

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 18th February, 2009**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Tel: 01432 261885 Fax: 01432 260286*

E-mail: rclarke@herefordshire.gov.uk

Herefordshire Council

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

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

| | Pages |
|---|-------|
| 1. APOLOGIES FOR ABSENCE | |
| To receive apologies for absence. | |
| 2. DECLARATIONS OF INTEREST | |
| To receive any declarations of interest by Members in respect of items on the Agenda. | |
| GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS | |
| The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial. | |
| 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. | |
| 3. MINUTES | 1 - 6 |
| To approve and sign the Minutes of the meeting held on 21 January 2009. | |
| 4. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS | 7 - 8 |
| To be noted. | |

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.

- | | |
|---|---------|
| 5. DCSE2008/2740/F - 9 GOODRICH CLOSE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5UX. | 9 - 12 |
| Single storey rear extension to provide wheelchair accessible facilities. | |
| 6. DCSE2008/2743/F - WEST BANK RESIDENTIAL CARE HOME, WALFORD ROAD, ROSS-ON-WYE, HR9 5PQ. | 13 - 20 |
| Construction of one single storey and two two-storey extensions to existing residential care home. | |
| 7. DCSE2008/2815/F - GARDNER BUTCHER GARAGES, 30 KYRLE STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DB. | 21 - 32 |
| Proposed development of 13 no. new residential units 7 no. 3-4 bed houses, 3 no. 2 bed flats, 2 no. 2 bed houses and 1no. bed units with demolition works to remove existing garage and MOT Centre. | |
| 8. DCSW2008/2348/RM - LOWER WRIGGLESBROOK, KINGSTHORNE, HEREFORD, HR2 8AW. | 33 - 40 |
| Detached dwelling. | |

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HEREFORDSHIRE COUNCIL

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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, 21 January 2009 at 2.00 p.m.

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

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

In attendance: Councillors TW Hunt and RV Stockton

72. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Bramer and JG Jarvis.

73. DECLARATIONS OF INTEREST

6. DCSE2008/2740/F - 9 GOODRICH CLOSE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5UX.
Councillor G Lucas; Personal and Prejudicial; Friend of the applicant.

74. MINUTES

RESOLVED: That the Minutes of the meeting held on 10 December 2008 be approved as a correct record and signed by the Chairman.

75. ITEM FOR INFORMATION - APPEALS

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

76. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS

The Sub-Committee noted the Council's current position in respect of Section 106 agreements determined under delegated powers for the southern area of Herefordshire.

77. DCSE2008/2740/F - 9 GOODRICH CLOSE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5UX.

Single storey rear extension to provide wheelchair accessible facilities.

Councillor CM Bartrum, the Local Ward Member, felt that a site inspection would be beneficial for Members.

RESOLVED

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

i) **A judgement is required on visual impact.**

78. DCSE2008/2835/RM - EQUINE CENTRE, O.S. MAP REF SO653321, NR BODENHAM FARM, MUCH MARCLE, HEREFORDSHIRE.

Dwelling for stud workers at equine centre.

In accordance with the criteria for public speaking, Mr Morgan representing the views of Much Marcle Parish Council and Mr Pope, a neighbouring resident, spoke in objection to the application and Mr Goldworthy, the applicant's agent, spoke in support.

Councillor BA Durkin, the Local Ward Member, noted that the application was for reserved matters only as the principal of a stud worker's dwelling on the site had been approved by the Inspector at appeal. He felt that the dwelling would be beneficial to a thriving rural business and noted that it was in an appropriate location on the site. He therefore moved the recommendation.

Members discussed the application and requested clarification as to the nature of the accommodation. There was some concern as to whether the application was for a singular stud worker and family or for a number of stud workers in a shared house. In response to a number of questions raised by Members, the Southern Team Leader advised that the Inspector had accepted that there was a labour requirement for up to 6 stud workers on the site and that the dwelling may be inhabited by a single worker and their family or by 3 stud workers in a shared household as both met the functional need outlined by the Inspector and both would still be regarded as a single dwelling with regard to the Town and Country Planning (Use Classes) Order. He added that any further application for additional housing on the site would have to demonstrate an essential functional need and would then be determined on its merits.

