

# A G E N D A

## Southern Area Planning Sub- Committee

Date: **Wednesday, 15th October, 2008**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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**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

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</b>	
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.	
<b>3. MINUTES</b>	1 - 8
To approve and sign the Minutes of the meeting held on 17 September 2008.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	9 - 10
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.	

## 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.

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|---|----------------|
| <p><b>5. DCSE2008/0775/O - TRELLEBORG SITE, ALTON ROAD INDUSTRIAL ESTATE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NB.</b></p> <p>Proposed outline planning permission for the redevelopment of existing site for a mixed use development including business/general industrial (B1 (B, C), B2) and bulky goods retail (A1) uses.</p> | <p>11 - 26</p> |
| <p><b>6. DCSE2008/1091/F - BP NORTHBOUND ROSS SPUR, ROSS ON WYE, HEREFORDSHIRE. HR9 7QJ.</b></p> <p>Erection of retail warehousing (A1 non food).</p>   | <p>27 - 42</p> |
| <p><b>7. DCSW2008/2058/F - LITTLE LLANAFON FARM, DORSTONE, HEREFORDSHIRE, HR3 6AT.</b></p> <p>Installation of small domestic wind turbine.</p>  | <p>43 - 50</p> |
| <p><b>8. DCSE2008/2209/F - HARTLETON LODGE, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SB.</b></p> <p>Single and two-storey extensions.</p>   | <p>51 - 54</p> |
| <p><b>9. DCSE2008/1992/F - THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS ON WYE, HEREFORDSHIRE.</b></p> <p>Construction of retaining wall.</p>   | <p>55 - 60</p> |
| <p><b>10. DCSW2008/1885/F - WELL COTTAGE, PRIORY WOOD, CLIFFORD, HEREFORDSHIRE, HR3 5HF</b></p> <p>Replacement of steel framed stable etc building with oak framed garage/storage/studio building, enlargement to residential curtilage, formation of ecology pond and improvement to vehicular access.</p>                   | <p>61 - 68</p> |
| <p><b>11. DCSW2008/2020/O - ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW.</b></p> <p>Provision of 6 affordable (discounted market housing) dwellings, bio-disc treatment plant and use of existing access, 6 attached single garages.</p>   | <p>69 - 78</p> |
| <p><b>12. DCSW2008/2206/F - ALDERMEAD COTTAGE, LLANWARNE, HEREFORDSHIRE, HR2 8JE.</b></p> <p>Proposed replacement of existing bungalow with permission to extend with new two storey dwelling of same size as extended bungalow.</p>  | <p>79 - 84</p> |

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**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, 17 September 2008 at 2.00 p.m.**

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

Councillors: H Bramer, BA Durkin, AE Gray, JA Hyde, JG Jarvis,  
G Lucas, PD Price, DC Taylor and JB Williams

**In attendance:** Councillors TW Hunt and RV Stockton

**35. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CM Bartrum and RH Smith.

**36. DECLARATIONS OF INTEREST**

6. DCSW2008/1702/F - HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 8DL.  
Councillor MJ Fishley; Personal; Council appointed school governor.

8. DCSW2008/2025/F - THE CABIN, MUCH BIRCH VC SCHOOL, MUCH BIRCH, HEREFORD, HR2 8HL.  
Councillor JA Hyde; Personal; Cabinet Member (Children's Services).

8. DCSW2008/2025/F - THE CABIN, MUCH BIRCH VC SCHOOL, MUCH BIRCH, HEREFORD, HR2 8HL.  
Councillor PD Price; Personal; Cabinet Member (ICT, Education and Achievement).

**37. MINUTES**

The Chairman requested that the minutes in respect of agenda item 5 be amended to include a note of thanks for the planning officer in respect of the effort and time that had been put into the application.

**RESOLVED**

**That subject to the aforementioned amendment, the minutes of the meeting held on 20 August 2008 be approved as a correct record and signed by the Chairman.**

**38. ITEM FOR INFORMATION - APPEALS**

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

**39. DCSE2008/1803/F - REAR OF HAZELNUT COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ. (AGENDA ITEM 5)**

*6 new detached houses.*

The Principal Planning Officer reported the following:

- Three further letters of representation had been received.

Councillor JA Hyde, the local ward member, noted that permission had already been granted for 5 houses and 1 bungalow on the site. She felt that the proposed application was not acceptable and was disappointed with the lack of any affordable housing included in the development. She noted the concerns raised by local residents in respect of highways and insufficient screening and moved that the application be refused.

Councillor JG Jarvis concurred with the local ward member and felt that the application should be refused on grounds of scale and design, although he felt that the highways concerns had been addressed through appropriate conditions.

Members discussed the application and felt that approving the application would result in overdevelopment of the site, they also had concerns regarding the impact of the development on the neighbouring dwelling, the sycamores.

**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) Overbearing**
- B) Scale and Design of the development.**

**(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.]

**40. DCSW2008/1702/F - HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 8DL. (AGENDA ITEM 6)**

*Siting and erection of prefabricated classrooms, wc and kitchen facilities to provide temporary accommodation during rehabilitation and extension of existing school premises (planning permission ref: DCSW2003/3461/F) for a period of 30 months.*

The Principal Planning Officer reported the following:

- Two further letters of representation had been received.
- Verbal confirmation had been received from the applicant stating that 3 of the unauthorised buildings had been removed with the fourth one being subject to a retrospective planning application.
- The Traffic Manager had confirmed that he had no objection to the

application but would like further discussions with the applicant regarding the Travel Plan, the management of parking, and improvements to line marking at the access to the school.

- The Conservation Manager confirmed that he had no objection to the application.

In accordance with the criteria for public speaking, Mr Mitchell, representing the Much Dewchurch Society, spoke in objection to the application.

Councillor MJ Fishley, the Vice-Chairman, speaking in her capacity as local ward member, advised the sub-committee that she had declared a personal interest in the application as she was a council appointed school governor. She felt that all of the issues raised by local residents had been thoroughly addressed through suitable conditions. She thanked the case officer for his fair and reasoned report and moved the recommendation.

In response to a question regarding archaeological findings on the site, the Southern Team Leader confirmed that a condition could be added to the recommendation if members so requested.

In response to a question regarding enforcement action on the site, the Southern Team Leader confirmed that a number of buildings were subject to ongoing enforcement investigation and that 3 of these had been removed by the applicant. He added that one of the remaining buildings was currently subject to a retrospective planning application and that 3 other temporary buildings would be removed as part of the implementation of the 2003 permission.

Councillor PD Price requested confirmation that the new school buildings being constructed as part of planning permission DCSW2003/3461/F would be large enough to accommodate the current pupil numbers proposed. The Southern Team Leader confirmed that there was no intention to increase pupil numbers and that the proposed buildings were appropriate for the current and intended school roll. He also advised that any proposals to extend the school and increase pupil numbers would need to be subject of further applications that would need to be judged on planning merits.

Members discussed the application thoroughly and despite having reservations in respect of highways issues on the site they felt that on balance the application should be approved.

## **RESOLVED**

**That planning permission be granted subject to the following conditions:**

**1. 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.**

**2. F20 (Temporary permission and reinstatement of land) (30 months from the date of permission)**

**Reason: The local planning authority is only prepared to allow the siting and use of the land as a temporary measure having regard to the sensitivity of the site in relation to the setting of the historic core of the**

village, including the Grade I Listed Church .

- 3. Prior to the installation of the classroom units and ancillary structures hereby approved, details of their external finish shall be submitted to and approved in writing by the local planning authority. The units shall thereafter be retained in accordance with the approved details for the duration of this permission**

**Reason: To conform with Policy LA2 of the Herefordshire Unitary Development Plan and to minimise any visual intrusion into the surrounding countryside.**

- 4. I24 (Standard of septic tank/soakaway system)**

**Reason: To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**Informative(s):**

- 1. N19 - Avoidance of doubt - Approved Plans**
  - 2. N15 - Reason(s) for the Grant of Planning Permission**
- 41. DCSW2008/1571/F - ASHFORD STABLES, STONEY STREET, MADLEY, HEREFORD, HEREFORDSHIRE, HR2 9NJ. (AGENDA ITEM 7)**

*Renewal of 10 extra car boot sales per calendar year.*

The Senior Planning Officer reported the following:

- Kingstone Parish Council had not objected to the application.
- The Traffic Manager had confirmed that he did not object to the application.

Councillor DC Taylor, the local ward member, noted that the parish council had not objected to the application, he added that the applicants had addressed issues around the access to the site which were raised at a previous meeting. He therefore moved the recommendation accordingly.

Some members felt that the application should be refused as the applicant was already permitted to hold 14 car boot sales per year under permitted development rights.

In response to the points raised by members, the Southern Team Leader advised that the applicant had been permitted the 10 extra car boot sales through two temporary planning permissions in the last 10 years. He added that there had been no objection received by the Environmental Health and Trading Standards Manager.

## **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. A log book/record of all car boot sales shall be kept and shall be available for inspection by the local planning authority, a car boot sale having deemed to have begun when the gates have been opened for at least one hour, notwithstanding subsequent weather conditions.**

**Reason:** In order to define the terms to which the application relates.

- 3. Car boot sales shall not be carried out on consecutive days.**

**Reason:** In the interests of the amenities of residents in the locality.

- 4. F26 (Personal condition)**

**Reason:** The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances having regard to Policy (specify) of Herefordshire Unitary Development Plan.

**Informative(s):**

- 1. N19 - Avoidance of doubt - Approved Plans**
  - 2. N15 - Reason(s) for the Grant of Planning Permission**
- 42. DCSW2008/2025/F - THE CABIN, MUCH BIRCH VC SCHOOL, MUCH BIRCH, HEREFORD, HR2 8HL. (AGENDA ITEM 8)**

*Retention of timber building within the grounds of Much Birch Primary School for the purpose of providing before and after school care and a nursery class.*

The Principal Planning Officer reported the following:

- Much Birch parish Council had not objected to the application.
- A representation had been received from Children and Young Services.

In accordance with the criteria for public speaking, Mrs Roberts, spoke in support of the application.

Councillor JG Jarvis, advised members that the local ward member was happy to support the application as it was beneficial to the schools provision of before and after school care.

## **RESOLVED**

**That planning permission be granted subject to the following condition:**

- 1. The building/structure hereby permitted shall be removed from the site and the land restored to its former condition on or before 17 September 2013 in accordance with a scheme of work submitted to and approved by the local planning authority.**

**Reason:** To define the terms to which the application relates as the proposed building/structure is considered to be unacceptable as a permanent fixture on this site within a designated Area of Great Landscape Value.

**Informative(s):**

1. **N19 - Avoidance of doubt - Approved Plans**
2. **N15 - Reason(s) for the Grant of Planning Permission**
43. **DCSE2008/1894/F - 3 ROMAN WAY, LINCOLN HILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RL. (AGENDA ITEM 9)**

*Single storey rear extension.*

**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. **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**

**INFORMATIVES:**

1. **N19 - Avoidance of doubt - Approved Plans**
2. **N15 - Reason(s) for the Grant of Planning Permission**
44. **DCSE2008/1510/F - YEW TREE COTTAGE, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7RS. (AGENDA ITEM 10)**

*Extension and new detached double garage.*

The Senior Planning Officer reported the following:

- Comments had been received from Linton Parish Council.
- A further letter of objection had been received from a local resident.

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

Councillor H Bramer, the local ward member, noted the concerns raised by the Parish Council in respect of drainage issues on the site and asked if these concerns could be addressed through suitable conditions. He also noted that the consultation period had now expired and the recommendation could be amended accordingly.

**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. C03 (Matching external materials (general))**

**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**

**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.**

**INFORMATIVES:**

**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**





<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCSE2008/1411/F**

- The appeal was received on 26 August 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 Tendean Ltd
- The site is located at Laycombe, Archenfield Road, Ross-on-Wye, Herefordshire, HR9 5AY
- The development proposed is Erection of additional detached dwelling, alterations to existing dwelling and garage, layout of parking area and alterations to access.
- The appeal is to be heard by Written Representations

**Case Officer: Yvonne Coleman on 01432 383083**

**APPEALS DETERMINED****Application No. DCSE2007/2130/O**

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

**Decision:** The appeal was **WITHDRAWN** on 21 August 2008

**Case Officer: Duncan Thomas on 01432 261974**

**Application No. DCSE2007/2330/F**

- The appeal was received on 15 April 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 Tecke
- The site is located at Cobrey House, Howle Hill, Ross-on-Wye, Herefordshire, HR9 5SP
- The application, dated 16 July 2007, was refused on 13 September 2007
- The development proposed was Construction of a Victorian style conservatory with dwarf walls.
- The main issue is the effect of the proposal on the character and appearance of the original house and on the surrounding countryside.

**Decision:** The appeal was **UPHELD** on 21 August 2008

**Case Officer: Simon Withers on 01432 260612**

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

**Application No. DCSW2007/3389/O**

- The appeal was received on 29 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 M. Parry
- The site is located at Lower House, Madley, Hereford, Herefordshire, HR2 9LU
- The application, dated 29 October 2007, was refused on 21 December 2007.
- The development proposed was Residential development including improvements to existing access.
- The main issue is the impact of the proposed development upon the setting of the listed building.

**Decision:** The appeal was **UPHELD** on 4 September 2008

**Case Officer:** Andrew Prior on 01432 161932

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

**5 DCSE2008/0775/O - PROPOSED OUTLINE PLANNING PERMISSION FOR THE REDEVELOPMENT OF EXISTING SITE FOR A MIXED USE DEVELOPMENT INCLUDING BUSINESS/GENERAL INDUSTRIAL (B1 (B,C), B2) AND BULKY GOODS RETAIL (A1) USES AT TRELLEBORG SITE, ALTON ROAD INDUSTRIAL ESTATE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NB.**

**For: M. F. Freeman per DTZ, Marchmount House, Dumfries Place, Cardiff, C10 3RT.**

**Date Received: 25 March 2008    Ward: Ross-on-Wye East    Grid Ref: 60686, 23764**

**Expiry Date: 20 May 2008**

Local Members: Councillors PGH Cutter and AE Gray

**1. Site Description and Proposal**

- 1.1 The site lies within the settlement boundary of Ross-on-Wye and Wye Valley Area of Outstanding Natural Beauty and is allocated as safeguarded employment land in the Unitary Development Plan 2007. It is located on the south-eastern side of Alton Road approximately 0.8 km to the west of the town centre. The site is bordered to the north and south by commercial development, to the east by agricultural land and to the west by Alton Road (C1279) and residential properties.
- 1.2 The site comprises industrial land with an area totalling 2.46 ha. Part of the site has been subject to planning approval for the refurbishment of an office block and general industrial units. The application relates to the remainder of the site and covers an area of 1.27 ha. The application seeks outline planning permission for the redevelopment of the existing site for a mixed-use development including 4 light/general industrial units totalling 2378 sq.m with 69 car parking spaces and 5 retail warehouses totalling 1646 sq.m with 68 car parking spaces. The application is in outline form and seeks approval for scale and access with layout, appearance and landscaping reserved for future consideration.

**2. Policies**

**2.1 Planning Policy Guidance**

PPS.1	-	Delivering Sustainable Development
PPG.4	-	Industrial, Commercial Development & Small Firms
Draft PPS.4	-	Sustainable Economic Development
PPS.6	-	Planning for Town Centres
PPG.13	-	Transport
PPS.25	-	Development and Flood Risk

**2.2 Herefordshire Unitary Development Plan**

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.4	-	Employment
Policy S.6	-	Transport
Policy DR.2	-	Land Use and Activity
Policy DR.3	-	Movement
Policy DR.4	-	Environment
Policy DR.7	-	Flood Risk
Policy DR.13	-	Noise
Policy E.5	-	Safeguarding Employment Land and Buildings
Policy E.8	-	Design Standards for Employment Sites
Policy TCR.1	-	Central Shopping and Commercial Areas
Policy TCR.2	-	Vitality and Viability
Policy TCR.9	-	Large Scale Retail and Leisure Development outside Central Shopping and Commercial Areas
Policy TCR.10	-	Office Development
Policy LA.1	-	Areas of Outstanding Natural Beauty
Policy LA.2	-	Landscape Character and Areas Least Resilient to Change

**3. Planning History**

3.1	DCSE2008/1975/F	Refurbishment and sub-division of existing office block into 16 partitioned units.	-	Approved 12.09.08
	DCSE2007/3041/F	Outline planning permission for the redevelopment of existing site for a mixed use development including office (B1), manufacturing (B2) and bulky goods retail (A1) uses.	-	Refused 27.12.07
	DCSE2007/1023/F	Refurbishment of existing vacant industrial unit, subdividing it into 11 no. partitioned units, re-clad exterior and raise lower roof height to existing higher roof height on adjoining section. Demolition of some parts to enable parking/loading bays.	-	Approved 05.06.07
	DCSE2006/3972/F	Refurbishment of existing vacant industrial unit, subdividing it into 7 partitioned units, re-clad exterior and raise lower roof height to existing higher roof height to existing higher roof height on adjoining section, demolition of some parts to enable parking and loading bays.	-	Approved 12.02.07
	DCSE2006/2224/F	Refurbishment of existing vacant industrial unit, subdividing it into 7 partitioned units, re-clad exterior and raise lower roof height to existing roof height on adjoining section, demolition of some parts to enable parking/loading bays.	-	Approved 15.09.06

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water has no objection to the proposal subject to conditions regarding foul water and surface water discharges.
- 4.2 Highways Agency has no objection to the proposal subject to conditions regarding the preparation of an updated Travel Plan to reflect the changes in the mix of development and the contribution they will make under the tariff system.

##### Internal Council Advice

- 4.3 The Traffic Manager has no objection subject to conditions regarding specific details of the design of the layout, the preparation of full travel plans and entering into a Section 106 agreement for improvements to the highway network.
- 4.4 The Economic Regeneration Manager makes the following comments on the application:

“The UDP identifies site as an existing employment site. The proposal for 2378 sq.m. light industrial units is non contentious and is supported. Outline planning permission has recently been granted for 10 ha of employment land at Model Farm, Ross-on-Wye. Whilst the proposal will lead to a small net loss of employment land to bulky goods retail it should not have a material impact on the overall supply of available employment land in Ross, and there will also be a small net increase of 23 jobs as a result. None of the existing units in the town could accommodate the proposal, nor is the historic town centre and associated road network best able to accommodate this form of retail development. The closure of 2 or 3 shops could not be considered to have a significant impact on the viability and vitality of the town centre. The proposal site is likely to provide a more rounded shopping trip combining comparison-shopping with convenience shopping of the town centre.”

