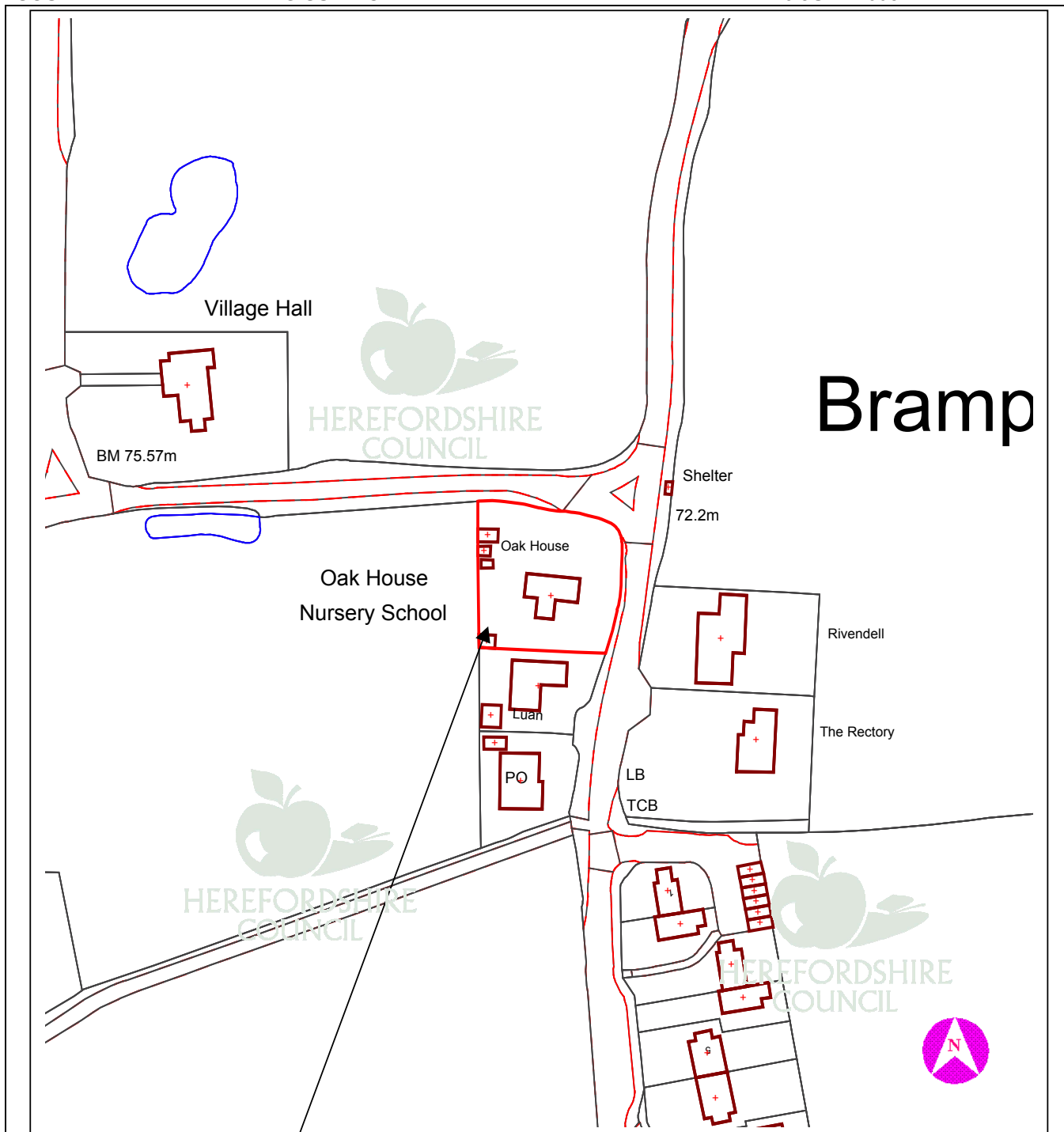
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/1120/F

SCALE : 1 : 1250

SITE ADDRESS : Oak House Nursery School, Brampton Abbots, Ross-on-Wye, Herefordshire, HR9 7JD

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6 DCSW2008/1264/O - ERECTION OF DETACHED BUNGALOW AND GARAGE, LAND ADJACENT TO THE BOUND HOUSE, DIDLEY, HEREFORDSHIRE, HR2 9DA.