In response to a question regarding an occupancy condition, the Southern Team leader advised Members that the outline planning permission contained a suitable standard condition to restrict the occupancy of the dwelling solely to an employee of the farm and his/her family.

In response to concerns raised by Members, the local ward member advised that the office in the dwelling was essential to promote the business. He noted that the applicants currently used a Portakabin as an office, and added that the new office would result in the removal of the aforementioned Portakabin.

RESOLVED

That approval of reserved matters is approved subject to the following conditions:

1 C01 (Samples of external materials)

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

2 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.**3 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.

4 Prior to the first occupation of the dwelling hereby approved, the existing office accommodation shall be permanently removed from the site in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In recognition of the permanent office accommodation provided within the approved dwelling and in the interests of enhancing the character and appearance of the site and surroundings in accordance with Policy DR1 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC

2 N19 - Avoidance of doubt - Approved Plans

3 N09 – Approval of reserved matters

79. DCSE2008/2743/F - WEST BANK RESIDENTIAL CARE HOME, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ.

Construction of one single storey and two two-storey extensions to existing residential care home.

In accordance with the criteria for public speaking, Mrs Jarvis and Dr Rogers, two of the neighbouring residents, spoke in objection to the application.

Councillor AE Gray, one of the Local Ward Members, felt that a site inspection would be beneficial to members.

RESOLVED

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

ii) The character or appearance of the development itself is a fundamental planning consideration.

80. DCSE2008/2773/F - GREAT TREWEN FARM HOUSE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6ES.

Proposed telecommunications development consisting of increase of height of existing telecommunications tower from 15.0 metres to 20.0 metres and relocation of existing orange headframe and equipment to new 20.0 metres height within existing compound.

Councillor JA Hyde, the adjoining Ward Member, noted the representation received by Llangarron Parish Council who had requested that the nearby trees be lopped

rather than the mobile mast extended. She noted that the trees were not owned by the applicants and that therefore this was unfortunately not possible. She did however raise concerns regarding the access to the site and echoed the concerns of the neighbouring residents who had experienced problems with engineers using their private driveways and paths whilst accessing the site.

The Principal Planning Officer noted the concerns regarding the access but felt that it would be difficult to address the issue through conditions as the mast was already in situ. He added that the planning department could discuss the matter further with the applicants if the sub-committee were minded to delegate the decision to members in consultation with the Local Ward Member, the adjoining Ward Member, and the Chairman.

The Southern Team Leader added that the access concerns could be addressed through an informative note, he advised Members that refusal of the application on access grounds would not be defensible at appeal.

RESOLVED

That officers named in the Scheme of Delegation to Officers, in consultation with the Local Ward Member, the adjoining Ward Member, and the Chairman, be authorised to approve the planning application subject to clarification of the legal controls over access to the site(s) and to the following conditions and any other conditions considered necessary:

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 Notwithstanding the approved drawings, the extension hereby approved shall match in colour, form and texture those of the existing telecommunications mast.

Reason: To ensure the satisfactory appearance of the development so as to comply with Policy DR1 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC

2 N19 - Avoidance of doubt - Approved Plans

81. DCSE2008/2927/RM - BEECHGROVE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JE.

Proposed erection of a two storey dwelling.

Councillor RH Smith, the Local Ward Member, noted the concerns of the neighbouring residents but felt that these concerns had been addressed through conditions 3, 4, and 5 as recommended by the case officer.

RESOLVED

That planning permission be granted subject to the following conditions:

1 C01 (Samples of external materials)

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

2 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.

3 F08 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 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.

5 F15 (No windows in elevations of dwelling)

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

6 I51 (Details of slab levels)

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

7 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8 H09 (Driveway gradient)

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

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

INFORMATIVES:**1 HN01 - Mud on highway**

- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 HN10 - No drainage to discharge to highway**
- 5 HN21 - Extraordinary maintenance**
- 6 N19 - Avoidance of doubt - Approved Plans**
- 7 N15 - Reason(s) for the Grant of PP/LBC/CAC**

The meeting ended at 3.18 p.m.