- 4.5 The Forward Planning Manager objects to the proposal as the proposal is sited on land allocated for another use and although there is a proven need for bulky goods retail, he is not satisfied that the site is the most sequentially preferable.

#### 5. Representations

- 5.1 The application is supported by the following documents:

##### **Planning Statement and Design and Access Statement**

The statements conclude the development will generate significant and tangible benefits including:

- The development of employment and retail floorspace to provide significant jobs and economic investment.
- Retail development to meet the identified retail needs of the community.
- The redevelopment and more efficient use of a brownfield site.
- Visual enhancement of the site and its surroundings.
- A sustainable form of development that helps create an overall sustainable pattern of development.

**Retail Impact Assessment**

The Retail Impact Assessment considers the relevant local plan policies. The site is not within the town centre and as such, the retail element must be justified in terms of retail need and the sequential approach. It identifies a significant retail need both in terms of the existing retail offered in Ross-on-Wye and the expected expenditure goods growth in comparison goods. It concludes that the proposed retail development can be supported by the growth in expenditure. A sequential site search has not identified any alternative sites. It is the sequentially preferable site and would have a positive impact on the vitality and viability of town centre as people would carry out both convenience and comparison goods in Ross-on-Wye rather than travelling to other settlements for comparison resulting in leakage of convenience goods spending to large supermarkets. It concludes that the development complies with the retail planning policies TCR1, TCR2 and TCR9.

**Employment Land Statement**

The area proposed for retail use represents a loss of employment land. However, area is relatively small and would not be harmful to the employment land in Herefordshire. The UDP makes provision for about 100 ha of land but the Herefordshire Annual Monitoring Report 2006 identifies about 169 ha available. Identifies sufficient land to meet the needs of businesses for the next 28 years. Despite loss of employment land to retail use redevelopment of site will enable more jobs to be provided. Prior to redevelopment potential for 275 jobs in total. Total scheme would provide 298 jobs. It concludes that although there would be a small quantitative loss of employment land, loss is justified by the increased quality of employment floor space and increased number of jobs.

**Transport Assessment**

The site benefits from good access to an established network of footways and cycleways. Public transport (36A) passes site.

**Drainage Report**

Report considers the impact of the proposal in relation to drainage and foul discharge and proposed mitigation measures. Confirms that Welsh Water has no objection subject to appropriate conditions.

5.2 Ross-on-Wye Town Council has made the following comment:

“No objections to use for B1/B2 but members are concerned over A1 use because of potential impact on town centre, recommend refusal for A1 use.”

5.3 Ross-on-Wye Rural Parish Council has no objection to the proposal.

5.4 Two letters of representation have been received from David Gardiner Business Property Lets, Unit 4 Hawthorn Business Park, Drybrook, Gloucestershire, GL17 9HP and Captain P Percy & M. Prince, Ross Self Storage, Units 7 & 8, Alton Business Park, Alton Road, Ross-on-Wye, HR9 5NB supporting the development, in summary, for the following reasons:

- Welcome completion of this part of site and benefit it will bring by additional visitors to support our existing business.
- Essential to the ongoing success and future viability of business and other occupiers of the site.
- Proposal will help protect existing jobs and create much needed business for the area.

- 5.5 The Ross-on-Wye and District Chamber of Commerce fully supports the application as it supports all applications that should contribute to the wealth of the area.
- 5.6 Advantage West Midlands provide the following comments:
- Broadly supports the mixed-use scheme, in part, as it demonstrates the potential to deliver development that meets the Strategic Objective of the WMES which puts emphasis on ensuring an appropriate supply of employment land and premises which accords with the region's economic, environmental and spatial priorities.
  - Proposal also will benefit the aims of the Rural Regeneration Zone (RRZ) in term of diversification of a largely rural economy and accessibility to a better balance of jobs.
  - However, until further employment sites become available to meet the long term economic needs of new and expanding business in the area the proposal by reason of the scale of the retail component does not serve the promotion and delivery of the West Midlands Economic Strategy.

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 considerations in determining this application are:

- The principle of developing the site which is designated as employment land
- Whether the proposal complies with retail policies
- Whether the scale of the proposal is acceptable

### **6.2 The principle of developing the site which is designated as employment land**

The application site is located within safeguarded employment land, as defined in policy E5 of the Unitary Development Plan. There is no objection in principle to the proposed B1/B2 industrial use. The introduction of non-employment uses at this location would however, be contrary to policy E5 and TCR9, which clearly states that large scale retail development will not be permitted on land allocated or safeguarded for another use.

Proposals will only be permitted where there would be substantial benefits to residential or other amenity in allowing alternative forms of development, and the site or premises concerned can be shown to be unsuitable for other employment uses, including consideration of mitigation measures or in the case of retail use it would be minor or incidental to a Part B or other employment generating use.

The site is subject to a comprehensive redevelopment scheme. Phase 1 including the refurbishment of units for industrial use and permission has recently been approved for the redevelopment of the office block to the front of the site. The remainder of the site (Phase 2 & 3) has been derelict for some time and does not form an attractive frontage to Alton Road. The proposal would improve the appearance of the site and benefit the residential amenity of properties facing the site on Alton Road.

Notwithstanding the employment allocation, other material planning considerations must be considered in relation to a retail warehouse development on the site. The applicant has argued that the proposed development would positively address the

Council's visions and strategic aims for Ross-on-Wye and Herefordshire. The proposal will result in a small loss of employment land and the applicants have demonstrated that with a surplus of 68ha of employment land available, along with the recently approved 10ha employment site at Model Farm the loss would not be detrimental to the overall supply of employment land. Over the past 21 years average annual take up of available land has been 6ha. On this basis there is sufficient land to meet the needs of businesses for the next 28 years.

In addition, the small loss of employment land should be weighed against the number of jobs created (298 in total for the whole site). This represents an increase in both employment floorspace and jobs at the site and a significant economic boost to Ross-on-Wye and the local jobs market.

Draft PPS4 reinforces the change towards a positive approach to development and the requirement to fully consider the range of benefits arising from commercial development. PPS4 widens the remit of employment land beyond the traditional 'B' use classes and recognises the benefits of 'retail' as a driver for economic development. Whilst PPS4 is in draft form, it is considered to be a material consideration.

### 6.3 Compliance with retail policies

Part of the application proposes the erection of 5 retail units for the sale of bulky goods (comparison goods) in an out of town centre location. Policy TCR9 – Large Scale Retail and Leisure Development outside Central Shopping and Commercial Areas is the key policy relevant to the proposal. This states that;

***Proposals for large scale retail and leisure development outside the central shopping and commercial areas of Hereford and the market towns will only be permitted where:***

***1. It can be demonstrated that there is a need for the development in the location proposed***

Need can be assessed in both quantitative (amount of floorspace) and qualitative (mix of retail uses) terms. However, greater weight will be placed on the quantitative need for new retail provision, which is defined as additional floor space required for a type of good in that location. The Retail Impact Assessment submitted in support of the application concludes that there is a quantitative need in that there is sufficient expenditure capacity in the area to support the proposed additional retail units. The Council have sought independent advice on the retail issues and the assessment accepts that there is a quantitative need.

This is further endorsed in the Retail Study - Draft Summary Review Paper being undertaken by consultants to provide the need for further retail, leisure, office and other main town centre uses within Herefordshire. This study is intended to form part of the evidence base supporting the retail and town centre policies within the Council's Local Development Framework (LDF). With reference to Ross-on-Wye the Summary Review Paper concludes, 'Ross on Wye currently retains some 37% of residents' total comparison (non-food) goods expenditure from its catchment area. There is theoretical expenditure capacity to support more comparison goods floorspace in the town. However, achievement of new development will be dependent on retailer demand and the confidence of the market in the town as a retail destination for comparison goods shopping.



The Retail Impact Assessments identify the growth in expenditure on bulky goods requiring an additional 3330sq.m. of floorspace compared with the 1646sq.m. proposed. Taking into account the 1440sq.m. proposed floorspace in item 6 of this agenda means the combined floorspace of both applications (3086sq.m.) would not exceed this figure and therefore not provide excess floor area for the identified need for bulky good retail.

Regarding qualitative need, the Retail Impact Assessment assesses business representation within Ross and concludes that whilst some sectors are represented, it is limited and the proposal would attract multiple retailers that are not currently represented in Ross-on-Wye.

**2. *It can be demonstrated that a sequential approach has been taken to site selection, and that land and buildings in each of the following categories have been thoroughly assessed in turn and found not to be available before considering less central locations:***

- ***Within central shopping and commercial areas***
- ***Edge-of-centre locations***
- ***Out-of-centre locations which are well served by public transport***

By their very nature, retail warehouses require considerable land-take and this immediately limits the number of sites available, particularly in tight knit centres such as Ross-on-Wye. Notwithstanding this, the applicant has undertaken a sequential assessment of all available sites for retail development within the central shopping and commercial areas and edge of centre locations. The sites must be suitable, viable for the development proposed and available within a reasonable period of time. The town centre is historic and within the Conservation Area, the scale of any vacant buildings limits their use for bulky goods retail. There are also issues regarding the listed status of some buildings and the work required to adapt them to make them suitable for bulky goods retail. Other constraints included sites liable to flooding, sites with poor access particularly for large delivery vehicles and sites that lack sufficient site frontage.

The applicants' handling of the sequential approach is considered to be thorough with reasoned and sound conclusions. It is considered that having regard to the limited number of available sites for this form of development and the general unsuitability of all the sites, that an alternative out of town centre site is an acceptable option. Accordingly the proposal, which should complete the comprehensive development of the site in a location accessible by a range of modes of transport is considered acceptable in sequential terms.

**3. *The proposal is compatible with and does not undermine the Plan's central shopping and commercial area strategy or the overall Plan strategy;***

Policy S5 – Town Centres and Retail sets out the overall Plan strategy with regards to focusing retail development within the central shopping and commercial areas of existing town centres. Part 4 of this policy recognises that in some instances development will be in edge of centre or out-of-centre locations. Policy TCR1 states that town centres will be the 'prime focus for retail activity and Policy TCR2 directs proposals for new shopping development to the central shopping and commercial areas of the City and market town centres 'where opportunities exist'. Thus policies TCR1 and TCR2 both envisage retail development out-of-centre in certain circumstances. In this case there has been a

demonstrated need for bulky goods retail and there is no sequentially preferable site available.

**4. *The proposal will not seriously harm the vitality and viability of the existing central shopping and commercial areas, either by itself or in conjunction with other recent and proposed retail development;***

PPS6 requires the assessment of impact of the proposals on existing centres to be undertaken for a main town centre use which would be in an edge of centre or out of centre location. A quantitative assessment of trade diversion from the town centre is required for retail developments over 2,500 square metres. The proposal however, is substantially less than the threshold but as Ross-on-Wye is a smaller centre the impact must be considered to some extent.

The proposed floorspace represents a small percentage of the overall floorspace in the town centre. It has been demonstrated that there is currently not sufficient retail provision to absorb expenditure and forecast expenditure growth. The Retail Impact Assessment identifies approximately 200 units in the town, of these there are 8 individual bulky goods retailers in the town centre that may be affected by the proposal. As a worst case scenario, the proposed units would contribute to the potential closure of 2 or 3 shops. Whilst it is acknowledged that there would be a negative impact on the town centre, the test in Policy TCR9 is one of 'serious' harm and the resultant impact on the vitality and viability is not considered to be so serious to warrant refusal of the application.

Taking into account the combined impact of this proposal to that identified in item 6 of this agenda, the potential closure of 4 - 6 shops would still not seriously harm the vitality and viability of Ross-on-Wye so as to warrant refusal of the application.

Retaining market share is important because people are increasingly shopping in national retail companies and if they cannot do so they will travel to a larger town to do so. This impacts more widely on the town because in going to a larger town (i.e. Hereford or Gloucester) for one type of goods, people will take advantage of wider choice to buy other goods there. People become more familiar with the shops and parking in the larger town and less familiar with those of the local town and the pattern of more frequent trips to the larger town becomes established. The benefits of "clawing back" such expenditure are difficult to quantify at this scale but it is considered that there would be a positive impact in terms of providing a wider choice for local residents.

In order to protect the vitality and viability of the town centre a condition would be imposed to restrict the range of goods to be sold such as the sale of non-bulky goods such as clothing, toys and footwear outside central shopping and commercial areas.

**5. *The site is easily and safely accessible to customers and staff by a choice of modes of transport and will not lead to an increase in the use of the private car;***

Herefordshire Unitary Development Plan Policy S6 and TCR9 requires development sites to be accessible by a choice of means of transport that integrate with the wider transport system to improve access and reduce congestion. The site benefits from good access to an established network of

footways and cycle ways which enable direct connections to the town centre. Public transport connections are provided by the 36A service that passes the site. The applicant has agreed to pay a contribution of £41,943 towards improving the footway/cycle way links. This will include a link to the Town and Country Trail that runs to the rear of the application site.

In terms of vehicle movements the Transport Assessment identifies that by 2017 the Alton Road/Gloucester Road junction will be operating over capacity. The applicant recognises the impact of the proposal and has agreed to pay a contribution toward junction improvements commensurate to the proportion of the over capacity attributable to the development.

The proposal would encourage linked shopping trips in Ross-on-Wye and therefore reduce the number and distance of car journeys to surrounding locations. Residents who currently travel to Hereford or Gloucester to visit retailers not currently represented in Ross-on-Wye would be more likely to shop in Ross.

It is considered that whilst there would be some reliance on the car to access the site, the existing network of footways/cycleways and the existing bus service, together with the contribution towards improving the footway/cycle links, contributes to the site being sustainable and accessible by a choice of means of transport.

**6. *The proposal is not sited within open countryside or on land allocated or safeguarded for another use.***

The site is located within the identified settlement boundary of Ross-on-Wye and is safeguarded as employment land. Paragraph 6.2 of this report sets out the reasons as to the acceptability of developing retail development on a site designated as employment land.

**6.4 Whether the scale of the proposal is acceptable**

The site is located within the Wye Valley Area of Outstanding Natural Beauty. Policy LA1 states 'priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest'. Development would be acceptable however provided 'it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and can be demonstrated .....to meet .....economic needs'.

The current proposal is not small-scale development although this term is not defined, but it is accepted that the 4 light/general industrial buildings and 5 retail warehouses, albeit smaller than is typical, would be sizeable buildings. The indicative elevations submitted demonstrate a comprehensive approach to the masterplanning and design of the whole site. The indicative masterplan demonstrates that the site context and relationship with surrounding uses and buildings has been considered. The height of the buildings would be similar to the surrounding buildings. The design and materials would echo the existing development on the site and would be in keeping with the prevailing commercial character of development on the site.

There is scope for further planting on the site. A landscaping and management scheme could be imposed by condition. In these circumstances, although the development would have a limited adverse impact on the Wye Valley Area of Outstanding Natural

Beauty it is not sufficient to justify refusal of planning permission, given its context in relation to existing and approved commercial development.

## 6.5 Conclusion

The proposal identifies a need for additional bulky goods and satisfactorily demonstrates that there is no sequentially preferable town centre or edge of centre site to accommodate the need and the site is in a sustainable location. The loss of employment land is not considered to be overriding in this case having regard to the job creation and demonstrated availability of other employment land. Whilst the proposal may result in the closure of some shops, it is not considered seriously harmful to the vitality or viability of Ross-on-Wye to warrant refusal of the application. A condition is recommended however, limiting the nature of goods to be sold to bulky items which require retail warehouse floor space in the interests of safeguarding the vitality and viability of the town centre. The provision of improved transport links through Section 106 contributions and ensure that the site is accessible by a range of modes of transport.