For: Mr & Mrs A Jones, The Bound House, Didley, Herefordshire, HR2 9DA.

Date Received: 13 May 2008

Ward: Valletts

Grid Ref: 45092, 32163

Expiry Date: 8 July 2008

Local Member: Councillor Mrs MJ Fishley

1. Site Description and Proposal

- 1.1 The proposal site comprises an area of ground which is immediately to the north-west of The Bound House. There is an embankment with evergreen trees some 5/6 metres high on it between the A465 trunk road and the much lower application site.
- 1.2 Access is gained onto the trunk road via a well splayed entrance, the northern part of which constitutes a bus stop and lay-by. This access point serves four existing dwellings: Oaklands, Windree, Ivy Cottage (the applicants' former property) and The Bound House (their present address). White House Farm and Upper House Farm and two more recently built bungalows gain access onto the A465(T) at a point 220 metres further north-east.
- 1.3 The application site, which has an open fronted building on it, is the subject of a Section 106 agreement entered into by the applicants before planning permission was granted in 1991, which precludes residential development.
- 1.4 Didley was not an identified settlement at the time planning permission was granted in 1991 and this remains the case such that for planning policy purposes, the site lies within open countryside.

2. Policies

2.1 National Planning Policy

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

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S6	-	Transport
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

- | | | | |
|-----|-----------------|--|---|
| 3.1 | SH901141PO | Detached dwelling (on same site as currently proposed) | - Refused 21.11.90 |
| | SH910009PO | Proposed dwelling and garage | - Approved as Departure from policies subject to S106 Agreement (no further development) 03.06.91 |
| | SH910818PM | Proposed dwelling and garage | - Approved 14.08.91 |
| | DCSW2007/1057/O | Erection of detached bungalow and garage | - Refused 17.05.07 |

4. Consultation SummaryStatutory Consultations

- 4.1 Highways Agency state there will be a marginal increase in traffic movement, but that this will not result in a detrimental impact on the A465 trunk road.

Internal Council Advice

- 4.2 The Traffic Manager has no objections, a contribution is also required for Bus Network Support (Services) and Park and Ride South.
- 4.3 The Public Rights of Way Manager states that the proposal will affect footpath SD10 which passes along the access track from the A465, providing access to the new dwelling. This footpath will only be maintained by the highway authority to a standard suitable for pedestrians, any changes, or excavations to the surface of the public footpath must be agreed in advance in writing.

5. Representations

- 5.1 The applicants' agent has submitted a Design and Access Statement which can be summarised as follows:
- indicative block plan submitted
 - area of land subject to a Section 106 agreement. Application form to discharge this is also enclosed
 - although proposal does not fall within the proposed UDP and is in open countryside, will not impact upon surrounding environment, be treated as windfall development
 - site kept to grass, much lower than A465(T) screened by large conifers
 - one-off single storey development would form a group of 5 properties, and to west of site, two agricultural bungalows erected in last 5 years
 - regular bus service to Hereford and Abergavenny on A465(T), local shops and petrol station within a one mile range, main shopping in Hereford only 6 miles away
 - good visibility for access, not required to be adopted
 - turning area will be provided on site.

5.2 In a further letter submitted on behalf of the applicants:

- well known family, lived in Didley for a number of years and worked locally
- as well as a neighbour, I have treated Mrs Jones for a number of years for osteoarthritis of the knees. Despite having both knees replaced she continues to have significant knee pain, making it very difficult to climb stairs
- mobility and symptoms would be greatly helped if she could live on one level.

5.3 St. Devereux Parish Council make the following observations:

“The Parish Council at its planning meeting no. KGPC/MW/036P held on Monday the 9 June 2008 resolved by majority to support this outline application only if sufficient justification could be given to have the existing 106 order removed from the land.”