CHAIRMAN

| |
|--|
| ITEM FOR INFORMATION – SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS |
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Planning Ref: DCSE2008/2262/F

Address: Alton Court, Penyard Lane, Ross-on-Wye

Proposal: Offices etc

Date Approved: 10 December 2008

Summary of Contributions:

| Amount | Purpose |
|---------|------------------------|
| £36,035 | Highways |
| | Open space |
| | Sport England |
| | Community |
| | Education/Young People |
| £721 | 2% for monitoring |
| | Other |

Case Officer: Edward Thomas on 01432 260479

Planning Ref: DCSW2008/2800/F

Address: Leam Lodge, Cusop.

Proposal: Single dwelling to 3 bedroom plus new 2 bedroom dwelling

Date Approved: 12 January 2009

Summary of Contributions:

| Amount | Purpose |
|--------|------------------------|
| £2,457 | Highways |
| | Open space |
| £235 | Sport England |
| | Community |
| £4,900 | Education/Young People |
| | 2% for monitoring |
| | Other |

Case Officer: Andrew Prior on 01432 261932

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

5 DCSE2008/2740/F - SINGLE STOREY REAR EXTENSION TO PROVIDE WHEELCHAIR ACCESSIBLE FACILITIES, 9 GOODRICH CLOSE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5UX.

For: Mr & Mrs A Middlecote per Mrs Clayton, Penelope Clayton Architectural Drawing, 2 Sunshine Close, Ledbury, Herefordshire, HR8 2DZ.

Date Received: 5 November 2008 Ward: Ross-on-Wye West Grid Ref: 59572, 23235

Expiry Date: 31 December 2008

Local Member: Councillors CM Bartrum and G Lucas

Introduction

This application was deferred at the last meeting of the Southern Area Planning Sub-Committee for a site visit which was held on 16 February 2009.

1. Site Description and Proposal

- 1.1 9 Goodrich Close, a detached property, is located on the south-west side of Goodrich Close, a cul-de-sac that exits onto Duxmere Drive. A 2 metre high leylandii hedge defines the rear northern boundary. There is wooden panel fencing to other boundaries. The site is located in an established residential area and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 This application proposes a single storey extension with a hipped roofed on the rear of the property that will accommodate a bedroom and shower room. The extension has been designed to meet the needs of the applicant's disabled daughter.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan

Policy S2 - Development Requirements
 Policy S7 - Natural and Historic Heritage
 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.

5. Representations

- 5.1 A Design and Access Statement has been submitted with this application.
- 5.2 Ross Town Council has no objection.
- 5.3 An objection has been received from Mr G Smith and Miss C Nash, 10 Goodrich Close, Ross-on-Wye:
- the extension is positioned close to our boundary taking away our light from our dining room affecting our amenity
 - light will also be taken from our garden
 - the extension is out of character, scale and design with the original building
 - the applicants' site is much higher than our property and while the extension is single storey it will overwhelm our property.

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 It is considered that the determining factor in this application is the impact the proposal will have on the amenity of the neighbouring property through overshadowing and its overbearing impact. The Building Research Establishment has published guidance - Site Layout Planning for Daylight and Sunlight - on the best workable method for assessing any reduction in daylight and sunlight. In measuring the effect of development on daylight and sunlight a 45 degree code is used i.e. the proposed development should not cross a line drawn at 45 degrees from the centre of the nearest window. In this case the nearest window is a patio door in the lounge/dining room of the neighbouring property. Provided the extension does not cross this line then it would normally be considered acceptable. Using the 45 degree line from the centre of the patio doors the extension does not break the 45 degree code. By using this calculation it is not considered the proposal will cause loss of daylight/sunlight to the nearest habitable room in the neighbouring property. The proposal is therefore considered acceptable.
- 6.2 Insofar as the overbearing of the proposal on the neighbour is concerned the application site is slightly higher than the neighbour's property and the 2 properties are set at an angle of 15 degrees to each other. Also, a 2metre high leylandii hedge is planted along the common boundary on the neighbour's property. The eaves height of the extension measures 2.3metres from ground level and the side of the extension will be some 900mm from the centre of the hedge. Given the extension will have a hipped roof with the plane of the roof sloping away from the neighbour and the orientation of the dwellings, it is not considered the extension will have an overbearing impact on the amenity of the neighbouring property.