## RECOMMENDATION

That:

- 1) **Subject to securing a resolution to approve planning permission, the application be advertised as a departure and further consideration be given on the need to notify the Secretary of State based upon the responses received.**
- 2) **The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 regarding contributions towards improved footway/cycle way links and off-site highway works and any additional matters and terms as he considers appropriate.**
- 3) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**
  1. **A02 (Time limit for submission of reserved matters (outline permission) )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
  2. **A03 (Time limit for commencement (outline permission) )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
  3. **A04 (Approval of reserved matters )**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.**

**4. A05 (Plans and particulars of reserved matters )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**5. The premises shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:**

- i) the sale of food and drink to be consumed off the premises;**
- ii) sale of clothing and footwear;**
- iii) sale of cutlery, crockery and glassware;**
- iv) sale of jewellery, clocks and watches;**
- v) sale of toys, camping and travel goods;**
- vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;**
- vii) sale of medical goods, cosmetics and toiletries;**
- viii) sales of sports goods, equipment and clothing;**
- ix) all uses within Categories A1 (B to K) of Class A1;**

**except where the retail sale of these goods forms a minor and ancillary part of the operation of any of the retail activity.**

**Reason: The Council's policy as set out in the Hereford Unitary Development Plan is directed towards the protection of the commercial viability of the existing central shopping and commercial areas. This condition is imposed in order to clarify the terms of the permission in accordance with the Council's stated policy, having regard to the need to protect the vitality and viability in accordance with Herefordshire Unitary Development Plan Policies TCR2 and TCR9.**

**6. 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**

**7. G01 (Earthworks )**

**Reason: In order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).**

**8. 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.**

**9. 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.**

**10. G15 (Landscape maintenance arrangements )**

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

**11. H15 (Turning and parking: change of use - commercial )**

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan**

**12. 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**

**13. 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**

**14. 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**

**15. I33 (External lighting)**

**Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan**

**16. 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.**

**17. 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.**

**18. 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.**

**INFORMATIVES:**

1. **W01 - Welsh Water Connection to PSS**
2. **W02 - Welsh Water rights of access**
3. **N19 - Avoidance of doubt - Approved Plans**
4. **N15 - Reason(s) for the Grant of Planning Permission.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**DRAFT HEADS OF TERMS****Proposed Planning Obligation Agreement****Section 106 Town and Country Planning Act 1990**

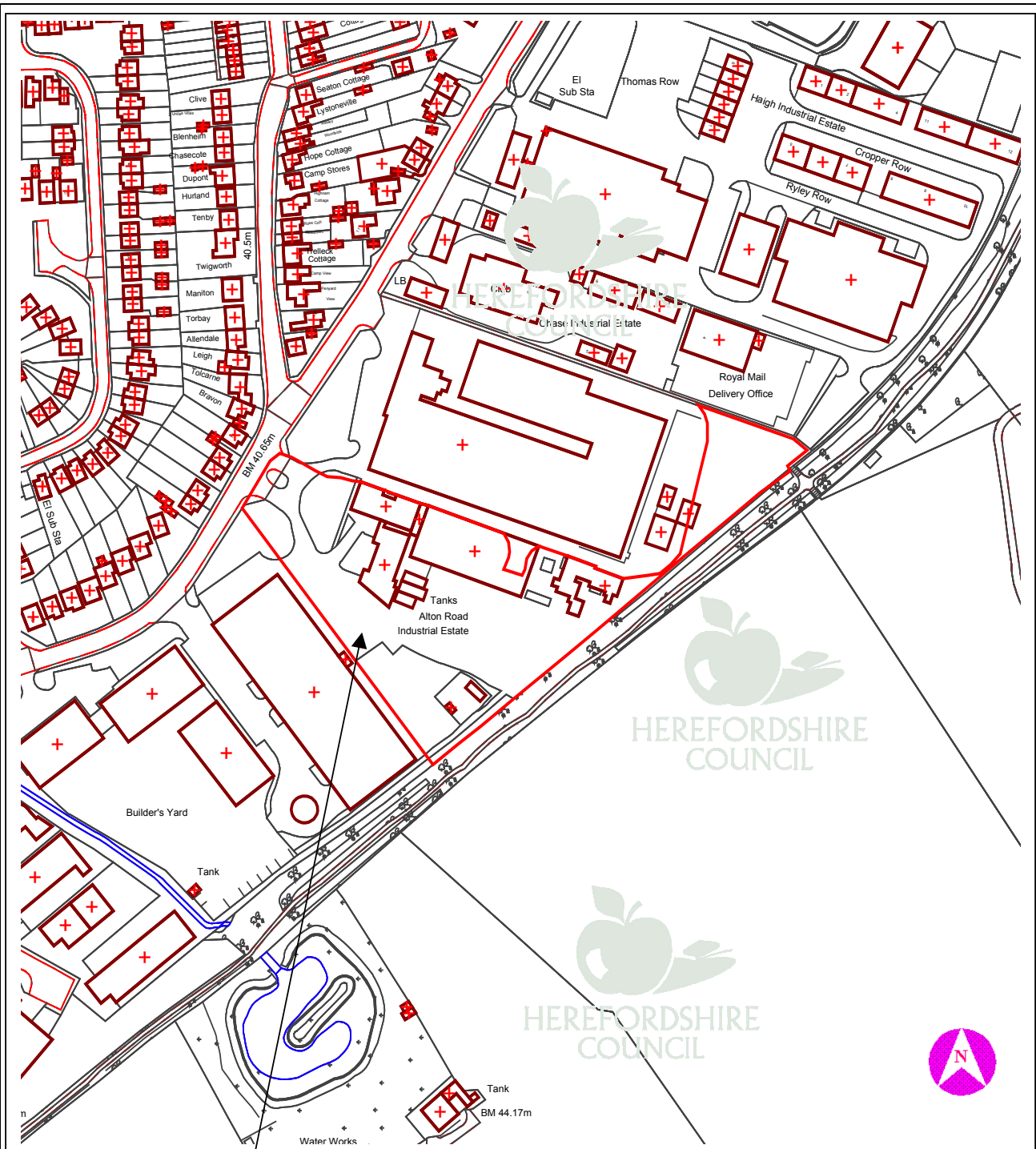
Planning Application – DCSE2008/0775/O

Outline planning permission for the redevelopment of existing site for a mixed use development, including business/general industrial (B1 (B, C) /B2) and bulky goods retail (A1) uses at Trelleborg Site, Alton Road, Ross-on-Wye, HR9 5NB

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £41,943 for improved sustainable transport infrastructure to serve the development and £16,500 towards the implementation of a highway improvement scheme identified for the Alton Road/Gloucester Road junction which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a. Highway improvement scheme
  - b. Contribution to improved bus service
  - c. Improved bus shelters/stops in the locality of the application site
  - d. Improved pedestrian and cyclist connectivity with the site
  - e. Improved pedestrian crossing facilities
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 Agreement.
5. 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 preparation and completion of the Agreement.

Yvonne Coleman - Senior Planning Officer





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**APPLICATION NO:** DCSE2008/0775/O

**SCALE :** 1 : 2500

**SITE ADDRESS :** Trelleborg Site, Alton Road Industrial Estate, Ross-on-Wye, Herefordshire, HR9 5NB

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**6 DCSE2008/1091/F - ERECTION OF RETAIL WAREHOUSING (A1 NON-FOOD) AT BP NORTHBOUND ROSS SPUR, ROSS ON WYE, HEREFORDSHIRE. HR9 7QJ.**

**For: R.L. (UK) Ltd per Blencowe Associates, Old Parish Barn, Sandford St. Martin, Oxfordshire, OX7 7AG.**

**Date Received: 22 April 2008      Ward: Ross-on-Wye East      Grid Ref: 60905, 25675**

**Expiry Date: 22 July 2008**

Local Members: Councillors PGH Cutter and AE Gray

**1. Site Description and Proposal**

- 1.1 The site is located within the identified settlement boundary of Ross-on-Wye, within the Wye Valley Area of Outstanding Natural Beauty and adjacent to the A449(T). A small part of the site (to the east) is allocated as employment land. There is a significant change in land levels between the upper and lower parts of the application site.
- 1.2 The site comprises the land formerly occupied by a petrol filling station and restaurant on the north side of the A449(T) at Overross. The main part of the roadside services site has been laid out as additional car parking for Ross Labels and Kentucky Fried Chicken (KFC) which adjoins it to the north-west. Planning permission was granted in June 2007 for a storage building (1408 m<sup>2</sup>) adjacent to Ross Labels and located at the lower level car park and an office building (2137 m<sup>2</sup>) located at the eastern end of the site on land allocated for employment use.
- 1.3 The application proposes the erection of 3 retail units each with a floor area of 480 sq.m. (totalling 1440 sq.m.) situated between Ross Labels, KFC and the approved office building. The units would be in a row and built mainly on the former petrol filling station site (with a lower floor level) but extending to the rear. Each building would be 20m wide with eaves height of 6m. By lowering the ground slab level, the eaves height above the road is 4.5m. The design and external materials would echo the adjoining Labels store. Customer parking (70 spaces) would be at the front of the buildings. The retail units would be for bulky goods sales and operated by Carpetright, Pets at Home and probably Halfords.
- 1.4 The site would be accessed from the A449(T) and incorporate a one way link for vehicles to leave the site via Netherton Road. Servicing would be at the rear accessed via the service road at the rear of Labels store. The proposal incorporates a contribution towards the upgrade of footpath ZK1 or ZK2 which runs from Brampton Road to the application site and a contribution towards the provision of a bus service to access the site. Negotiations are currently progressing with regards to providing a bus service to the site linked with the town centre and surrounding area.

**2. Policies****2.1 Planning Policy Statement**

PPS.1	-	Delivering Sustainable Development
PPG.4	-	Industrial, Commercial Development & Small Firms
Draft PPS.4	-	Sustainable Economic Development
PPS.6	-	Planning for Town Centres
PPG.13	-	Transport

**2.2 Herefordshire Unitary Development Plan 2007**

Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA6	-	Landscaping Schemes
Policy S.4	-	Employment
Policy S.5	-	Town Centres and Retail
Policy TCR.1	-	Central Shopping and Commercial Areas
Policy TCR.2	-	Vitality and Viability
Policy TCR.9	-	Large Scale Retail and Leisure Development outside Central Shopping and Commercial Areas
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision

**3. Planning History**

3.1	DCSE2004/0821/F	Demolition of petrol filling station - New entrance to factory outlet centre. Independent office suite and laying out of existing car park	-	Approved	30.04.04
	DCSE2006/2631/F	Erection of offices (B1), retail warehousing and replacement roadside restaurant (A3/A5)	-	Withdrawn	09.11.06
	DCSE2006/3633/F	Erection of offices (B1), retail warehousing and replacement roadside restaurant (A3/A5)	-	Refused	24.01.07
	DCSE2007/0181/O	Erection of offices (B1) 25,000 sq ft (net lettable) 28,000 sq ft gross with 86 car parking spaces.	-	Approved	20.06.07
	DCSE2008/1534/F	Change of use from A3 to A3/A5 mixed use	-	Undetermined	

**4. Consultation Summary**Statutory Consultations

- 4.1 Highways Agency are satisfied with the Transport Assessment and recommends that a condition be attached requiring the development to be in accordance with the September 2008 Travel Plan.
- 4.2 Welsh Water recommends that conditions be attached regarding drainage of the site.

Internal Council Advice

- 4.3 The Traffic Manager recommends that a contribution be paid towards the upgrade of either footpath ZK1 or ZK2 and provide the following comments:

“We understand that Ross Labels has proposed the use of Section 106 funding solely for the provision of an infrequent bus service designed for employees living in Ross-on-Wye. It is our view however, that the proposal to divert the 32 service into the site would provide the most cost-effective and sustainable option for the provision of public transport to Ross Labels using Section 106 funding.”

- 4.4 Environmental Health Manager has no objection to the proposal.
- 4.5 Economic Regeneration Manager cautiously supports the proposal in the interests of improving the long-term viability and vitality of the Ross retail economy and catchment area.
- 4.6 Forward Planning Manager questions the need for the development and whether the site is the most sequentially preferable.

**5. Representations**

- 5.1 The application is supported by the following documents:

**Planning Statement and Design and Access Statement**

Planning Policy - The site is unallocated within the Herefordshire Unitary Development Plan but located within the identified settlement boundary. There would be no loss of employment land. The Statements consider the effect of the development on the Wye Valley Area of Outstanding Natural Beauty in relation to the criteria in Policy LA.1. It concludes that the area is clearly commercial in character and dominated by the trunk road. The development would be in keeping with this character and the different site levels are of benefit by creating development platforms below the road level, which will allow the apparent mass of buildings to be reduced especially when viewed from Brampton Abbots. The scheme proposes the retention of existing landscaping and additional landscaping as required. The Statement concludes that the proposal complies with Policy LA1 - Areas of Outstanding Natural Beauty.

In relation to the retail impact, the units would enable residents to shop locally for goods they currently travel to Hereford or Gloucester to purchase. It would also provide additional employment opportunities. The retail impact is considered in detail in the Retail Impact Assessment and concludes that the proposal is in accordance with Policies TCR1, TCR2 and TCR9.

Design - The proposed scheme completes the development by providing a visual link between Ross Labels, KFC and the proposed office building. The building design provides a continuation of the features and materials already used in Ross Labels. Roof pitches and feature glazing are consistent.

Access - Access will be provided throughout the site which will be suitable for the disabled, older people and parents with young children. Relevant parking areas will have a good relationship to site facilities and building entrances. A contribution would be forthcoming from Ross Labels towards the upgrade of either footpath ZK1 or ZK2. Discussions are continuing regarding the provision of a service for general employee travel and also shopping trips linked to the town.

**Retail Impact Assessment**

The Retail Impact Assessment considers the relevant local plan policies. This notes that the population of Ross-on-Wye and its hinterland is poorly served for the purchase of bulky goods and concludes that there is need for the development, that the development is of an appropriate scale for Ross on Wye, the site is sequentially preferable and that the development would not have an adverse impact on the town centre. The retail warehouses would provide approximately 60 jobs. It concludes that the development complies with the retail planning policies TCR1, TCR2 and TCR9.

**Transport Assessment**

The Transport Assessment investigated the additional trips likely to be generated by the development and other committed development within the area. It concluded that there would be no material impact at the A449/A40 roundabout. Road accident statistics have also been assessed and no accident problems have been identified that would be made worse by the proposed development. There is good accessibility by car but given the inherent constraints on the potential for walking and cycling trips it is proposed to contribute to the upgrade of footpath ZK1 or ZK2 and provide a contribution towards negotiating the provision of a bus service to the site through a local provider. If these negotiations are unsuccessful, a shuttle bus service will be operated for employees and the public linking the site to the town.

**Travel Plan**

The applicant accepts that a Travel Plan will be a condition of planning permission. This would concentrate on the promotion of car sharing by employees via the creation of a car share data base, reservation of parking spaces for car sharers and the creation of emergency Get-Me-Home schemes.

- 5.2 Ross Rural Parish Council supports the application but consideration should be given to pedestrian access to the whole site - footbridge over dual carriageway and upgrading of footpath at rear of Somerfield Depot.
- 5.3 Ross Town Council has no objections but strongly recommend that the Section 106 payment be put towards pedestrian safety.
- 5.4 Two letters of representation have been received from Ross Feed Ltd, Alton Road, Ross-on-Wye, HR9 5ND and R.J Cook, 1 Sussex Avenue, Ross-on-Wye, HR9 5AJ objecting to the development, in summary, for the following reasons:
  - Proposal would cause great hardship for many small businesses in the area, who will inevitably be forced to close, leaving a longer trail of empty shops in the town.
  - Are we to become another vast retail park with a lonely ghost town and complete loss of heritage and community?
  - We were advised that retail development would not be supported on Alton Road Industrial Estate when looking to expand business.
  - Unless small businesses are afforded the same equal support in aiding our expansion then we will be unable to compete on an equal level and will be forced out of the town for good.
  - Care should be taken in design of lighting, in order to reduce light spillage.
  - Would be reprehensible for the access to be exclusively for motor traffic. Safe access should also be provided for bicycle users and pedestrians.

- 5.5 One letter of support has been received from Mrs J. Thomas, 1 Royal Parade, Palace Pound, Ross-on-Wye, HR9 5HY supporting the development, in summary, for the following reasons:
- The area is a Rural Regeneration Zone where the objective is to broaden the local economy and reduce the traditional dependency on agriculture. Proposal has backing of Advantage West Midlands, the Town Council and the Chamber of Commerce for this reason and the Council should be seen as doing something positive.
  - Although site has been tidied up, it is clearly under-used and it is important that the development in this area is completed
  - Proposed bus service and improved footpath links would benefit whole area, where approximately 500 people work. Will expand the opportunity for employment for people in the community who do not have a car or cannot use one to get to work.
  - Retail warehouses would bring new retailers to Ross-on-Wye and provide a wider choice of shopping
  - Would not seriously affect trade in the town centre because people are currently going to Hereford and Gloucester. This trend will continue when the development in those centres comes to fruition unless something is done about it. Ross is being held back.
- 5.6 The Ross-on-Wye & District Civic Society objects to the development. The scheme is entirely inappropriate on the outskirts of a market town, and in an Area of Outstanding Natural Beauty.
- 5.7 Chamber of Commerce Herefordshire and Worcestershire supports the development, in summary, for the following reasons:
- The application compliments the surrounding stores and is blended into a retail mixture which would not be viable to an existing town centre location, within Ross-on-Wye.
  - Full Retail Impact Assessment establishes the need for comparative goods within the Ross area therefore providing justification for the application.
  - Site is within Rural Regeneration Zone, therefore the provision of jobs is important to the local community, as this designation highlights economic weaknesses.
  - Reinstatement of bus service between the site and town centre is important for local people and visitors alike.
  - Traffic movement will not have an overly negative impact on the roundabout and traffic movement.
  - Although site is within AONB, the current appearance does nothing to enhance the status and the development does provide a more aesthetic view of the environment
  - Alternative town centre sites are not available: Gardner Butcher site has been agreed by Aldi, the old Carpet Shop by Morrisons is constrained in terms of access and size.
  - Would like to highlight the potential for extra jobs that this application brings to the area.
  - Potential to retain spend in the south of the county, due to this development, instead of people travelling further afield for comparative goods. Can only be a positive outcome for Ross-on-Wye and the surrounding area's economy.
- 5.8 Advantage West Midlands welcomes the scheme which will complete the redevelopment of the site. The proposal will also benefit the aims of the Rural Regeneration Zone and help broaden the rural economy as currently there is a high dependency on employment in agriculture, manufacturing and tourism.

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 are:

- the impact of the proposal on the Wye Valley Area of Outstanding Natural Beauty;
- whether the proposal complies with retail policy.

### **6.2 Impact on Wye Valley Area of Outstanding Natural Beauty**

The application site is within the defined settlement boundary of Ross-on-Wye. The northern and eastern section are allocated for employment purposes, the remainder of the site is not allocated but has a lawful existing use as a restaurant and car parking for Ross Labels. The site is located on the north-eastern periphery of Ross-on-Wye and forms a narrow tongue of land that projects along the A449 into the surrounding countryside. Along with much of the town this land is within the Wye Valley Area of Outstanding Natural Beauty.

The policies regarding development in the Wye Valley Area of Outstanding Natural Beauty state that Policy LA1 states 'priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest'. Development would be acceptable however provided 'it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and can be demonstrated .....to meet .....economic needs'.

The current proposal is not small-scale development although this term is not specifically defined, but it is accepted that the 3 retail warehouses, albeit smaller than is typical, would be sizeable buildings. They have been designed taking into account the lower ground to the rear of the application site to keep the development as low as possible and reduce the massing of the buildings particularly when viewed from Brampton Abbots and the A449(T). The retail units would occupy the site of the former petrol filling station (except for the rear section of each unit) the canopy of which was at a similar height to the roofs of the proposed development. The design and materials echo the Ross Labels store and would be in keeping with the prevailing commercial character of development on the site.

There is scope for further planting on the site. A landscaping and management scheme could be imposed by condition. In these circumstances, although the development would have a limited adverse impact on the Wye Valley Area of Outstanding Natural Beauty it is not sufficient to justify refusal of planning permission, given its context in relation to existing and approved commercial development.

### **6.3 Compliance with retail policies**

The application proposes the erection of 3 retail units for the sale of bulky goods (comparison goods) in an out of town centre location. Policy TCR9 – Large Scale Retail and Leisure Development outside Central Shopping and Commercial Areas is the key policy relevant to the proposal. This states that:



***Proposals for large scale retail and leisure development outside the central shopping and commercial areas of Hereford and the market towns will only be permitted where:***

***1. It can be demonstrated that there is a need for the development in the location proposed***

Need can be assessed in both quantitative (amount of floorspace) and qualitative (mix of retail uses) terms. However, greater weight will be placed on the quantitative need for new retail provision, which is defined as additional floor space required for a type of goods in that location. The Retail Impact Assessment submitted in support of the application concludes that there is a quantitative need in that there is sufficient expenditure capacity in the area to support the proposed additional retail units. The Council has sought independent advice on the retail issues and the assessment accepts that there is a quantitative need.