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 application site lies in open countryside divorced from any identified settlement, a point which is acknowledged in the application’s supporting information. Accordingly there is a fundamental policy objection to this proposal.
- 6.2 Outside of identified settlements new dwellings will only be allowed in exceptional circumstances and whilst the personal circumstances of the applicant are noted, the proposal does not meet any of the criteria set out in the adopted policy. As such it is contrary to Policy H7 of the Herefordshire Unitary Development Plan and in this case it is not considered that the local connection of the applicants and the mobility problems experienced by Mrs Jones would outweigh the strong presumption against new residential development in this isolated rural location.
- 6.3 In addition to the above, the site is not regarded as being sustainable in terms of its isolated location, placing total reliance on the use of a private car(s). The proposal would therefore fail to satisfy Policy S1 of the Herefordshire Unitary Development Plan.
- 6.4 There are no issues relating to the means of access given the satisfactory visibility available on the A465(T) in both directions. The siting of a dwelling would not directly impinge upon the amenities of residents in the locality in that residents on the new plot would not overlook residential properties in the vicinity of the site nor would it in turn be overlooked unacceptably.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal site is outside any designated settlement and therefore constitutes development in open countryside where new residential development would only be permitted in exceptional circumstances. It is not considered that the personal circumstances of the applicant outweigh this presumption. Therefore, the proposal is contrary to the provisions of Policy H7 of the Herefordshire Unitary Development Plan 2007.**

2. The development of this site would not be sustainable and would place reliance on the use of the motor vehicle. Therefore, the proposal is contrary to the provisions of Policies S1 and S6 in the Herefordshire Unitary Development Plan 2007.

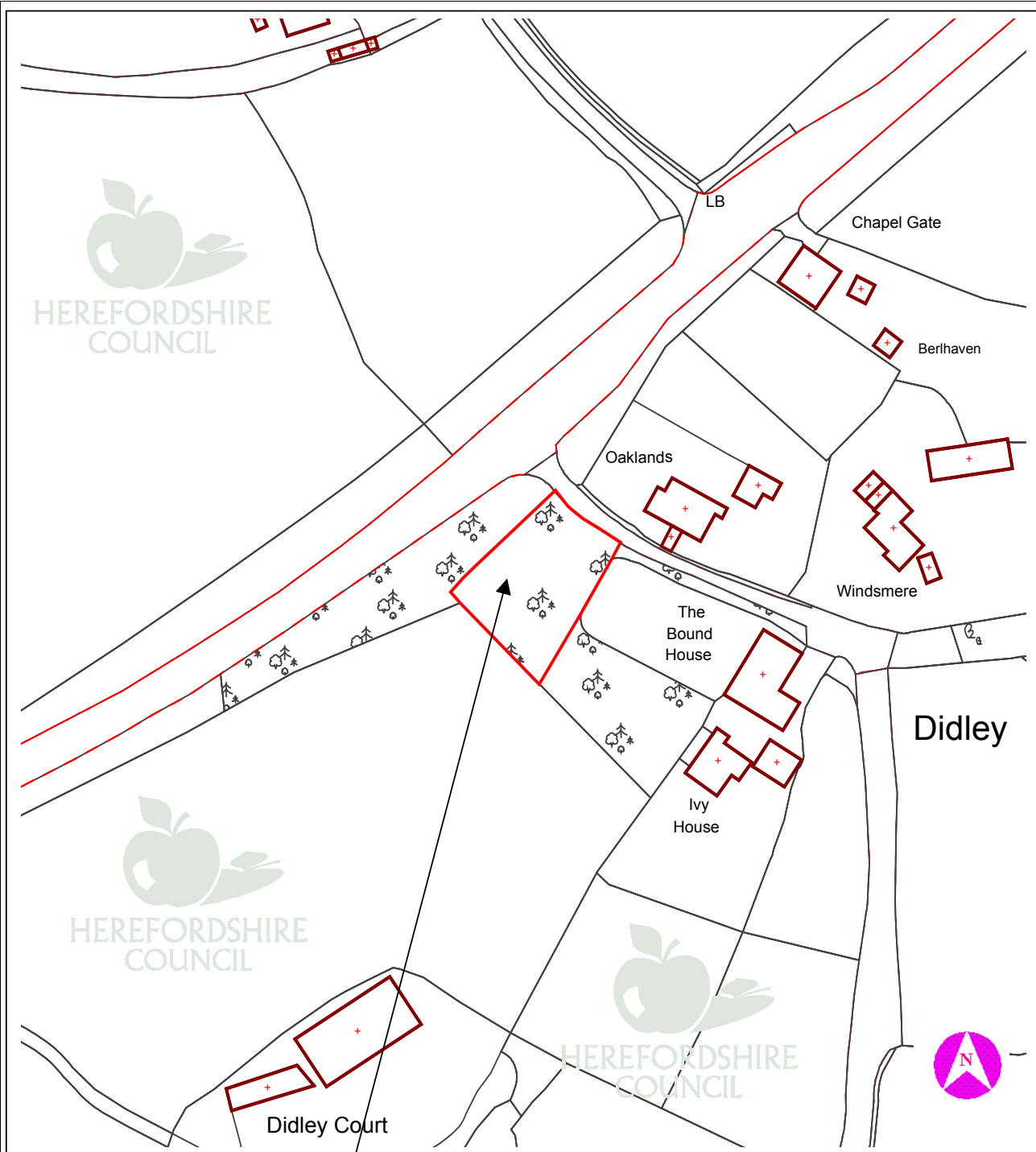
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/1264/O