6.3 In conclusion it is not considered the proposal will cause significant harm to the amenity 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 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 F15 (No windows in side elevation of extension)

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

Informatives:

1 N19 - Avoidance of doubt - Approved Plans

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

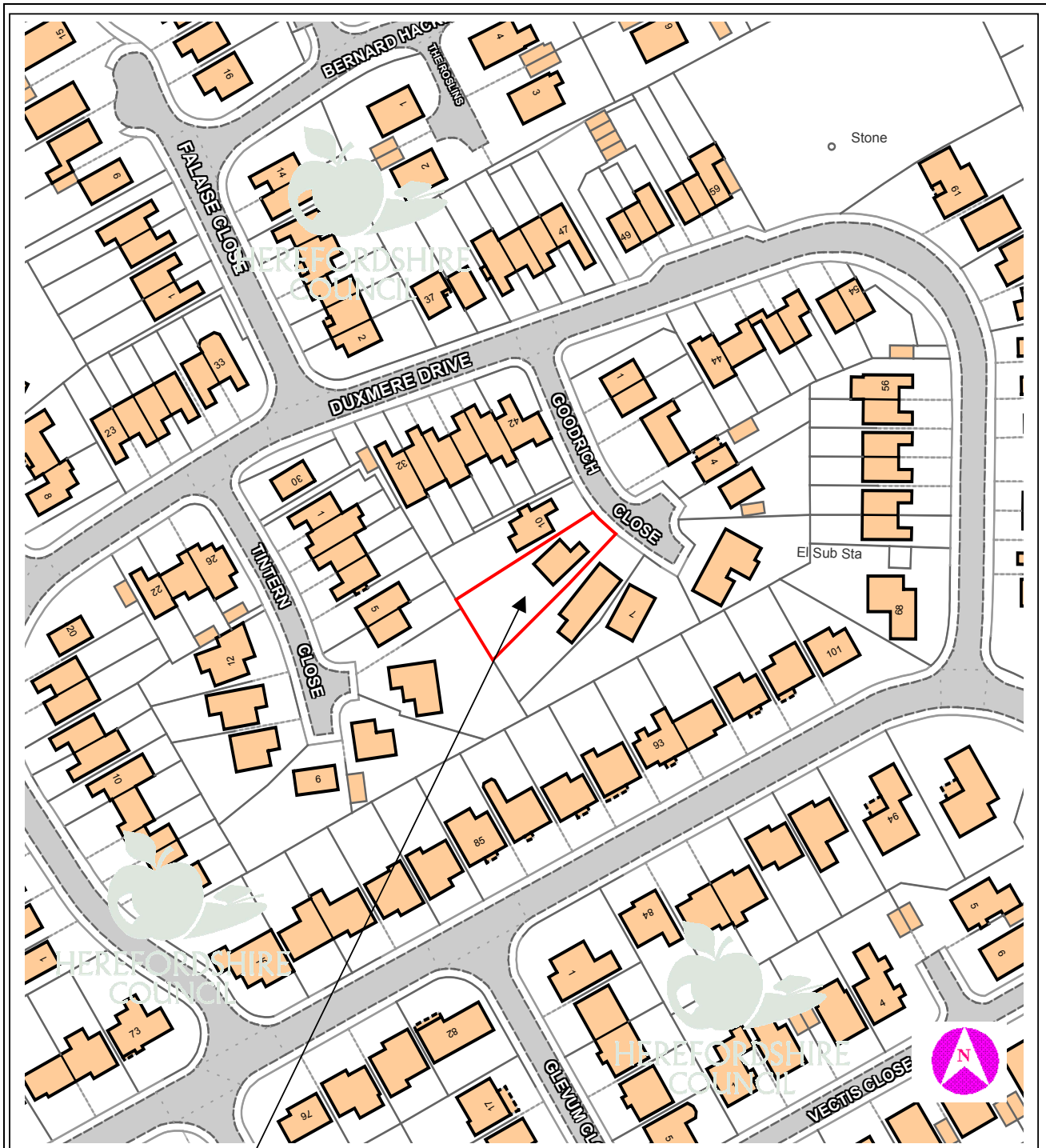
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/2740/F