This is further endorsed in the Retail Study - Draft Summary Review Paper being undertaken by consultants to provide the need for further retail, leisure, office and other main town centre uses within Herefordshire. This study is intended to form part of the evidence base supporting the retail and town centre policies within the Council's Local Development Framework (LDF). With reference to Ross-on-Wye the Summary Review Paper concludes: 'Ross on Wye currently retains some 37% of residents' total comparison (non-food) goods expenditure from its catchment area. There is theoretical expenditure capacity to support more comparison goods floorspace in the town. However, achievement of new development will be dependent on retailer demand and the confidence of the market in the town as a retail destination for comparison goods shopping.'

The Retail Impact Assessments identify the growth in expenditure on bulky goods requiring an additional 3330 sq.m. of floorspace compared with the 1440 sq.m. proposed. Taking into account the 1646 sq.m. proposed floorspace in item 5 of this agenda means the combined floorspace of both applications (3086 sq.m.) would not exceed this figure and therefore not provide excess floor area for the identified need for bulky good retail.

Regarding qualitative need, the Retail Impact Assessment assesses business representation within Ross and concludes that whilst some sectors are represented, it is limited and the proposal would attract multiple retailers (Carpetright, Pets at Home and Halfords) that are not currently represented in Ross-on-Wye.

***2. It can be demonstrated that a sequential approach has been taken to site selection, and that land and buildings in each of the following categories have been thoroughly assessed in turn and found not to be available before considering less central locations:***

- ***Within central shopping and commercial areas***
- ***Edge-of-centre locations***
- ***Out-of-centre locations which are well served by public transport***

By their very nature, retail warehouses require considerable land-take and this immediately limits the number of sites available, particularly in tight-knit centres such as Ross-on-Wye. Notwithstanding this, the applicant has undertaken a

sequential assessment of all available sites for retail development within the central shopping and commercial areas and edge of centre locations. The sites must be suitable, viable for the development proposed and available within a reasonable period of time. The town centre is historic and within the Conservation Area and the scale of any vacant buildings limits their use for bulky goods retail. There are also issues regarding the listed status of some buildings and the work required to adapt them to make them suitable for bulky goods retail. Other constraints included sites liable to flooding, sites with poor access particularly for large delivery vehicles and sites that lack sufficient site frontage.

The applicant's handling of the sequential approach is considered to be thorough with reasoned and sound conclusions. It is considered that having regard to the limited number of available sites for this form of development and the general unsuitability of all the sites, that an alternative out of town centre site is an acceptable option. Accordingly the application site which relates to established retail outlets (Ross Labels and Focus DIY) is considered acceptable in sequential terms.

**3. *The proposal is compatible with and does not undermine the Plan's central shopping and commercial area strategy or the overall Plan strategy:***

Policy S5 – Town Centres and Retail sets out the overall Plan strategy with regards to focusing retail development within the central shopping and commercial areas of existing town centres. Part 4 of this policy recognises that in some instances development will be in edge of centre or out-of-centre locations. Policy TCR1 states that town centres will be the 'prime focus for retail activity and Policy TCR2 directs proposals for new shopping development to the central shopping and commercial areas of the City and market town centres 'where opportunities exist'. Thus policies TCR1 and TCR2 both envisage retail development out-of-centre in certain circumstances. In this case there has been a demonstrated need for bulky goods retail and there is no sequentially preferable site available.

**4. *The proposal will not seriously harm the vitality and viability of the existing central shopping and commercial areas, either by itself or in conjunction with other recent and proposed retail development:***

PPS6 requires the assessment of impact of the proposals on existing centres to be undertaken for a main town centre use which would be in an edge of centre or out of centre location. A quantitative assessment of trade diversion from the town centre is required for retail developments over 2,500 square metres. The proposal however, is substantially less than the threshold but as Ross-on-Wye is a smaller centre the impact must be considered to some extent.

The Retail Impact Assessment identifies 218 units in the town, of these; there are 6 individual shops that may be affected by the proposal. As a worst-case scenario, the proposed units would contribute to the closure of 2 or 3 shops. The independent assessment identifies a trade diversion of between 3% and 5%. Whilst it is acknowledged that there would be a negative impact on the town centre, the test in Policy TCR 9 is one of serious harm and the impact on the vitality and viability is not considered to be so serious to warrant refusal of the application.

Taking into account the combined impact of this proposal to that identified in item 5 of this agenda and the potential closure of 4-6 shops would still not seriously harm the vitality and viability of Ross-on-Wye so as to warrant refusal of the application.

Retaining market share is important because people are increasingly shopping in national retail companies and if they cannot do so they will travel to a larger town to do so. This impacts more widely on the town because in going to a larger town (i.e. Hereford or Gloucester) for one type of goods, people will take advantage of wider choice to buy other goods there. People become more familiar with the shops and parking in the larger town and less familiar with those of the local town and the pattern of more frequent trips to the larger town becomes established. The benefits of "clawing back" such expenditure are difficult to quantify at this scale but it is considered that there would be a positive impact in terms of providing a wider choice for local residents.

Concern has been expressed about the potential for Overross to operate as an alternative town centre. It is considered that the site would not offer the same variety of activities and services as the town centre including banks, hairdressers, chemists, work, education and browsing. It is the combination of facilities that creates the footfall in town centres and retail warehouse parks do not offer the same range of activities. Accordingly it is not considered that such concern is warranted and would not substantiate a reason for refusal when weighed against the limited impact of the development on the town centre.

In order to protect the vitality and viability of the town centre a condition would be imposed to restrict the range of goods to be sold such as the sale of non-bulky goods such as clothing, toys and footwear outside central shopping and commercial areas.

**5. *The site is easily and safely accessible to customers and staff by a choice of modes of transport and will not lead to an increase in the use of the private car:***

Herefordshire Unitary Development Plan Policy S6 and TCR9 requires development sites to be accessible by a choice of means of transport that integrate with the wider transport system to improve access and reduce congestion. The Transport Assessment accepts that the location discourages cycling and walking from the town and that there would be reliance on the car to access the site. There are two public footpaths (ZK1 & ZK2) that link the site from Brampton Road. There are difficulties at present in terms of securing an upgrade of either of these footpaths due to land ownership and establishing the definitive lines of the footpaths. These matters are being progressed with the relevant Officers of the Council. The applicant has calculated the cost of upgrading either of these footpaths and has proposed a contribution of £67,000 towards the upgrade of the footpath. In addition, they have proposed a contribution of £70,000 in securing a bus service to the site. The total contribution (£137,000) exceeds that which would be secured through the Planning Obligations Supplementary Planning Document. Transport Officers have agreed to negotiate with local transport providers to see if they can offer this service. If these negotiations are unsuccessful, the applicant has agreed to provide a service through H&H Coaches to run a shuttle bus from the site to the town centre for employees and the general public.

The applicant has also submitted a Travel Plan that has been agreed by the Highways Agency and requires the developer to secure initiatives within set targets. These initiatives include car share for employees, dedicated car parking spaces for those who car share, cycle parking provision and showering facilities. Ongoing discussions are taking place with the Council's Sustainable Travel Officer. Implementation of the Travel Plan would be secured by condition.

It is considered that whilst there would be a reliance on the car to access the site, the contribution towards securing the upgrade of the public footpath and bus service, in addition to the range of measures contained within the Travel Plan and the reduction in vehicle movements to Gloucester/Hereford contributes to the site being sustainable and accessible by a choice of means of transport.

**6. *The proposal is not sited within open countryside or on land allocated or safeguarded for another use.***

The site is located within the identified settlement boundary of Ross-on-Wye and is not safeguarded for another use.

**6.4 Conclusion**

The proposal identifies a need for additional bulky goods and satisfactorily demonstrates that there is no sequentially preferable town centre or edge of centre site to accommodate the need. Whilst the proposal may result in the closure of some shops and a small amount of trade diversion, it is not considered seriously harmful to the vitality or viability of Ross-on-Wye to warrant refusal of the application. The provision of improved transport links through Section 106 contributions and the implementation of a Travel Plan ensure that the site is accessible by a range of modes of transport. The proposal is considered to comply with PPS6 and Herefordshire Unitary Development Plan policies S5, TCR2 and TCR9 and is recommended for approval.

**RECOMMENDATION**

**That:**

- 1) Subject to securing a resolution to approve planning permission, the application be advertised as a departure to the development plan and further consideration be given to the need to notify the Secretary of State based upon the responses received.**
- 2) The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 regarding contributions towards highway works and the provision of a bus service and any additional matters and terms as he considers appropriate.**
- 3) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:**
  - 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. The premises shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:
- i) the sale of food and drink to be consumed off the premises;
  - ii) sale of clothing and footwear;
  - iii) sale of cutlery, crockery and glassware;
  - iv) sale of jewellery, clocks and watches;
  - v) sale of toys, camping and travel goods;
  - vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;
  - vii) sale of medical goods, cosmetics and toiletries;
  - viii) sales of sports goods, equipment and clothing;
  - ix) all uses within Categories A1 (B to K) of Class A1;

except where the retail sale of these goods forms a minor and ancillary part of the operation of any of the retail activity.

**Reason:** The Council's policy as set out in the Hereford Unitary Development Plan is directed towards the protection of the commercial viability of the existing central shopping and commercial areas. This condition is imposed in order to clarify the terms of the permission in accordance with the Council's stated policy, having regard to the need to protect the vitality and viability in accordance with Herefordshire Unitary Development Plan Policies TCR2 and TCR9.

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. G01 (Earthworks )

**Reason:** In order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).

5. 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.

6. 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.

7. G15 (Landscape maintenance arrangements )

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

8. H15 (Turning and parking: change of use - commercial )

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan**

9. 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**

10. 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**

11. 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**

12. I33 (External lighting)

**Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.**

13. 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.**

14. 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.**

15. 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.**

16. L04 (Comprehensive & Integrated draining of site )

**Reason:** To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 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: .....

.....

**Background Papers**

Internal departmental consultation replies

**DRAFT HEADS OF TERMS****Proposed Planning Obligation Agreement****Section 106 Town and Country Planning Act 1990**

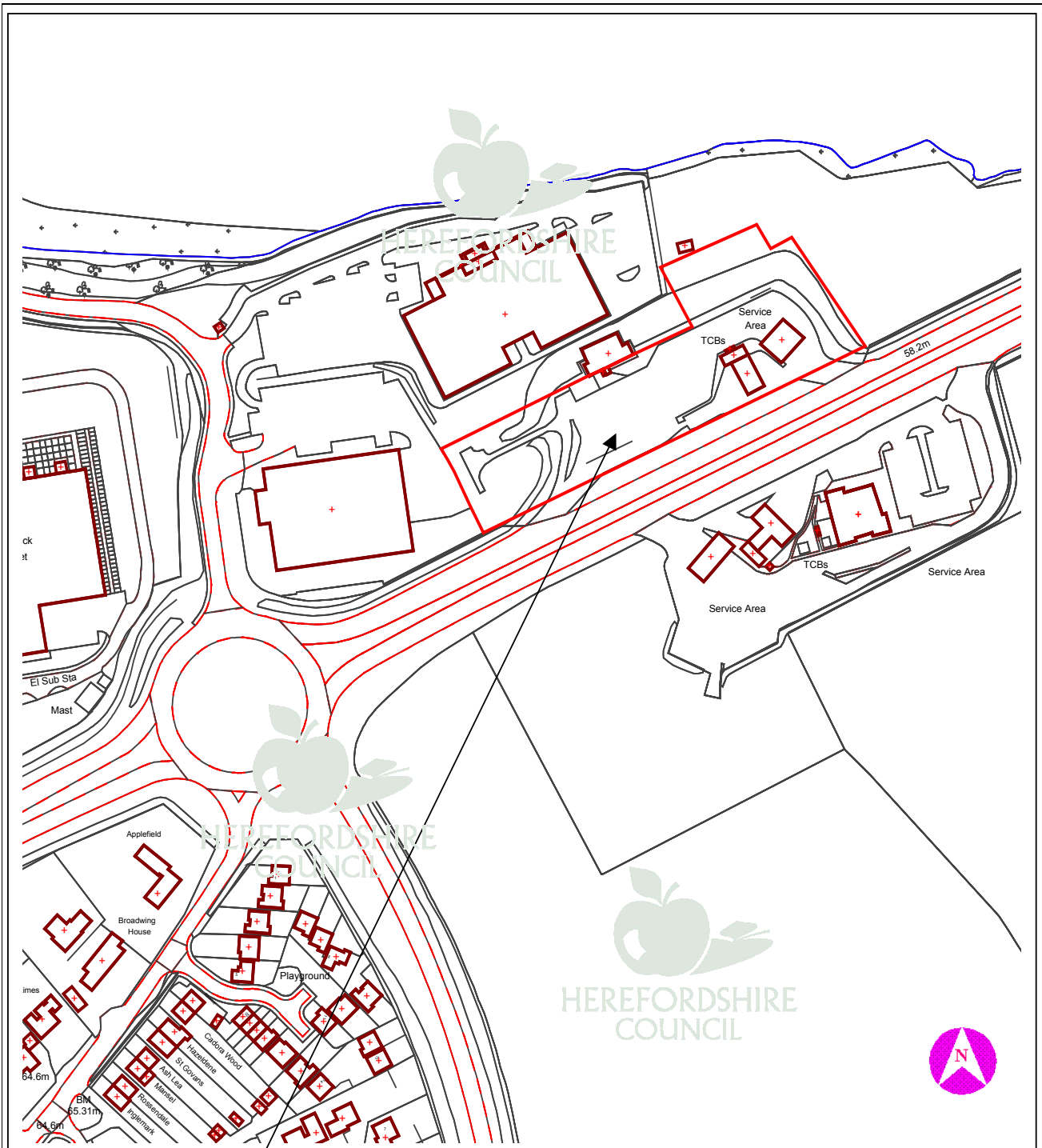
Planning Application – DCSE2008/1091/F

Erection of retail warehousing (A1 Non-Food) at  
BP Northbound Ross Spur, Ross on Wye,  
Herefordshire, HR9 7QJ.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £67,000 for improved sustainable transport infrastructure to serve the development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a. Improved pedestrian and cyclist connectivity with the site
  - b. Improved pedestrian crossing facilities
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £70,000 towards the provision of a bus service which sum shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 for the purposes specified in the agreement by the opening of the development, the Council shall repay to the developer the said sum or part thereof, which has not been used by Herefordshire Council, for the provision of the shuttle bus service as detailed in the Travel Plan.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
7. 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 preparation and completion of the Agreement.

Yvonne Coleman - Senior Planning Officer





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**APPLICATION NO:** DCSE2008/1091/F

**SCALE:** 1 : 2500

**SITE ADDRESS:** BP Northbound Ross Spur, Ross on Wye, Herefordshire. HR9 7QJ

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**7 DCSW2008/2058/F - INSTALLATION OF SMALL DOMESTIC WIND TURBINE, LITTLE LLANAFON FARM, DORSTONE, HEREFORDSHIRE, HR3 6AT.**

**For: Mr M Gibbins, Little Llanafon Farm, Dorstone, Hereford, HR3 5AT.**

**Date Received: 8 August 2008 Ward: Golden Valley North Grid Ref: 32528, 41545**

**Expiry Date: 3 October 2008**

Local Member: Councillor PD Price

**1. Site Description and Proposal**

- 1.1 Little Llanafon Farm lies to the south of the B4348 between Peterchurch and Dorstone. The site is accessed to the east of the existing stone barn that abuts the roadside which leads onto a concrete forecourt area where the farmhouse lies at right angles to the west and various outbuildings further south. There is an orchard of mature trees to the north-west of the outbuildings. The land falls gradually to the south-west from the roadside to the lower adjoining agricultural land where the River Dore runs west to east along the south-west boundary. The agricultural land is accessed through metal gates to the south of the barns. The land provides a hedgerow to the south-west along with mature trees to the south and east. Neighbouring dwellings are Llandore Bungalow to the west and Llanafon Lodge to the east. The site lies within open countryside and is also described as Principal Settled Farmlands within the Landscape Character Assessment.
- 1.2 The proposal seeks to erect a small domestic wind turbine (a Skystream 3.7) to the west boundary of the agricultural parcel of land. The Skystream will be mounted on a 10.56m galvanised steel tower with the three light pastel blue blades forming a 3.72m swept area. The overall height to the tip of the blade is 12.41m.
- 1.3 Supporting information was submitted with the application for the proposed turbine in terms of assessing noise, landscape and visual impact, safety and ecology.

**2. Policies**

**2.1 Government Guidance**

PPS22 - Renewable Energy  
PPG24 - Planning and Noise

**2.2 Herefordshire Unitary Development Plan**

Policy S1 - Sustainable Design  
Policy S2 - Development Requirements  
Policy S7 - Natural and Historic Heritage  
Policy S11 - Community Facilities and Services  
Policy DR4 - Environment  
Policy LA2 - Landscape Character and Areas Least Resilient to

		Change	
Policy NC1	-	Biodiversity and Development	
Policy CF4	-	Renewable Energy	

### 3. Planning History

3.1	SH940190PF	Change of use of general farm building to Class B1 Workshops	- Approved 23.03.94
	SH961005PF	Change of use of existing barn to holiday cottage/ annexe	- Approved 02.10.96
	DCSW2005/2396/F	New front entrance and porch	- Approved 30.08.05
	DCSW2005/2454/F	Demolition of existing outbuildings, new holiday let residence. Ancillary outbuildings site support facility. 6KW wind turbine. New access drive. New treatment plant. Agricultural land to residential	- Withdrawn 19.09.05
	DCSW2006/0537/F	Replacement of existing corrugated sheet barn with new building to provide garage, domestic workshop, mower store, w.c. and storage	- Approved 12.04.06

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Defence Estates - No objection to the proposal, subject to notifying the MOD of progression of works to verify that it will not adversely affect defence interests.

#### Internal Council Advice

- 4.2 The Traffic Manager raises no objections due to the distance from the Public Highway.
- 4.3 The Head of Environmental Health and Trading Standards raises no objection.
- 4.4 Conservation Manager observations are as follows:-

“Little Llanafon Farm lies adjacent to Great Llanafon Farm on the south side of the B4348, approximately half a kilometre to the east of Dorstone. The farms are on the floor of the Golden Valley, with the land falling gently to the south-west, towards the River Dore. The housing and outbuildings associated with both farms form quite a significant group of buildings adjacent to the main road. Open pastoral fields lie between the buildings and the river. This area is described as Principal Settled Farmlands in the Landscape Character Assessment.