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to The Bound House, Didley, Herefordshire, HR2 9DA

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7 DCSE2008/0791/F - 1/ BARN A USE OF PERMITTED BARN TO HOUSE EXTENSIVELY FARMED LIVESTOCK ON PERIODIC BASIS. 2/ BARN B PART USE OF PERMITTED BARN FOR USE AS A STABLE. 3/ DRAINAGE PROVISION OF A GREY WATER SOAKAWAY TO SERVE EXISTING OFFICE. (RETROSPECTIVE APPLICATION) TAN HOUSE FARM, LITTLE PUCKMOOR, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UP.

For: Miss M Rigby, Tan House Farm, Little Puckmoor, Upton Bishop, Ross on Wye, Herefordshire HR9 7UP.

Date Received: 25 March 2008 Ward: Old Gore Grid Ref: 66302, 26956
Expiry Date: 20 May 2008
 Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 The site comprises 10 hectares of agricultural land, 2 agricultural buildings and mobile home located to the south of the U7000 within the parish of Upton Bishop. The land is within the open countryside with three residential properties bordering the site, Tan House Farmhouse to the west, The Bungalow to the north and Woodgate House to the east. The site is fairly well screened by mature hedgerows and trees.
- 1.2 The two agricultural buildings were considered under the Town and Country Planning (General Permitted Development) Order 1995 to determine whether or not prior approval was required for their erection. The decision was that the external appearance and siting were acceptable and prior approval was not required given their use for farm storage.
- 1.3 Following an investigation by the Enforcement Officer it became apparent that one of the barns was being used to accommodate livestock and the second was being used as a stable. In addition engineering work had been undertaken to provide a grey water soakaway to the buildings and a caravan. The caravan is used as a farm office and for shelter and does not require the benefit of planning permission. This application seeks to regularise the use of barn (a) for accommodating livestock, barn (b) for part use as a stable and the provision of the grey water soakaway.

2. Policies

2.1 Planning Policy Statements

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 DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR13	-	Noise
Policy E13	-	Agriculture and Forestry

3. Planning History

3.1	DCSE2007/2473/S	Erection of two agricultural buildings for storage purposes.	-	Prior Approval Not Required 3.9.07
	DCSE2008/0870/F	Agricultural Worker's Dwelling	-	Withdrawn 16.5.08

4. Consultation SummaryStatutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objection.

5. Representations

5.1 Upton Bishop Parish Council object to the proposal and provide the following comments:

The barns were required for fodder and storage and not for animals. There is no reason or explanation given for the change of use, just that it became 'imperative'. The PC cannot understand why it is now 'imperative' as no change has taken place in the circumstances created by the sale of Tan House Farm. In the total absence of any planning applications by Miss Rigby prior to or immediately upon the sale of the farm, it is fair to assume that the decision had been made that the livestock would not need housing. That livestock went into the barns very soon after their erection suggests that the requirement to apply for planning permission was being avoided. It is the case that this retrospective application has only been received as a result of action taken by Herefordshire Council. Furthermore, the PC considers that this is a creeping development and will form part of a sequence of events which would lead to unacceptable development within the parish.