SCALE : 1 : 1250

SITE ADDRESS : 9 Goodrich Close, Ross-on-Wye, Herefordshire, HR9 5UX

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Further information on the subject of this report is available from Mr D Thomas on 01432 261974

6 DCSE2008/2743/F - CONSTRUCTION OF ONE SINGLE STOREY AND TWO – TWO-STOREY EXTENSIONS TO EXISTING RESIDENTIAL CARE HOME, WEST BANK RESIDENTIAL CARE HOME, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ.

For: West Bank Residential Home Ltd per Clive Petch Architects, 3 Tebbit Mews, Winchcombe Street, Cheltenham, Gloucestershire, GL52 2NF.

Date Received: 6 November 2008 Ward: Ross-on-Wye East Grid Ref: 59855, 23712

Expiry Date: 1 January 2009

Local Member: Councillors PGH Cutter and AE Gray

Introduction

This application was deferred at the last meeting of the Southern Area Planning Sub-Committee for a site visit which was held on 16 February 2009.

1. Site Description and Proposal

- 1.1 West Bank residential care home is an existing care facility located on Walford Road adjacent to the junction with Kent Avenue and opposite the turnings for Ashfield Park and Archenfield Road. The home comprises the original late nineteenth century Villa with large, modern extensions to the rear (east). The site is within a predominantly residential area, which also forms part of the Ross conservation area.
- 1.2 Vehicular access is gained directly from the B4234 Walford Road, with parking currently to the side of the building. The original building is one of a cluster of high-status villas, although it has been extended heavily. The current proposal involves the erection of a two-storey extension against the south elevation of the existing extension, together with two further single-storey extensions against the north elevation. In total 6 further bedrooms are proposed, each with en-suite facilities. One of the proposed single-storey extensions would provide a lounge/dining facility, with one corner sectioned off to provide a further bathroom.
- 1.3 Externally modifications are proposed to the existing parking layout. Four additional spaces would be provided upon the front lawn, with those to the side of the existing building properly demarked and increased in width.
- 1.4 The application follows the withdrawal of application DCSE2008/2050/F, which proposed extensions comprising 9 bedrooms and a lounge/dining room. As such this proposal attempts to overcome previously stated concerns, regarding the impact upon neighbouring dwellings, by reducing both the scale and footprint of the extensions and as a consequence the number of bedrooms.
- 1.5 In order to accommodate the extension to the south, it is necessary to remove a tree. Given the reduction in the footprint of the extensions to the north, existing trees can now be retained. The application also proposes the provision of semi-mature planting

to the southern and eastern boundaries, against the residential properties known as Glenalmond and Mulberry House. It appears that the previous owners of West Bank failed to comply with the landscaping condition attached to the previous planning permission to extend and the planting proposals attempt to address this deficit.

- 1.6 The extensions are designed so as to replicate the form of the existing extension, which is a part brick, part render construction under a hipped, tiled roof.
- 1.7 A tree survey and a Design and Access Statement accompany the application.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan

Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy DR1 - Design
 Policy DR2 - Land Use and Activity
 Policy DR3 - Movement
 Policy HBA6 - New Development within Conservation Areas
 Policy LA1 - Areas of Outstanding Natural Beauty
 Policy LA6 - Landscaping Schemes
 Policy T6 - Walking

3. Planning History

- | | | | | |
|-----|-----------------|--|---|--------------------|
| 3.1 | SH941291PF | Proposed extension to form enlarged kitchen, new laundry & sunroom | - | Approved 16.12.94 |
| | DCSE2002/1610/F | Proposed extension to form additional bedrooms and lounge | - | Approved 18.09.02 |
| | DCSE2008/2050/F | One single-storey and two two-storey extensions | - | Withdrawn 17.09.08 |

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Recommends the imposition of standard conditions to control the discharge of surface water to the public sewer.