The proposed site for the wind turbine is approximately 50 metres to the south of the orchard at the rear of Little Llanafon Farm and it is adjacent to a field hedgerow that runs from Little Llanafon Farm to the River Dore. There is a group of trees between the orchard and the proposed site for the wind turbine, but the hedgerow itself is quite low and there are no hedgerow trees within its southern section.

The principal viewpoints to consider are views from the B4348 and from Dorstone. There are no public rights of way in the immediate vicinity of the site. When travelling along the B4348 from the south-east (Peterchurch), there are only very limited glimpsed views of the proposed site due to its location on low-lying ground and the presence of field hedgerows along the B4348, which screen views. In addition, it was evident that the buildings associated with Little Llanafon Farm, Great Llanafon Farm and Dorstone are the predominant structures in the view up the Golden Valley. The wind turbine would read as an insignificant element in relation to these buildings. When travelling from Dorstone towards the site, along the B4348, there would be some views of the wind turbine. However, it is considered that the wind turbine would have negligible adverse impact, due to the fact that it is relatively small scale (of similar size to electricity poles) and it would be viewed against a backdrop of agricultural land and trees, not on the skyline. The wind turbine would not have an adverse visual impact when viewed from more elevated viewpoints within the valley, because again, it would be seen against a backdrop of agricultural land and trees and it would appear as a very insignificant element in the broad views of the valley.

In conclusion that from a landscape perspective, the proposed wind turbine would not have an unduly harmful impact on the rural landscape. If permission is granted for this development, it is recommend that some new native species hedgerow trees should be planted at intervals within the section of field hedgerow to the south of the turbine site. Such trees, when mature, would draw the eye away from the turbine and would not obstruct the wind flow from the west.”

## **5. Representations**

5.1 In a letter dated 29th August 2008, accompanied with a scaled site location plan, further information for siting a small wind turbine and photomontage of wind turbine was submitted. The following main points was raised:-

- The proposed location plan is more than 130m from the nearest neighbour.
- Photomontage shows the nearest point where the site is visible from public highway some 500m west on the B4348.
- Turbine position can be seen to the right of electricity pole against the backdrop of trees to the eastern boundary.
- Proposed location has taken into account optimum operational location as well as visual impact on neighbours and public.
- The location has been tested by anemometer over 12 months and is an appropriate location.
- The site is not elevated, the valley acts to funnel the wind and the relatively open western aspect will harness the prevailing wind.
- The location is away from the public highway and neighbouring properties.
- No public footpaths in the area.
- The field is a Caravan Club Certificated Location and has already a certain amount of activity.
- Alternative locations have been considered, however, trees, buildings and neighbours to the north, east and south restrict maximum benefit of wind turbine.

- 5.2 Dorstone Parish Council object to the application due to the location, visibility within the Area of Great Landscape Value, visibility to neighbour, continual noise level. No information on wind speed to assess the noise created over a 24 hour day, 7 day week period.
- 5.3 One letter of objection was received from Miss M. Minton, Llandore Bungalow, Dorstone, Herefordshire HR3 6AT. The following main points was raised:-
- The wind turbine is directly in front of the windows of my bungalow.
  - Proposal will have a serious visual impact not only for my property but surrounding area as part of the Golden Valley.
  - 12m wind turbine will be easily seen from B4348 which runs behind my bungalow and cause distraction to vehicle drivers.
  - Height of turbine difficult to screen by means of tree planting, the use of which could be counterproductive.
  - Concerns of noise of turbine when active.
  - Turbine could be positioned elsewhere without affecting efficiency, minimising the impact to neighbourhood.
- 5.4 One letter of support was received from Mr. P. Gunn-Wilkinson, (for the Golden Valley Environment Group), Lyonshall Barn, Stockley Hill, Peterchurch, Herefordshire, HR2 0ST. The following main points was raised:-
- The Golden Valley Environment Group (GVEG) tries to facilitate positive action in the community to reducing the rate of carbon emissions and climate change globally.
  - The major difference in the current application arises from its location in the valley and the proximity of a neighbouring bungalow.
  - Mast is some 130 metres from the adjoining property and the noise impacts are generally abated within 30-40 metres.
  - The landscape and visual impact of this mast and blades should not be too intrusive as it is partially hidden by trees.
  - The application supports national and local policy objectives to reduce CO2 emissions.

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 are considered to be the impact upon landscape and visual effects of the proposal, biodiversity and neighbouring amenity.
- 6.2 Planning Policy Statement 22: "Renewable Energy" sets out the Government's objectives to cut its carbon dioxide emissions by some 60% by 2050 with real progress by 2020. The Government has already set a target to generate 10% of UK electricity from renewable energy sources by 2010. Increased development of renewable energy is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. It advises that Local Planning Authorities should adhere to the key principles in their approach to planning for renewable energy. Paragraph 1(vi) states, "small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally and (viii) states, "development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and

social impacts have been minimised through careful consideration of location, scale, design and other measures”.

- 6.3 Policy CF4 of the Herefordshire Unitary Development Plan underpins the objectives of national policy in helping to deliver the targets and goals for renewable energy and climate change, which are central to achieving sustainable development, while continuing to protect the countryside. Proposals for the production of renewable energy will be permitted provided that outside of nationally designated sites and areas, there would be no significant detrimental effect upon the character of the particular landscape qualities of that location and would not significantly impact upon the amenity of neighbouring residents, through noise, odour or electro-magnetic interference.
- 6.4 The proposed Skystream 3.7 has been sited through careful consideration whilst taking into account the optimum operational location. It is considered to be an elegant, quiet and modern design, which meets EC standards. Over the last 12 months the proposed location has been tested by anemometer (a tower to assess maximum wind speed). This is presently in position albeit different in appearance to the proposed turbine. To achieve maximum output from a wind turbine, it is essential it is sited away from obstructions with clear exposure to the prevailing wind. The position is not in an elevated site, the low-valley acts to funnel the wind and as such the open western aspect will harness the prevailing wind in order to achieve approximately 2,000 kw of electricity per year. In total the turbine will save the emission of 1.136 tonnes of carbon dioxide per year, a 20% saving based on the West Midlands average CO2 emissions per household of 5.7 tonnes a year. The expected lifetime of the turbine of 15 years will save the emission of 17 tonnes of CO2.
- 6.5 The Conservation Manager has considered the position of the turbine within the landscape in particular the views along B4348 from Peterchurch and Dorstone, as well as considering the biodiversity of the site. In terms of landscape the location of the turbine would not have an unduly harmful impact on the rural landscape due to its relatively small scale, being of a similar size to electricity poles, when viewed against the backdrop of agricultural land and trees, and low lying position away from the skyline. Moving the turbine from the hedgerow into the middle of the field would not be beneficial given that the field is used for caravans. Any other position in terms of being closer to trees or outbuildings to the north or south, would create obstacles and reduce the efficiency and output of electricity. Nonetheless, the Conservation Manager suggests that some new native species hedgerow trees should be planted at intervals to the south field hedgerow of the turbine site.
- 6.6 The concerns of the Parish Council and neighbour are noted. The landscape is not a designated Area of Great Landscape Value, nevertheless, the Conservation Manager has considered its impact within the Principal Settled Farmland and has no objection to the proposed location. The views to the south from Llandore Bungalow would be partially obscured by orchard trees and given the land falls south-westerly, it is considered such visual aspect of the turbine some 130m away would be negligible so as not to cause harm upon neighbouring amenity.
- 6.7 The Environmental Health & Trading Standards Officer raises no objection to the wind turbine. The turbine is designed to operate at low revs per minutes (RPM) specifically to minimise noise. The data submitted suggests that sound levels would be 45 decibels at 12m high with a wind speed at 8mph. Increase in wind speed of 20mph would be around 55 decibels. The higher the wind speed the wind turbine would be less audible due to the background sound of the wind. The distance from Llandore Bungalow is some 130m as explained at 6.6, the sweeping sound of the three blades

would be generally abated within 30 to 40 metres of the turbine and given the land lies south of the Class II road, the background noise of passing traffic and the wind, would not cause further harm in terms of noise levels upon the neighbouring amenity.

6.8 The proposal has demonstrated how environmental and social impacts have been minimised through careful consideration of landscape and amenity of neighbouring residents, as such the proposal satisfies national and local plan policies in achieving sustainable development whilst protecting the countryside and residential amenity.

**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. **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. **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.**

**Informatives:**

- 1. **The applicant is requested to notify the Defence Estates Safeguarding Officer the date construction starts and ends, the maximum height of any construction equipment and latitude and longitude of the turbine in order that it is plotted on the flying charts.**
- 2. **N19 - Avoidance of doubt - Approved Plans**
- 3. **N15 - Reason(s) for the Grant of Planning Permission**

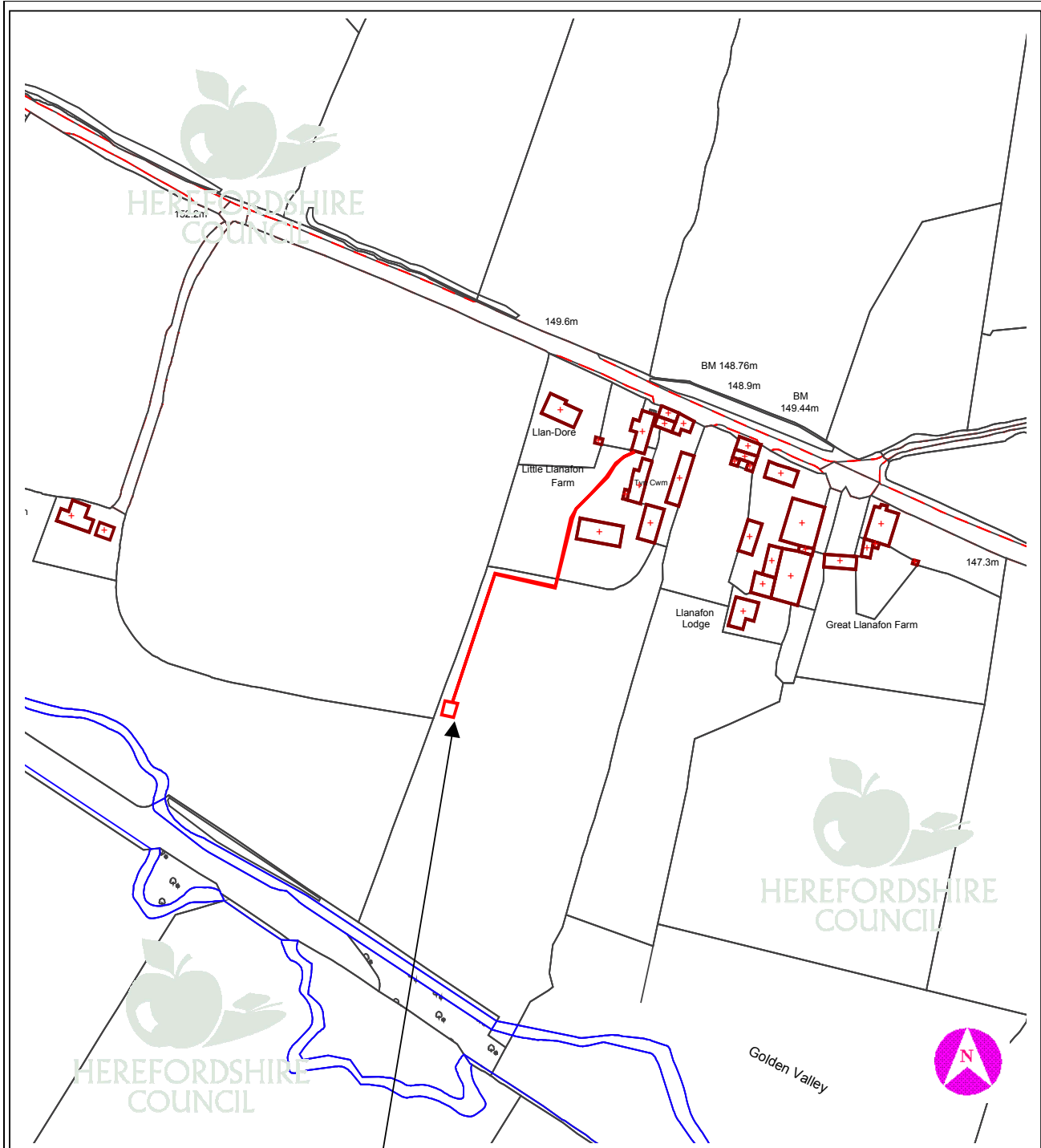
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSW2008/2058/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Little Llanafon Farm, Dorstone, Herefordshire, HR3 6AT

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**8 DCSE2008/2209/F - SINGLE AND TWO STOREY EXTENSIONS AT HARTLETON LODGE, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SB.**

**For: Mrs P Cook per Mr M Keyse, Sawpits, Great Doward, Symonds Yat, Ross on Wye, HR9 6BP.**

**Date Received: 2 September 2008**

**Ward: Penyard**

**Grid Ref: 65230, 25295**

**Expiry Date: 28 October 2008**

Local Member: Councillor H Bramer

**1. Site Description and Proposal**

1.1 Hartleton Lodge is a detached dwelling situated in open countryside, forming part of the Wye Valley Area of Outstanding Natural Beauty (AONB). The dwelling is constructed in stone and render under a tiled roof, occupying a position elevated above the adjoining unclassified public highway and the junction with the drive to Hartleton House.

1.2 It is proposed to erect a two-storey extension against the existing north-east facing gable, together with a lean-to against the north-west elevation. The two-storey component would extend the dwelling by 3.9 metres and provide a dining room at ground floor with a bedroom over. The lean-to addition would add a garden room, utility room and lobby.

**2. Policies**

**2.1 Herefordshire Unitary Development Plan**

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H18	-	Alterations and Extensions
Policy LA1	-	Areas of Outstanding Natural Beauty

**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 has no objection

4.3 Public Rights of Way Manager has no objection

## 5. Representations

- 5.1 Parish Council: Comments not available at time of writing.
- 5.2 4 letters of objection have been received from Dr M Bertensham, Fording Farm, Linton, Stephen and Lizzie Lewis, Fordings Barn, Linton and Mr & Mrs W Mitchell, Mill Barn, Bromsash. Mrs P A Northcroft, Frogs Leap, Bromsash, Ross on Wye, HR9 7SB. The contents are summarised as follows:
- a rendered finish would be out of keeping with the character of the surrounding area, where all buildings are constructed entirely of local stone;
  - Hartleton Lodge has already been extended historically. Another addition would swamp the original;
  - The Lodge is in an elevated position, where extensions will impact upon adjoining properties;
  - the extension would be in close proximity to the site boundaries and planting to screen the extension would not be possible - some trees have recently been felled;
  - the extension would be in close proximity to the boundary wall of Mill Barn and surface water run-off could cause damage.

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 is for a domestic extension to a dwelling within the AONB. As such policies H18 (Alterations and Extensions) and LA1 (AONB's) are directly applicable. Policy H18 requires that extensions are in keeping with the character and appearance of the existing and allow the original dwelling to remain the dominant feature. The amenity of adjoining properties should not be adversely affected, the plot should not be overdeveloped and adequate parking should be retained. Policy LA1 describes how the landscape quality of the AONB will be afforded priority over virtually all other considerations.
- 6.2 With regard to Policy H18 it is considered that the proposed extension would not affect the privacy or amenity of neighbours, would not overdevelop the plot and that adequate parking would remain on site. This is a view confirmed by the Traffic Manager.
- 6.3 In terms of the design, the ridge and eaves heights have been kept lower than that of the existing dwelling, whilst the span of the two-storey element is narrower than the existing gable. All of these attributes combine to create an extension that does not challenge the dominance of the original. The objectors have indicated that the dwelling has been extended historically, although evidence appertaining to this has not been found. In any event, the fact that the dwelling may have been extended historically does not act to preclude further extension proposals, which should be determined on their merits.
- 6.4 It is acknowledged that stone buildings dominate the immediate locality. It is not accepted, however, that the extension would benefit from being constructed in stone. Approximately half of the existing dwelling is finished with render. The use of render for the extensions would help define the original dwelling and retain it as the dominant feature.