The soakaway implies a permanency to the development and is therefore objected to by the PC. It is understood that the grey water also involves basin waste from the office, not just run off from the caravan. The PC would be interested to understand what currently happens with any human waste accumulated during a days work within the farm office.

Upton Bishop Parish Council feels that this is an attempt to get planning permission for buildings in an open field which would never had been allowed if the applicant had not sold Tan House Farm and the associated outbuildings.

- 5.2 3 letters of objection have been received from Mr and Mrs A Nicholson, Woodgate House, Upton Bishop, Ross-on-Wye, HR9 7UP, GD Ruscoe, Tedgewood Cottage, Upton Bishop, Ross-on-Wye, HR9 7UR, MA Geffert, The Tanhouse, Tanhouse Lane, Upton Bishop, Ross-on-Wye citing, in summary, the following reasons:
- Landholding comprised of shetland cattle and sheep - extremely hardy and self sufficient - mobile field shelter already on site - stock are more than fully catered for without the need for change of use of the building
 - Once beautiful parcel of land has been desecrated
 - Area is rural in character, structures would detract from the openness and attractiveness of the area
 - Drainage system should be refused on grounds of lack of 'need'
- 5.3 1 letter of support has been received from Mrs J Comerford, Tedgewood Farm, Upton Bishop, Ross-on-Wye, HR9 7UR stating that all items applied for are part of ordinary activities connected with farming and rural life.
- 5.4 The applicant has responded to the representations and has provided the following comments:
- Buildings are in place and were permitted development not requiring a planning submission. The fact that the nature of the use has changed does not automatically mean such uses are unacceptable in planning terms.
 - The use of barn (a) for periodic housing of livestock is requested for animal welfare reasons
 - This is a working farm where such agricultural structures are hardly out of character
 - Any environmental health implications can be dealt with under separate legislation - a successful visit from environmental health has been undertaken
 - Drainage is necessary and an integral part of the proposals related to the effective running of the farm
 - Non of the structures are harmful visually

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 for consideration of the application is the use of building (a) to accommodate livestock and building (b) to provide stabling and the resultant impact on the amenity of neighbouring dwellings and the 'need' for the retention of the grey water soakaway.
- 6.2 The principle of the erection of the buildings has been established. The design and siting was considered acceptable during an earlier agricultural prior notification procedure. Their initial use was for storage purposes and this was the basis of prior approval not being required. Planning permission for the use of barn (a) to house livestock is now required because of the proximity of the structures to 'protected buildings', in this instance 3 dwellings within approximately 150 metres of the barn. Planning permission for the use of barn (b) for stabling is required because the keeping of horses does not fall within the definition of agriculture.
- 6.3 Policy E13 permits the erection of agricultural buildings provided that adverse impacts on residential amenity and the environment are avoided. The buildings are located

within the northwest corner of the application site, adjacent to the existing access. They are located approximately 150m from the nearest dwellings. They are open fronted but orientated inwards, away from the adjacent residential dwellings. The boundaries of the site are well screened with existing hedgerows and trees. A condition can be imposed to ensure that all landscaping to the boundaries of the site is retained. The applicant does not farm intensively.

6.4 It is considered that owing to the orientation of the buildings, the distance from neighbouring dwellings and the existing landscaping on site the use of the buildings does not result in an adverse impact on the amenity of neighbouring dwellings.

6.5 The greywater soakaway provides drainage from a caravan on site. The caravan is used as a site office and a place to take shelter during the day. The soakaway is required to facilitate the use of the caravan. There is no landscape impact from the soakaway.