Internal Council Advice

- 4.2 Conservation Manager (Building Conservation): No objection. "West Bank has been heavily extended, although the modern additions are well-screened from public vantage points, and the current proposals are unlikely to have any additional cumulative impact on the building or the character of the wider conservation area."

4.3 Traffic Manager: No objection and the improvements to the parking layout are noted. Conditions are recommended regarding the construction of the additional parking and the provision of appropriate visibility splays, cycle parking and formulation of a Travel Plan.

4.4 Public Rights of Way Manager: No objection.

5. Representations

5.1 Ross Town Council: No objection.

5.2 Letters of objection have been received from the following:

Mr & Mrs GE & JD Smith, Glenalmond, Coach Lane, Ross-on-Wye
Dr & Mrs A Rogers, Mulberry House, Coach Lane, Ross-on-Wye
Mrs E Jarvis, Cherry Trees, 15 Kent Avenue, Ross-on-Wye
Mr & Mrs C Hamilton, 13 Kent Avenue, Ross-on-Wye
Mrs E Webb, 14 Kent Avenue, Ross-on-Wye

Mrs Coleman of Grosmont House, Walford Road 'phoned to reiterate her objections made under the previous application.

The content of the objections can be summarised as follows:

- Overdevelopment: The proposal still constitutes overdevelopment of the site within a conservation area. The proposed 42 bedrooms is too large for the site;
- Loss of privacy: The four bedroom windows proposed to the south elevation of the two-storey extension would overlook both Glenalmond and Mulberry House, resulting in a loss of privacy;
- Removal of the existing conifer tree will remove the only existing relief against the building;
- Noise: Objectors report frequent noise from residents, staff and alarms.
- Light pollution: External lights are left on overnight and sometimes during the day;
- The requirements of previous planning permissions, notably the landscaping required under DCSE2002/1610/F have not been complied with;
- The additional bedrooms will lead to an increase in vehicular traffic at a busy junction, close to a public right of way used frequently by school children;
- Concern is expressed regarding the capacity of the sewer;
- The lack of maintenance of the boundary wall is indicative of the owners' lack of acknowledgment of their responsibilities.

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 proposes the addition of a further 6 ensuite bedrooms and a lounge/dining room to the existing residential care home for the elderly at West Bank, Walford Road, Ross-on-Wye. The application raises a number of issues, which are considered to include the following:

- Impact of the development upon the character or appearance of the Conservation Area;

- Impact of the development upon the residential amenity of the adjoining private dwellings;
- The impact of the development upon the safe operation of the highway network.

Whilst the Design and Access Statement makes reference to the demand for the additional rooms, I am affording this little weight in the absence of empirical evidence, and whilst this is outstanding, the issues identified above are considered to take precedence.

6.2 It is worth re-visiting the amendments that have been made to this proposal following the withdrawal of DCSE2008/2050/F.

- The proposed two-storey extension has been reduced in length from 8.7m to 4.5m and the overall height has been reduced by 0.5m to 6.8m.
- The formerly proposed two-storey extension to the north is now reduced to a single-storey in height and its length has been reduced from 6.3m to 5.4m.
- The lounge/dining room extension is now smaller in plan, the length reduced from 6.3m to 5.4m.
- Because of the reduced footprint, an existing conifer tree against the northern boundary wall is retained.
- Additional car parking spaces have been provided, including a disabled space. The width of the existing spaces has been increased to enable easier manoeuvring within the site.

6.3 In this context the Conservation Manager, although mindful of the existing extensions, considers that the proposals would not further affect the appearance of the existing building, or indeed the wider conservation area. From public vantage points the existing extensions, although large, are well screened and the reduction in scale referred to above will assist this further. Although it is acknowledged that landscaping obligations associated with the earlier planning permission have not been fulfilled, the proposed landscaping plan represents an opportunity to improve the visual amenity of the site. The planning officer has impressed the importance of fulfilling these requirements upon the new owners and the proposed landscaping plans indicate the introduction of evergreen trees at a minimum height of 3m against the boundary with Mulberry House to counter the loss of the existing conifer. Semi-mature Hawthorn, Birch and Holly trees are proposed against the boundary with Glenalmond. In addition there is an undertaking that the current owners will implement the planting that should have been undertaken pursuant to planning permission DCSE2002/1610/F, which too forms part of the proposed landscaping scheme.