6.5 The proposals are of a scale that would have no implication for the landscape quality of the AONB as a whole and it is not considered that additional landscaping is necessary to mitigate for the impact of the extension. It is considered that there is no conflict with Policy LA1 and the application 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. **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**

- 3. **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.**

**INFORMATIVES:**

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

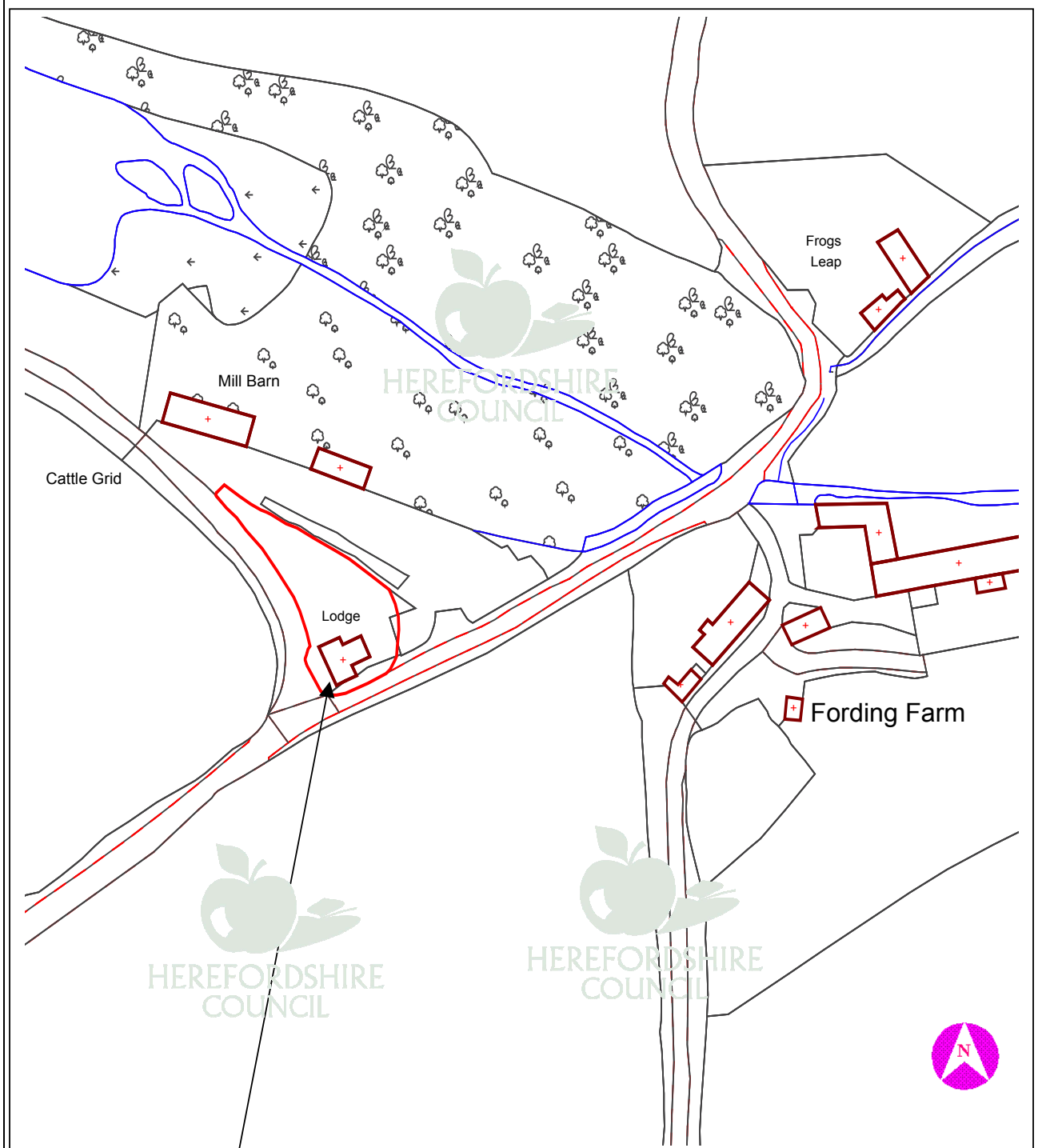
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2008/2209/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Hartleton Lodge, Bromsash, Ross-on-Wye, Herefordshire, HR9 7SB

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**9 DCSE2008/1992/F - CONSTRUCTION OF RETAINING WALL AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS ON WYE, HEREFORDSHIRE.**

**For: Mr A. Chowns per Paul Smith Associates, 12 Castle Street, Hereford, HR1 2NL.**

**Date Received: 1 August 2008      Ward: Kerne Bridge      Grid Ref: 59828, 20834**

**Expiry Date: 26 September 2008**

Local Member: Councillor JG Jarvis

**1. Site Description and Proposal**

- 1.1 Thorny Orchard is a triangular parcel of land that extends to 0.6ha. It comprises sloping land on the south-east side of the Coughton - Howle Hill road, which has been terraced following the grant of planning permission in 2004 for the erection of a building for the storage and repair of vehicles (DCSE2004/0220/F).
- 1.2 The existing planning permission has been partially implemented but it became apparent that the blockwork wall that currently remains in situ did not accord with the approved plan and furthermore it was established that as constructed the wall would not provide adequate support to the public footpath, which passes along an elevated route immediately above the wall.
- 1.3 Whilst the originally approved scheme envisaged a stone-faced retaining wall, it is now proposed to erect a 'timber crib' wall at this location in replacement of the proposed stone wall. The proposed wall would measure 34 metres long and 3.7 metres high at its northern end rising to 5.7 metres where it adjoins the site entrance. The wall would comprise a timber framework infilled with a granular material and planting bags, which would, over time, allow plants to become established across the wall face.

**2. Policies**

**2.1 Herefordshire Unitary Development Plan**

Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy E8	-	Design Standards for Employment Sites
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy T6	-	Walking

**3. Planning History**

- 3.1 DCSE2003/1002/F Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery - Withdrawn 22.10.03
- DCSE2003/2157/F Retention of existing replacement hay barn, hardstanding and terrace - Approved at SAPSC 05.11.03, contrary to officer recommendation

DCSE2004/0220/F Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery - Approved 13.05.04, contrary to officer recommendation

#### 4. Consultation Summary

##### Statutory Consultations

4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

4.2 The Traffic Manager expresses concerns regarding the proposed, existing and on-going works on site, including the proposed retaining wall, the formation of satisfactory visibility splays and turning circle and the stability of the bank adjacent to the highway.

"I have concern regarding the stability of both the existing wall and the proposed replacement retaining wall with any possible (structural) impact on the adjacent public highway and the public right of way above. Both the Construction Projects Officer and Public Rights of Way Officer have serious concerns. The heights of the wall and the distances involved combined with the topography of the area make these walls very significant structures and there are concerns that the wall could collapse onto the highway. With regard to the proposed new retaining wall the developer would need to submit a document describing how the wall will be designed, to be approved by the Council. It is likely that a structural/geological investigation would need to be undertaken and calculations submitted."

4.3 Public Rights of Way Manager: "Of paramount concern is the safety of people walking along the public footpath and assurance should be sought that a chartered engineer has approved the design. It is also important to ensure that the construction work is overseen by a chartered engineer to ensure the final structure is safe." It is also stipulated that the public footpath be restored to its historic width following completion of the project and that a safety fence of sufficiently robust construction should also be the subject of a planning condition. Responsibility for maintaining this fence will rest with the landowner.

#### 5. Representations

5.1 Walford Parish Council: No objection. "It was considered that the proposed wall would be an improvement on the existing 'new' wall as long as the project was carried out exactly according to these plans."

5.2 Two letters of objection have been received from Mr F. Myers MBE, Wythall, Walford, Ross-on-Wye, HR9 5SD and Mr. G Lewis, 23 Coughton Place, Coughton, Ross-on-Wye, HR9 5RX. The content of these letters is summarised as follows:

- The wall is substantially longer and taller than envisaged under the original planning permission because the applicant has excavated into the hillside. The approved wall was 8-9m from the southeast boundary and 14m long. The proposed wall is now 34.5m long with a height of 5.7m;
- it was formerly stated that the adjacent public footpath would be unaffected - it is now necessary to install timber posts and railings atop the proposed wall to accompany an elevated footpath;



- Footpath WA50 has been closed as a result of being undermined and has also been reduced in width;
  - it is abundantly clear that the present application is for a completely different structure to that envisaged in planning application DCSE2004/0220/F and this new application appears to attempt to mask the fact that the site has been developed way beyond the scope of the original permission;
  - the vehicular access has moved and the previously stipulated visibility cannot be achieved;
  - the planning permission was granted against officer advice and the site is now much larger than was approved. Trees that were to be retained have also been felled;
  - the Council should not accept piecemeal applications to regularise offending items. The applicant should be required to restore the site to its formerly approved dimensions, whereby a much smaller retaining wall would be satisfactory;
  - the original was an ill-conceived planning permission imposed upon local residents, which has destroyed the appearance of this part of the Area of Outstanding Natural Beauty.
- 5.3 In response to the concerns expressed by the Public Rights of Way Manager, the scheme engineers (Phi Group Retaining Structures) have responded as follows:
- The Permacrib retaining wall system carries a 60-year guarantee against insect and fungal attack and the components are pressure treated to BS8147:2003;
  - the detailed design will be supervised and signed off by an experienced Chartered Engineer with construction overseen on site;
  - a safety fence/guard rail can be provided to the client's specification or void formers can be installed as works proceed for a fence to be installed post construction if required;

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 seeks planning permission for the erection of a retaining wall on the site, which itself has the benefit of planning permission for the erection of a building for the storage and repair of agricultural, horticultural, automotive and plant machinery (DCSE2004/0220/F). The grant of approval in 2004 was contrary to professional advice. Officers recommended refusal on the basis of the suggested adverse impact upon the landscape quality of the AONB. Nonetheless that permission has been implemented and pre-commencement conditions discharged. The key issues in the determination of the current application (as it was in the 2004 proposal) is whether the impact of the proposed works is acceptable given its location in the Wye Valley AONB and ensuring that the works as proposed do not compromise the use of the section of public footpath which skirts the southern boundary of the site.
- 6.2 Ground works have occurred beyond the scope of the original site of the 2004 permission. This work has ceased without recourse to enforcement action. However, the implementation of the planning permission has identified technical difficulties around the site access. The proposed wall is no longer in the position as shown on the original approved plan, but is positioned further to the southeast. This necessitates a longer, taller wall.

- 6.3 Your officers accept that the development as a whole has an adverse impact upon the landscape quality of this part of the AONB. The ground works, retaining wall, proposed building and ancillary works have and will continue to impact on the character of the area, giving the site a more industrial appearance. However taking the development and site as a whole, the proposed retaining wall needs to be assessed in relation to whether or not it creates additional harm over and above that already approved by the 2004 permission. In this respect, unlike the approved stone wall, the 'Permacrib' construction will allow foliage to grow across the face of the wall over time with the effect that the structure will eventually blend into the backdrop provided by the hillside. The proposal would also have the dual function of allowing the effective implementation of the 2004 permission and provide for the support of the adjacent public footpath, which would otherwise remain unsafe. Notwithstanding these benefits, it is acknowledged that the proposed wall is substantially bigger in scale than that approved in 2004.
- 6.4 It should be borne in mind that approval of this application will not prejudice the local planning authority's power to pursue enforcement action against other aspects of the development that do not accord with the previously approved plans, and these form part of an ongoing investigation.
- 6.5 On balance, the proposed wall is not considered to cause further significant harm to the character or appearance of the immediate landscape over and above that which has already been approved by the 2004 proposal and provides an acceptable solution to the problems encountered in the implementation of the original planning permission.
- 6.6 In the event that Members do not find this current proposal acceptable, your officers will need to consider the expediency and appropriate nature of any enforcement action. As always, Members should determine the current application on its merits giving appropriate weight to planning policies and all other material planning considerations.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

- 1. The development hereby approved, which shall include any necessary fence/guard rail to serve the adjoining public footpath, shall be completed in accordance with the approved plans and associated conditions attached hereto within 12 months of the date of this permission**

**Reason: In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.**

- 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. Within 3 months of the date of this permission, details of the construction methodology for the retaining wall hereby approved shall be submitted for the written approval of the local planning authority. The development shall be carried out in accordance with the approved design.**

**Reason:** To ensure that the construction of the wall is in accordance with the approved details in the interests of providing effective support to the adjacent public footpath so as to comply with Policy T6 of the Herefordshire Unitary Development Plan 2007.

- 4. **Within one (1) month of the date of this permission a scheme of landscaping shall be submitted for the written approval of the local planning authority. The scheme shall include a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with the plant and grass establishment.**

The landscaping scheme approved under this condition shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs, 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 local planning authority 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:** In order to maintain the visual amenities of the area and to comply with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan.

- 5. **Within three (3) months of the date of this permission, details of the fence/guard rail to serve the adjoining public footpath WA50 shall be submitted for the written approval of the local planning authority. Details shall include sections and elevations at a metric scale of not less than 1:20. The fence/guard rail shall be completed to a timescale that accords with condition 1.**

**Reason:** To ensure that the public footpath is safe for use by members of the public so as to comply with Policy T6 of the Herefordshire Unitary Development Plan.

**INFORMATIVES:**

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

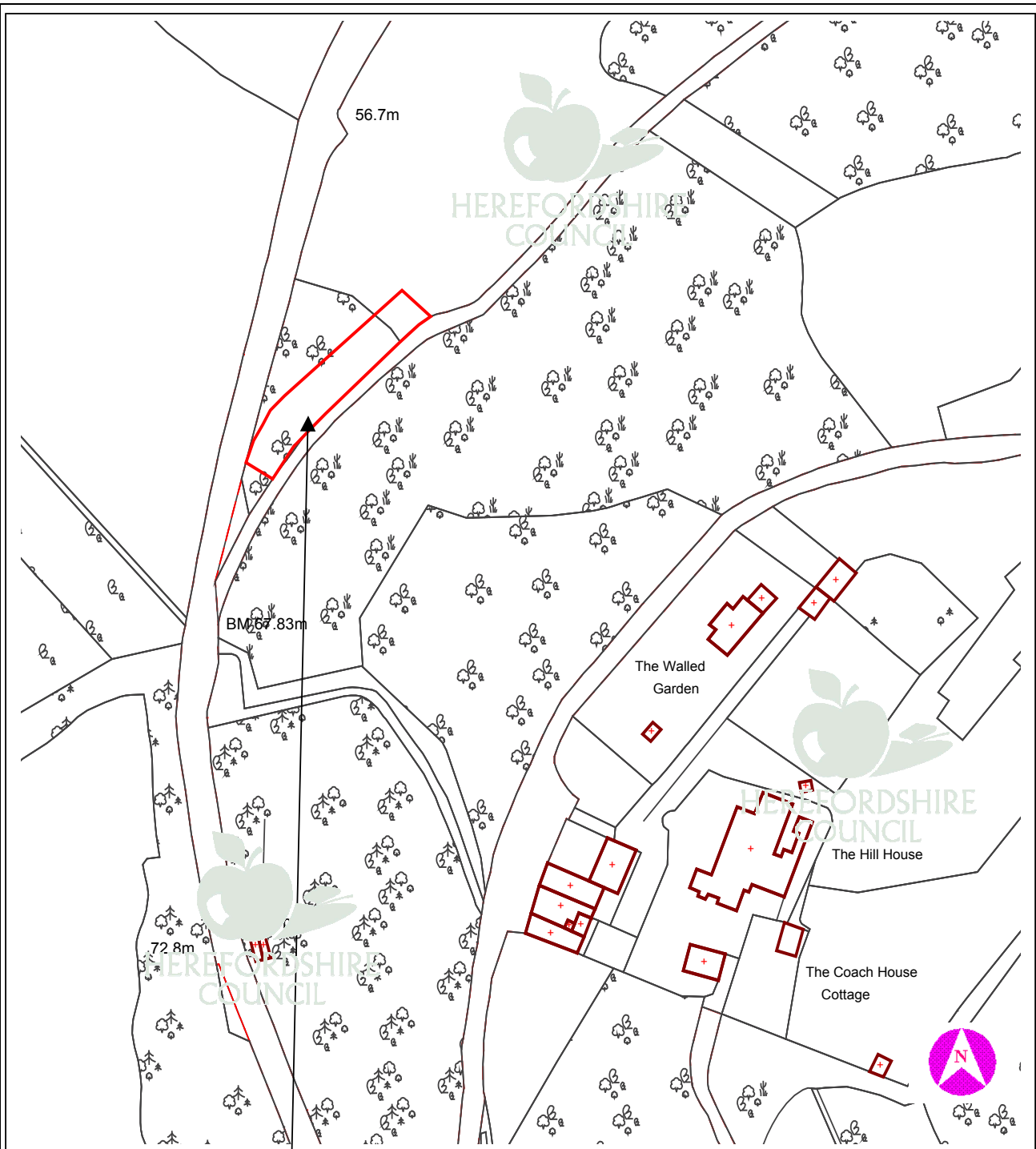
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2008/1992/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Thorny Orchard, Part of OS Plot 8691, Coughton, Ross on Wye, Herefordshire

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**10 DCSW2008/1885/F - REPLACEMENT OF STEEL FRAMED STABLE ETC. BUILDING WITH OAK FRAMED GARAGE/STORAGE/STUDIO BUILDING, ENLARGEMENT TO RESIDENTIAL CURTILAGE, FORMATION OF ECOLOGY POND AND IMPROVEMENT TO VEHICULAR ACCESS, WELL COTTAGE, PRIORY WOOD, CLIFFORD, HEREFORDSHIRE, HR3 5HF.**

**For: Mr Hughes per Roger Gell Chartered Building Surveyors, Penderw, Old Radnor, Presteigne, Powys LD8 2RP.**

**Date Received: 23 July 2008    Ward: Golden Valley North    Grid Ref: 26068, 45342**

**Expiry Date: 17 September 2008**

Local Member:    Councillor PD Price

**1. Site Description and Proposal**

- 1.1 The site is on the northern side of an unclassified road (u/c 75202) at Priory Wood. This unclassified road is characterised to the west of the site by mature tree planting and stone rubble cottages. This part of the dispersed settlement opens up to the east of Well Cottage and to the south-east is a triangular area of land, understood to form part of the Common Land in Priory Wood.
- 1.2 Well Cottage is a detached stone and boarded house which is set down below the level of the unclassified road. There is a public footpath (CL4) which runs along the eastern boundary. This affords westerly views across the site to the former paddock to the rear of Well Cottage which now constitutes an extension of residential curtilage. On the western side of the former paddock a range of buildings have been constructed, as well as a pond in the northern portion of the former paddock.
- 1.3 This is a retrospective application which seeks to regularise the erection of the large ancillary outbuilding and the change of use of the former paddock into an extended residential curtilage including a pond.
- 1.4 The range of buildings comprise a storage building with a dormer window in the east facing roof slope, adjoining it is an open fronted two bay garage, workshop and a studio/store. The building is constructed in stone and cedar boarding with a corrugated roof. This new building is located on the footprint of a former stable building measuring 6.5m to the ridge. The height of the proposed buildings varies between 4m and 4.5m.
- 1.5 A further element to this retrospective planning application are the improvements made to what was a gated access and is now a recessed entrance access, with a gate set back 4 metres from the edge of the highway and splayed by stone walling. This is intended to provide an improved means of access to the aforementioned garage/storage block.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H18	-	Alterations and Extensions
Policy LA2	-	Landscape Character and Areas Least Resilient to Change

## 3. Planning History

- 3.1 SW2002/2321/F First floor rear extension and porch to side - Approved 27.09.02
- SW2003/2789/F Bedroom over hall extension - Approved 29.10.03

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 The Traffic Manager states that works have been partially completed and that the gate should be set back 5 metres not 4 metres. This will allow a vehicle to pull off the highway. Also need a consolidated surface at access not stone.
- 4.3 The Public Rights of Way Manager has no objections, as footpath (CL4) passes outside expanded residential curtilage.