RECOMMENDATION

That planning permission be granted subject to the following condition:

1 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

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

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

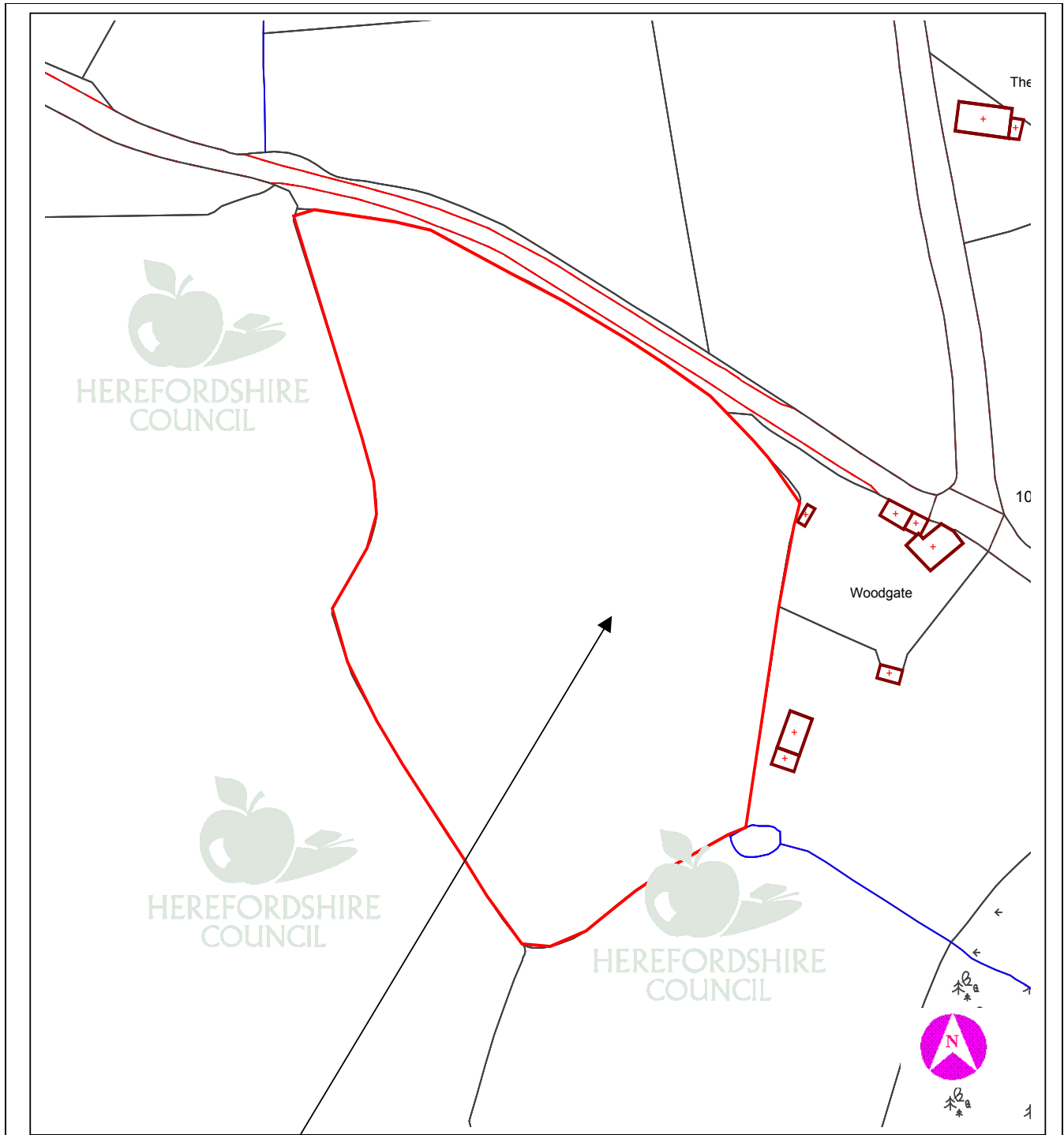
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0791/F

SCALE : 1 : 1250

SITE ADDRESS : Tan House Farm, Upton Bishop, Ross-on-Wye, Herefordshire, HR9 7UP

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