## 5. Representations

- 5.1 In the Design and Access Statement submitted the following main points are raised:

- existing building was a standard framed building with an agricultural fibre cement sheet roof. Very unattractive. Roof much higher than replacement
- client believed replacement building was on area of domestic curtilage (when part of adjoining property). Building mostly 4 metres to 4.5 metres but still some 2 metres below ridge height of replaced building
- new building designed to be vernacular structure, mainly oak framed in local cedar and stone under a traditional 3 inch profile corrugated sheet roof
- building follows contours by stepping
- necessary to accompany Well Cottage as garaging for cars, a workshop, animal feed storage, general storage and an office/studio (to facilitate quiet concentration)
- purchase of additional land allowed, restricted curtilage to Well Cottage previously
- land used for grazing horses
- improve formerly scruffy horse pasture to mini parkland with an orchard and pond
- will be a minimum of domestic curtilage, i.e. flower beds, mostly kept to grassland
- northern boundary hedge will remain

- it should be noted that existing storage shed to west of pond was once a separate residence and had large domestic curtilage to north and west of it.

#### Pond

- pond takes advantage of slow running watercourse and will not require to be artificially filled. Much smaller pond always existed in this position. Larger pond good for flora and fauna

#### Vehicular Access

- existing access gates still exist in roadside hedge. New recessed access an improvement on existing situation, as agreed by planning officer

#### 5.2 In a letter received from the applicant the following main points are raised:

- attended Parish meeting last week; Chairman confirmed happy with barn but concerned with increase in curtilage
- informed Parish Council that Council could impose conditions restricting use
- would like though to have leeway to refurbish the tin shed (:next to the pond) plus ugly elements to rear of Well Cottage
- consider this our real home now, not London
- not clear what required planning permission, have submitted a detailed planning application as advised by the Planning Department. Trust it will be dealt with on its merits.

#### 5.3 Clifford Parish Council make the following observations:

“Originally, Well Cottage with steel framed stable outside residential curtilage.

Owner has, without planning permission, now changed steel framed barn into an extravagant design for a garage, which from the nature of the change is an improvement.

Objection - previous vehicular access sufficient for size of dwelling.

Objection - to enlargement of residential curtilage, further developments would be requested.

Demonstration of knowingly doing, without seeking correct authorisation.”

#### 5.4 One letter of representation has been received from:

Mr J & Mrs A Meres, Malt House, Priory Wood, Clifford, HR3 5HF

The following main points are raised:

- dismayed work carried out
- seems that two large buildings will replace one steel framed stable building
- having had planning permission refused, disappointed when observing buildings being constructed in the area without following regulations.

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 This is a retrospective application with three elements, the erection of the garage/store and studio building along the western boundary of the enlarged property, the new access and the incorporation of land to the north of Well Cottage into residential curtilage.
- 6.2 It is evident from the aerial photograph and the description of the building that formerly stood on the site that the building replaced was taller, wider and of a greater mass than the range of buildings that replace it. The new buildings are not clearly discernible from the public highway but are visible from the east from the public footpath that skirts the eastern boundary of Well Cottage. The materials used including cedar wood cladding, oak framing, natural stone rubble walling and profile corrugated sheeting compliment the vernacular buildings in the locality in which stone and slate predominate. The siting for the building allows sufficient parking and turning space on the site, which it is not possible presently. The buildings have a dual purpose of serving the domestic requirements of Well Cottage and secondly for the enlarged curtilage, in terms of providing for the storage of equipment in association with the maintenance of the former paddock and the pond.
- 6.3 It is considered that the building, whilst erected without the necessary permission, does not impinge upon the amenity of the locality nor dominate the site, particularly given the modest height of the building which would largely be permitted development within an established residential curtilage. The scheme in this respect satisfies the requirements of Policies LA2, H18 and DR1 of the Unitary Development Plan.
- 6.4 The second element is the improvement to the existing access point which will, as confirmed by the Council's Traffic Manager, improve the visibility achievable on the unclassified road from which access is gained. This issue is not one highlighted by representations received including those of the Parish Council and therefore subject to a condition requiring a set back of 5 metres for any gates, as recommended by the Traffic Manager, it is considered that improvements have been achieved to highway safety in accordance with Policy T8 in the Unitary Development Plan.
- 6.5 The final issue relates to the incorporation of land to the north of Well Cottage as residential curtilage. It is understood that this paddock was used for horses in connection with Garlands, immediately to the west. The Parish Council are concerned that the extension of the curtilage will open up the possibility for further development than that which has taken place already. The appearance of the land used by the applicant has been sensitively improved with the planting of an orchard to the north-east of Well Cottage. It will not be laid to lawn or flower beds but will be a semi-natural area of orchard planting including the pond. Permitted development rights controlling the erection of buildings in the future would allay the fears of locals about the possibilities of encouraging further domestic buildings to be erected to the north of Well Cottage, which would be clearly visible from the adjoining public footpath to the east. The applicant has stated that an existing building to the west of the pond would be one that he would wish to renovate for ancillary use, this is a matter that could again be controlled by planning condition.



- 6.6 This retrospective application can be supported subject to conditions controlling the future development of the extended garden curtilage, the use of the buildings erected and improvements already made to the main access point serving the property.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Class E of Part 1 shall be carried out within the extended residential curtilage hereby approved.**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

2. **Any works carried out to the existing building (identified as a shed on the approved site plan) adjoining the pond shall be the subject of the prior written approval of the local planning authority. This building shall remain as an ancillary building to Well Cottage in accordance with Condition 3.**

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

3. **F07 (Domestic use only of garage/store/studio)**

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

4. **F13 (Restriction on separate sale)**

**Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 of Herefordshire Unitary Development Plan.**

5. **H05 (Access gates ) (5 metres)**

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

### Informatives:

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

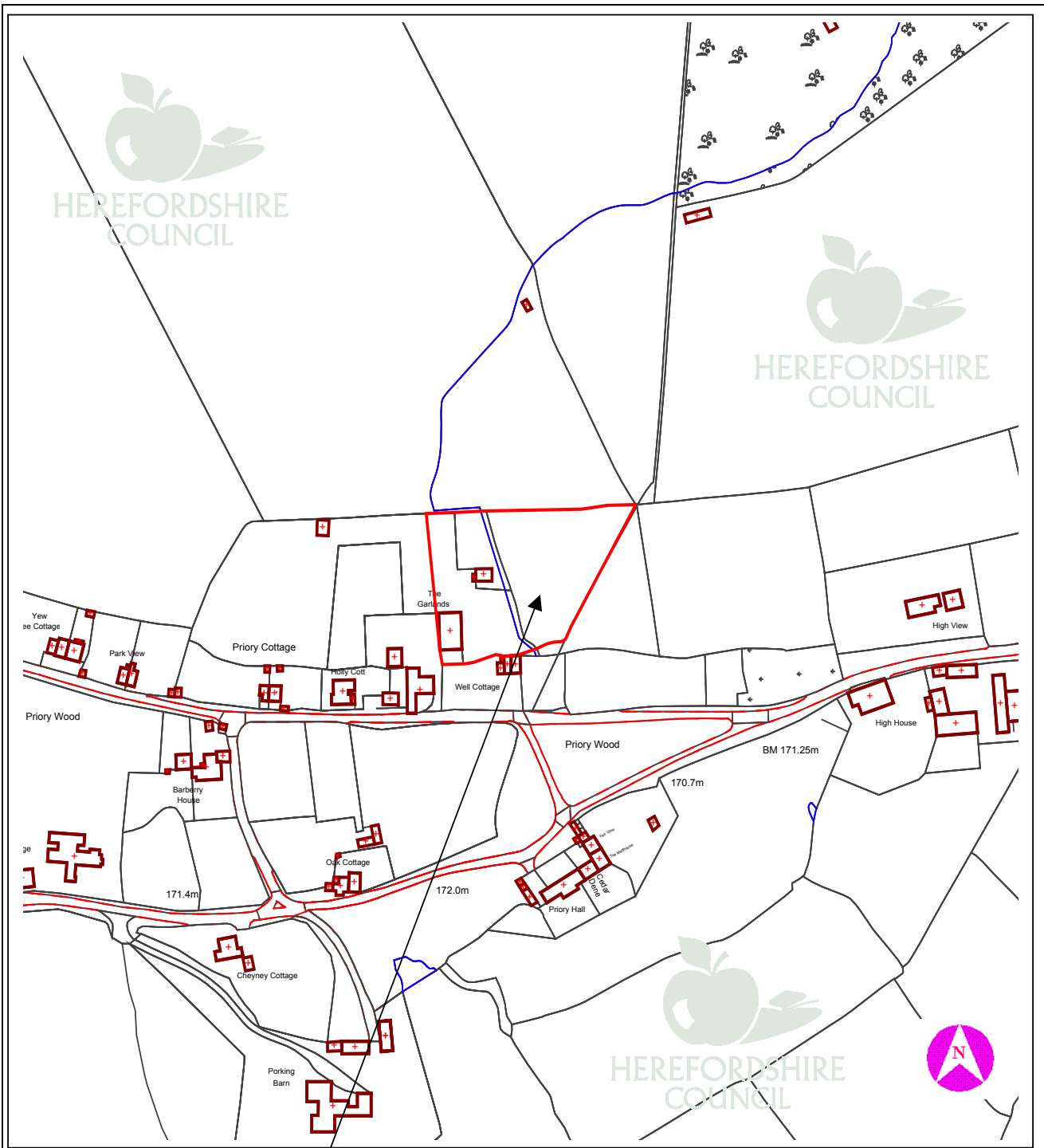
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2008/1885/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Well Cottage, Priory Wood, Clifford, Hereford, Herefordshire, HR3 5HF

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**11 DCSW2008/2020/O - PROVISION OF 6 AFFORDABLE (DISCOUNTED MARKET HOUSING) DWELLINGS, BIO-DISC TREATMENT PLANT AND USE OF EXISTING ACCESS, 6 ATTACHED SINGLE GARAGES, ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW.**

**For: Mr K Jones per Brian Griffin P&CC Ltd, The Cottage, Green Bottom, Littledean, Gloucester, GL14 3LH.**

**Date Received: 4 August 2008**

**Ward: Pontrilas**

**Grid Ref: 48137, 28175**

**Expiry Date: 29 September 2008**

Local Members: Councillors Mrs MJ Fishley and RH Smith

**1. Site Description and Proposal**

- 1.1 The proposal site is on the western side of Lyston Lane, a Class III road (C1235) that links Orcop Hill to the A466 road.
- 1.2 Access to the site is via an existing surfaced road that passes the north-eastern side of Etna, a dwelling lived in by the applicant. This roadway, with improved visibility to the north-east, serves six affordable market dwellings (approved pursuant to DCSW2004/0047/O) which are down slope from and to the south-west of the application site. These three pairs of dwellings are subject to a Section 106 Agreement that discounts the market value of the semi-detached properties by 30%. It is proposed that the current proposal would again be subject to a discount of 30% of their market value.
- 1.3 This open site was formerly partly covered by two poultry units. This is an outline application and the only matter to be determined at this stage is the means of access. All other matters are reserved for future consideration.
- 1.4 The roadway and the majority of the site lies within the Pontrilas Ward with a much smaller portion adjoining the existing six dwellings recently constructed within the Vallets Ward.
- 1.5 Orcop was identified as a settlement in the South Herefordshire District Local Plan, and the above-mentioned 2004 application was considered in relation to this plan. Orcop is no longer classified as a settlement within the Herefordshire Unitary Development Plan and in policy terms is regarded as a site within open countryside.

**2. Policies**

**2.1 Government Guidance**

PPS7 - Sustainable Development in Rural Areas

**2.2 Regional Planning Guidance for the West Midlands (RSS)****2.3 Herefordshire Unitary Development Plan**

Policy S1	-	Sustainable Development
Policy S6	-	Transport
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H10	-	Rural Exceptional Housing
Policy H13	-	Sustainable Residential Design
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy LA3	-	Setting of Settlements

**2.4 Supplementary Planning Guidance & Other Material Considerations**

Planning Obligations (adopted April 2008)  
Herefordshire Housing Needs Assessment 2005

**3. Planning History**

3.1	Code 11623	2 flock houses, boiler house and agricultural workers bungalow	-	Approved August 1961
	SH930279PF	Demolish 2 existing poultry houses and buildings and replace with 2 modern poultry houses, bins	-	Approved 21.04.93
	SH971420PF	Extension of time for one year only (conditions 1 – 7) excluding condition 6 agreed on SH930279PF	-	Approved 09.12.97
	SS990095PF	Extension of time for 2 years only for planning permission SH971420PF	-	Approved 16.03.99
	SW2001/0496/F	Extension of time for 2 years of previous planning permission SS990095PF	-	Approved 11.04.01
	DCSW2003/2651/O	Site for 11 dwellings with bio-disc treatment system (affordable housing)	-	Withdrawn 28.11.03
	DCSW2004/0047/O	Site for 6 dwellings (affordable market housing), removal of poultry buildings	-	Approved 31.08.05 (subject to Section 106/ Planning Obligation)
	DCSW2006/1032/O	Variation on condition 5 of DCSW2004/0047/O	-	Approved 05.05.06
	DCSW2006/1534/RM	6 dwellings for affordable market housing	-	Approved 18.07.06

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

- 4.2 The Traffic Manager states that “visibility is sub-standard, access now needs to be set back 2.4 metres (wing walls hide visibility). Layout of access road not to design specification, must be adopted; access to road not acceptable, needs to be re-aligned.”

- 4.3 Strategic Housing makes the following observation:

“Strategic Housing does not support the above application for 6 discounted market houses at Orcop Hill. Orcop is classed as an undefined settlement therefore development is limited to the construction of a single affordable dwelling. Orcop also has a lack of facilities and services, making it an unsustainable location for affordable housing.

Strategic Housing do not consider the units to be affordable with the proposed 30% discount. To be affordable the units would need to be discounted in line with the Supplementary Planning Document, Planning Obligations 2008 – technical data, i.e. a 3 bed would be £109,000.”

#### 5. Representations

- 5.1 In a letter that accompanied the application the applicant's agent makes the following main points:

- previous application was based on housing needs assessment identifying a need for 18 emergent and existing households to be provided with suitable housing
- response of over 40 local applicants
- given response for emergent households, this application is made
- six affordable discounted market houses, one adapted for wheelchair use are proposed
- since 2005 draft Regional Spatial Strategy requires an increased rate of house building, both market and affordable housing
- outline application, all matters reserved, save the means of access.

- 5.2 In the Design and Access Statement submitted the following main points are made:

Amount - 6 two-bedroom discounted market houses (30%) with single detached garage. Semi-detached in cul-de-sac.

- each dwelling approximately 90m squared
- connecting pavement to 6 recently built houses
- Orcop Hill served by minor roads
- site is mainly flat with slight rise to north and west
- bio-disc treatment system would be installed

#### Orcop Housing Needs 2003

- undertaken by Housing Department between Jan - March 2003. Higher than normal response, i.e. 67% of 379 resident population
- identified greater need than average parish for additional affordable market housing
- need for 11 new dwellings, seven affordable and four market housing for emergent households, and for existing households a need for seven dwellings, no affordable, all market housing
- 18 new dwellings (11 market and 7 affordable)
- previous scheme attracted exceptional response of over 40 local applicants

#### Planning Policies

- comprises Unitary Development Plan and West Midlands draft RSS. Unitary Development Plan's rural regeneration policy is 'seeking adequate provision of local housing to meet local needs, including affordable housing'.

#### Layout

- adjoins existing site, appears as part of established group with common access and linking pavements to Orcop.

#### Scale

- about 6.5m high, garage 3.3m high
- approximately 6.5m x 7m in area

#### Landscape

- each dwelling will have side and rear gardens
- 3 clumps of trees will be planted; close boarded fencing between properties

#### Appearance

- to be affordable will be block rendered mortar and tiled roof matching that used on adjacent site

#### Access

- existing access utilised

#### General Information

- Orcop Hill dispersed settlement of mostly two-storey brick or stone dwellings
- it has a public house, chapel, telephone box
- four bus stops serve Orcop Hill
- Policy S1 is also relevant
- Orcop is in open countryside under Policy H7, only exceptions for rural businesses and rural exception sites in line with Policy H10 will be permissible
- Policy H10 limits exceptions to one dwelling therefore on face of it proposal contrary to Policy H7
- factors needed to be taken into account are:



- (i) layout will not harm amenity or amenity of existing occupiers
  - (ii) RSS requires increase in housing provision in a very rural county
  - (iii) PPS7 states local planning authorities need to meet housing requirements in rural areas. PPS3 is committed.
  - (iv) Government's National Housing Advisory Panel recommended a better mix of houses be provided, particularly low cost houses
- Orcop Hill is well served by public transport (bus route 412 Hereford - Orcop) proposed to be expanded
  - not ribbon development as it constitutes a constrained block of development within outer boundary of Orcop Hill
  - legal agreement would ensure dwellings only sold or rented at 30 per cent of their open market value
  - acknowledged site is in open countryside, previous site would have been contrary to Unitary Development Plan, yet demand was considerable
  - local community has approached client for further expansion
  - one dwelling at least for special needs and one dwelling would be designed for wheelchair user
  - 30 per cent discount as previously.

5.3 Much Dewchurch Parish Council make the following observations:

“This application raises questions of what can be regarded as exceptional circumstances, whether further development should be allowed on what is considered to be a Green Field Site, and if approved, will it not set a precedent for further applications for development on the remaining and adjoining land.

Much Dewchurch Parish Council appreciate that there may be a demand for the proposed type of housing from local people which should be addressed, but in this case UDP Policies H7 and H10 would be contravened if permission is granted for the proposed development.”

5.4 Orcop Parish Council make the following observations:

“Orcop Parish Council has no objections to this application. It fully supports and welcomes the proposal for more affordable housing in the area.”

5.5 Llanwarne Parish Council make the following observations:

“This site is not in Llanwarne, it appears to be in Orcop Parish. Llanwarne has no objections.”

5.6 Four letters of representation have been received from:

Mrs V Harcombe, Wenmai Cottage, Orcop Hill, HR2 8SD  
 J Manns & S Sayce, 2 Birch View, Orcop, HR2 8SH  
 D G Baly, Lodge Farm, Orcop, HR2 8SA  
 E A Baly, Lodge Farm, Orcop, HR2 8SA

The following main points are raised:

- cannot see there being any more purchasers when you can only sell one out of six
- can see houses standing empty for some time

- does not sit well. Presence of predominantly stone houses in Orcop
- additional traffic on narrow lane, wear and tear by farm traffic now made worse by more traffic
- where will bio-disc discharge to
- area highlighted should be for landscaping
- took over a year to sell current houses, four of which could not sell through Home Point scheme
- understand only 3 sold at affordable price
- assured at planning meeting (at which I spoke) no further development
- Orcop has no shop, school; new residents would need to travel probably by car to Hereford, Ross or Monmouth
- high on skyline, visible from Harewood End and large area to east
- also bear in mind site is partly in parish of Much Dewchurch whose inhabitants live several miles away, unaffected by development and not able to see eyesore.

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 issue is considered to be the principle of developing the site having regard to Government guidance expressed in PPS7, the Regional Spatial Strategy and the policies of the Herefordshire Unitary Development Plan which restricts housing development in the open countryside.
- 6.2 In the supporting information, the applicant's agent correctly confirms that the site is in open countryside, that Orcop is not identified as a settlement and that the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan. The previously approved and implemented scheme on the adjacent site was broadly supported by officers as it was considered that it related well to the existing dwellings on the fringe of Orcop Hill, which at the time was still recognised as a settlement under the terms of the South Herefordshire District Local Plan that remained in force as the now adopted Unitary Development Plan progressed towards adoption. Members may recall that the main issue at this time was the need to establish an acceptable discount on the market value of the dwellings. Officers sought this through a Section 106 Agreement that was based upon average income. Ultimately, Members supported a valuation of the six properties which discounted their open market valuation by 30%. The applicant is seeking to re-visit this approach with the current proposal.
- 6.3 At the outset, the policy framework has now fundamentally changed from the time of the previously determined application. Orcop is no longer identified as either a main village or a smaller settlement in the Unitary Development Plan and as such this proposal must be considered with regard to Policy H7, which restricts residential development to limited exceptions that include dwellings required to meet the needs of an agricultural, forestry or other identified rural enterprise or rural exception housing compliant with Policy H10. According to this policy, rural exceptions will only be permitted adjacent to identified settlements and will generally only be made once during the Plan period. This fundamental policy objective is not satisfied and furthermore the Strategic Housing Manager objects to the proposal since the suggested 30% discount on the market value of the dwellings will not deliver affordable housing in accordance with Council policy.
- 6.4 The applicant seeks to make a case that other material consideration should be given weight and cites a number of factors which he considers to outweigh those policy

objections in the Herefordshire Unitary Development Plan. It is not considered that a small chapel, telephone box and public house and a bus route are factors that outweigh the policy issues set out above. The occupants of the six dwellings would be largely reliant on the need to drive to take children to school, use local shops, Post Office, go to work and go to a GP. This location is not sustainable for further residential development, a fundamental reason why in the review undertaken for the Unitary Development Plan, settlements such as Orcop were no longer considered to be appropriate locations where new residential development should be identified.

- 6.5 It is also considered that the site is not environmentally acceptable in that it extends residential development up slope to a more elevated position relative to the six houses recently built and residential property to the south-east. It is considered that this proposal will result in residential development effectively extending further into open countryside, up slope and away from the fringe of Orcop Hill. This would represent an uncharacteristic and damaging form of development.
- 6.6 In conclusion whilst the delivery of affordable housing is an important Council priority, this must not be at the expense of policies aimed at restricting unsustainable forms of development within the open countryside. The Strategic Housing Manager does not support the type of housing proposed advising that a 30% discount on the market value of the proposed dwellings will not provide housing that will be affordable to local people, which was equally the case in the sale of the properties on the approved site. Accordingly, there is a fundamental policy objection to this proposal and furthermore the additional encroachment of dwellings onto a more elevated and prominent site would be harmful to the character and appearance of the surrounding countryside.

## RECOMMENDATION

**That planning permission be refused for the following reasons:**

- 1. The proposal constitutes development in open countryside where there is a strong presumption against new residential development unless there are exceptional circumstances to justify otherwise. The development will not meet an identified local need for affordable housing and does not satisfy the requirements of the rural exceptions policy. The proposal is therefore contrary to Policies H7 and H10 of the Herefordshire Unitary Development Plan and the guiding principles of PPS7 – Sustainable Development in Rural Areas.**
- 2. The proposed development by reason of the layout and elevated position of the site would detract from the character and appearance of this part of Orcop Hill and the surrounding countryside and therefore the proposal is contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan.**
- 3. The proposal by reason of its isolated rural location would not be sustainable in terms of reducing the need to travel by private car as required by Policies S1, S6 and DR2 and as set out in Government advice contained in PPS7 – Sustainable Development in Rural Areas and PPG13-Transport.**

Decision: .....

Notes: .....

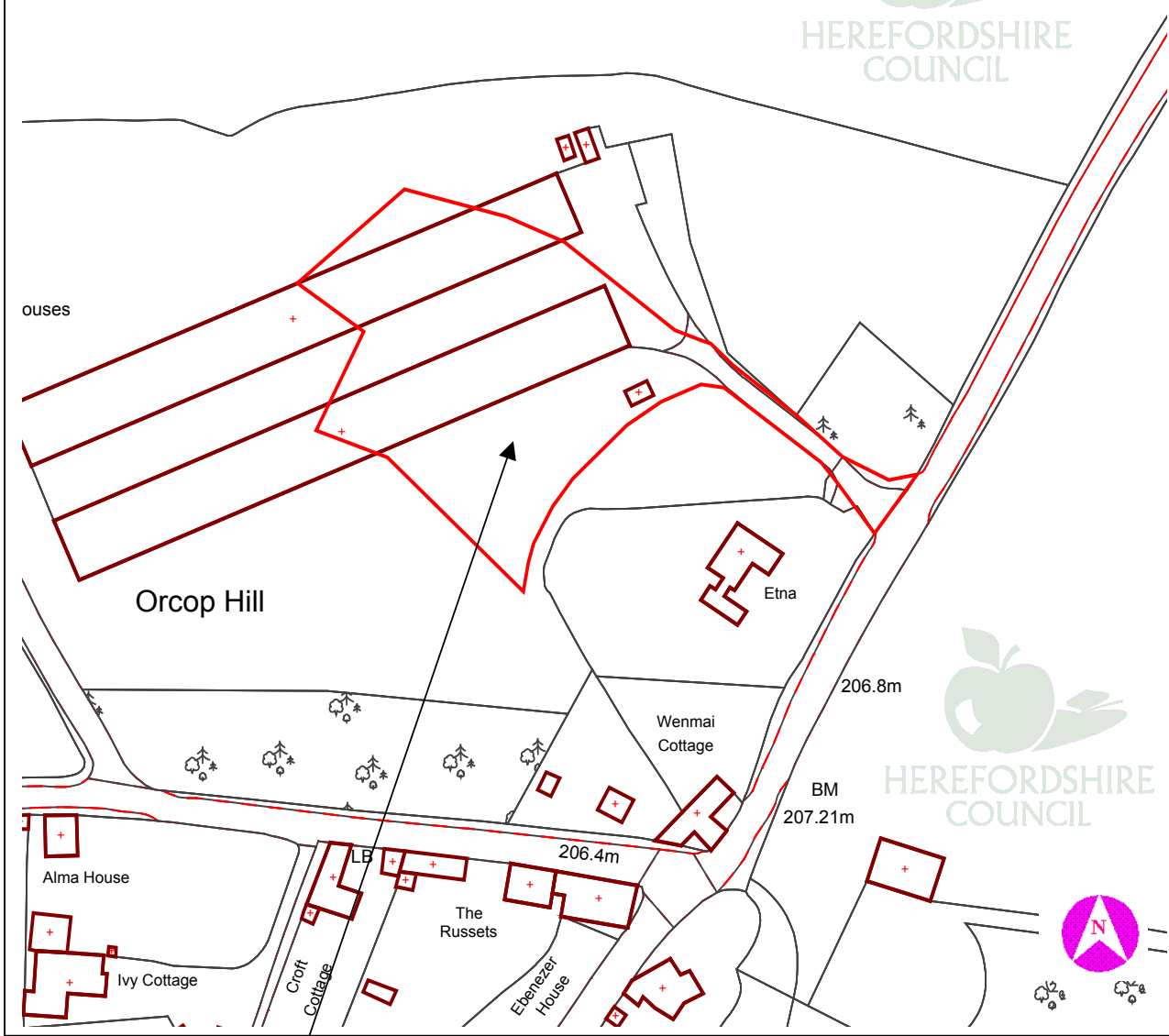
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW/2008/2020/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Etna, Orcop Hill, Much Dewchurch, Hereford, Herefordshire, HR2 8EW

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**12 DCSW2008/2206/F - PROPOSED REPLACEMENT OF EXISTING BUNGALOW WITH PERMISSION TO EXTEND WITH NEW TWO STOREY DWELLING OF SAME SIZE AS EXTENDED BUNGALOW, ALDERMEAD COTTAGE, LLANWARNE, HEREFORDSHIRE, HR2 8JE.**

**For: Mr T Russell per Paul Brice Architect, Lower Barn, Rockfield, Monmouth, NP25 5QD.**

**Date Received: 1 September 2008**

**Ward: Pontrilas**

**Grid Ref: 50099, 28248**

**Expiry Date: 27 October 2008**

Local Member: Councillor RH Smith

### **1. Site Description and Proposal**

- 1.1 The proposal site is on the western fringe of Llanwarne. It is reached off the eastern side of the unclassified road (71601) that leads north-westwards towards Lyston Smithy and the A466. The unadopted road serving Aldermead also has a public footpath running along it. This road also serves Aldermead.
- 1.2 The application property was formerly an annexe to Aldermead immediately to the east. This detached red brick bungalow was subsequently the subject of a planning application removing a condition restricting it for use as annexe, such that it could be lived in as a separate dwelling. The single-storey property also has the benefit of an extant planning permission for an extension granted in February 2004 (reference: SW2003/3879/F).
- 1.3 The proposal is to demolish the red brick faced bungalow and to replace it with a coursed stonework building, which would then be lime-washed, the fenestration would be painted softwood and the roof a natural grey slate. The existing bungalow is 4.1 metres to the ridge, the new dwelling would be 1.7 metres higher at 5.8 metres to the ridge. The first floor accommodation is within the roof space which is punctuated by two dormer windows to the front elevation and one to the rear. There are no windows in the east facing gable end facing Aldermead.
- 1.4 The new dwelling would be sited behind the line of the rear boundary of Aldermead and would be parallel with the east and west boundaries of the site which declines from north to south.

### **2. Policies**

#### **2.1 Herefordshire Unitary Development Plan**

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy T8	-	Road Hierarchy
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H13	-	Sustainable Residential Design
Policy HBA8	-	Locally Important Buildings

**3. Planning History**

3.1	SH830290PO	Granny annexe flat as bungalow	-	Approved 30.06.83
	SH950779PF	Removal of condition no. 3 (SH830290PO)	-	Approved 04.10.95
	SE1999/1700/F	Proposed extension and alterations	-	Approved 09.09.99
	SW2003/3879/F	Removal of planning permission SE1999/1700/F	-	Approved 19.02.04

**4. Consultation Summary**Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager states that the proposal will have no significant impact on the highway, and has no objection.

**5. Representations**

5.1 In a Design and Access Statement that accompanied the application, the following main points are raised:

- Llanwarne small hamlet, half a mile west of A466 Road
- Aldermead Cottage is a small late 20th Century bungalow built in grounds of large house
- current owners could implement extant scheme for extension and alterations such that little of existing fabric would remain unchanged. Resultant building too large for plot
- a two storey dwelling, replacing the ageing bungalow built in traditional style, but using modern techniques with better Green credentials
- volume of extended bungalow 346.5m<sup>3</sup>, cottage occupies smaller footprint and has a volume of 346.0m<sup>3</sup>
- existing services utilised, i.e. electricity, foul and surface water disposal and access
- design is intentionally not innovative
- lime-washed well proportioned random rubble stone cottage. Roof slope kept to a minimum with use of dormer windows
- remains subservient to Aldermead, a large Georgian rendered and slate roofed house
- painted timber windows (recessed) and stone cills
- vernacular materials used, i.e. natural slate, softwood fascias, bargeboards, doors and windows.



#### Access

- good access to facilities in Hereford 8 miles away
- driveway access is off a public highway
- principal entrance to dwelling is level.

5.2 Llanwarne Parish Council has no objections.

5.3 One letter of objection has been received from:

M & L Wood-Power, Aldermead, Llanwarne, HR2 8JE

The following main points are raised:

- not a cottage, an annexe of one bedroom, kitchen, sitting room and bathroom
- our property is not a large grand house, but two workman's cottages made into one
- driveway is a public footpath used by many families, many children use it as a safe place to play
- no turning point on driveway
- more traffic, restricted access through village
- applicant does not live in village, owns other properties
- devalue our property and restrict view from our property, (lost sale due to this application)
- new building almost doubles size of extended building
- no objections to extant approval, 2 storey 3 bedroom house totally unreasonable.

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 are considered to be the principle of development, the means of access and the potential impact upon the amenities of the adjacent property.

6.2 The new dwelling replaces a building which is not of architectural or historical interest such that its retention overrides the principle of redeveloping the site. The existing building, which is no longer an annexe but a property which can be lived in independently from Aldermead, is incongruous as regards materials and its relationship to the much more traditional Aldermead. Therefore, the principle of demolishing the existing bungalow is accepted given that it satisfies the provisions of Policy HBA8.

6.3 The next issue relates to the size and form of the new dwelling as compared to the existing bungalow together with the extant planning permission for an extension to it. It is evident that the footprint for the new dwelling will be less than that of the bungalow as extended. It is though 1.7 metres higher than the bungalow it replaces. The first floor accommodation is within a roof slope which limits the overall height to an acceptable 5.8 metres. It is not considered that the replacement of a bungalow by a two-storey dwelling would always necessarily be supported, it would depend upon the context of that particular site and the merits of each application. In this instance the volume of the extended bungalow and the new dwelling are almost directly comparable. Furthermore, the proposed new dwelling, by reason of the design and

appearance, would enhance the character of this part of Llanwarne which is visible from the A466 road.

- 6.4 The means of access is satisfactory. Whilst it is difficult to turn into the site, this is a matter that, even though the Traffic Manager has not objected, can be made the subject of a planning condition. It is not considered that the additional traffic from a three bedroom dwelling as opposed to a two bedroom bungalow would be such that planning permission could be resisted on those grounds alone.
- 6.5 The new dwelling will have an appearance which respects the local vernacular with the use of stone, slate and painted timber detailing and it will only be 1.7 metres higher to the ridge than the existing dwelling. It will not materially restrict the views of occupants of Aldermead to the east, which in any case is not a planning matter and furthermore will have no discernable impact on the privacy and general amenities of the neighbouring property.

### **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. 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. 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**

- 4. F14 (Removal of permitted development rights)**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

**Informatives:**

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

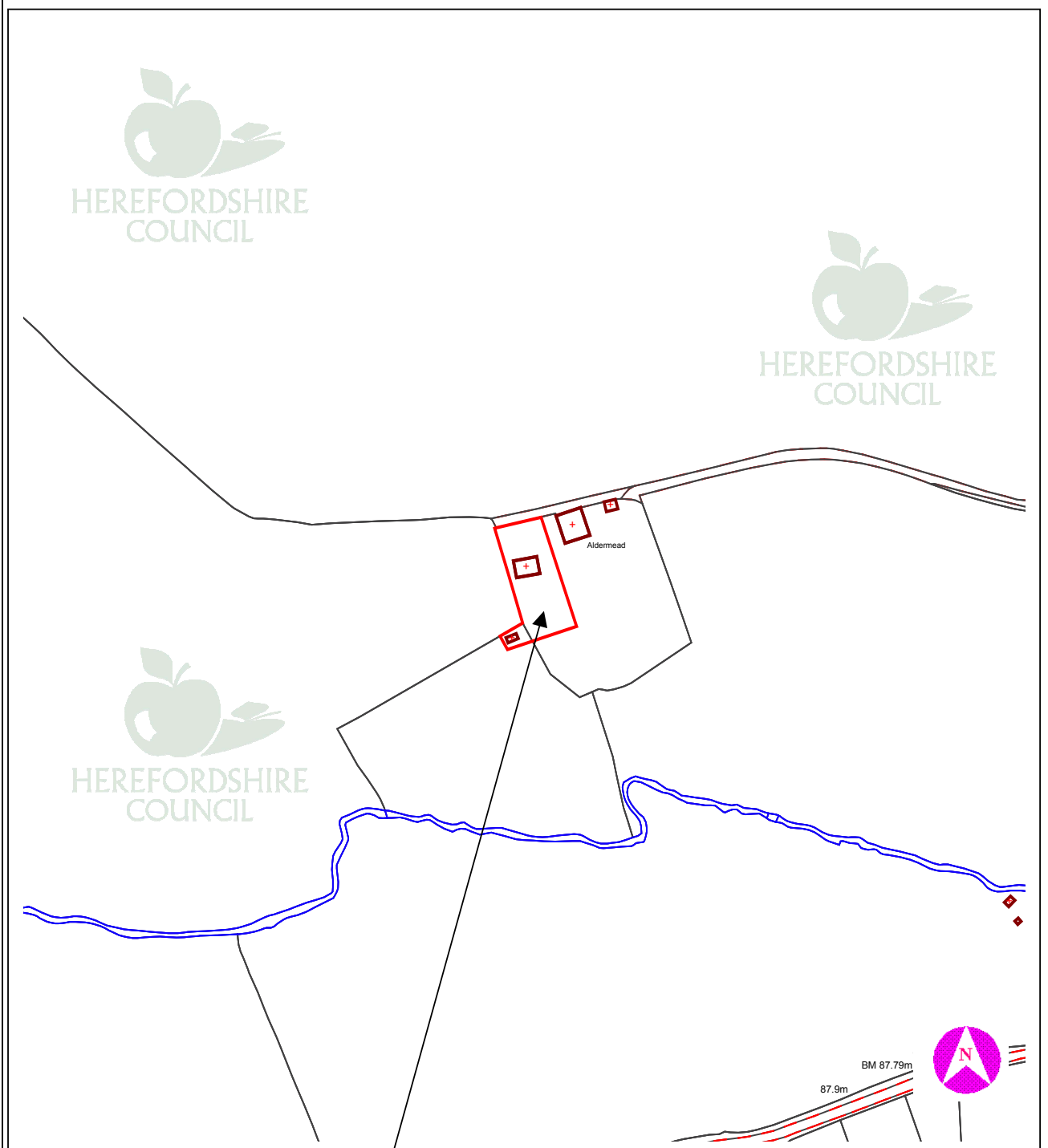
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2008/2206/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Aldermead Cottage, Llanwarne, Hereford, Herefordshire, HR2 8JE

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