6.4 As mentioned above, the reduction in footprint of the now single-storey extension to the north will allow retention of the conifer previously earmarked for removal. The design of the extensions follows that of the existing extensions and is the logical approach.

6.5 Given the Conservation Manger's advice and provision of a landscaping scheme I consider the impact of the development to be acceptable within the context of the Conservation Area.

Impact upon neighbour's residential amenity

6.6 Given the failure to provide the additional landscaping as proposed under the previous owners tenure, the concern of the neighbour's is acknowledged. The material issues raised are those of impact within the Conservation Area (addressed above), loss of

privacy and highway safety. Noise and light pollution can be material planning issues, but in this context it is considered that Environmental Protection legislation provides the appropriate remedy and that a refusal of planning permission for an extension could not be sustained on either of these two issues. The planning officer has raised both issues with the management in recognition that they are evidently causing a problem locally.

- 6.7 In terms of loss of privacy, the primary concern is the introduction of an additional four bedroom windows in the two-storey extension. The extension has been reduced in length i.e. southern projection by 4.2 metres. It is thus the equivalent distance further from Mulberry House than the former proposal, whilst the scale and overall impact would be significantly reduced from the east (Glenalmond). This extension is now 15m from the southern boundary, against which additional planting is proposed. Mulberry House itself (the dwelling as opposed to garden), is further to the southeast. In this context it is considered unlikely that the extension will result in undue loss of privacy to the occupiers, whilst the impact upon the enjoyment of the garden is capable of being mitigated.
- 6.8 The view from the proposed bedroom windows will allow views over the front garden to Glenalmond, although overlooking is already possible from the existing windows. Again, the proposed planting of semi-mature trees along the eastern boundary will, in your officer's opinion provide adequate screening. Moreover, whilst the sensitivity is recognised, the windows will overlook the area to the front of Glenalmond rather than the more private garden space to the rear. A condition is recommended to prevent the future introduction of windows into the east elevation of the two-storey extension or the north elevations of either of the two single-storey extensions. On this basis a refusal based upon loss of amenity to either of the objectors' properties is not considered sustainable.

Impact upon the safe operation of the highway network

- 6.9 West Bank is accessed by vehicle and on foot directly from the B4234. This is a busy road and the junction is opposite the turning for Ashfield Park Road and adjacent Kent Avenue. The Traffic Manager has considered the proposals and comments that the improvements to the parking layout, together with improvements to the visibility upon egress will render the proposal acceptable. Cycle parking, predominantly for staff, will be required via condition, together with a Travel Plan, which will be formulated in conjunction with the Council's Travel Plan Officers. The objective will be to secure a shift of behaviour amongst staff and potential visitors by achieving an increase in the proportion of trips made either on foot or by bike or public transport. Given the scope of the improvements and the relatively modest increase in the number of bedrooms, the impact upon the operation of the highway network is considered acceptable.

Summary

- 6.10 This application involves an extension to a commercial, residential care home, which is located within a predominantly residential area. Therefore, one of the key issues identified is the impact upon residential amenity. As described above, your officers consider that the current proposal strikes an appropriate balance in terms of extending the existing facility whilst taking account of the impact upon the Conservation Area and neighbouring residential amenity. As such the proposal is considered to accord with policies DR1 and HBA6 and is recommended for approval subject to conditions.

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 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

3 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.

4 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.

5 F16 (No new windows in specified elevation)

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

6 G02 (Retention of trees and hedgerows)

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

7 G10 (Landscaping scheme)

8 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.

9 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.

10 H04 (Visibility over frontage)

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

11 H13 (Access, turning area and parking)

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

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

Informatives:

1 N19 - Avoidance of doubt - Approved Plans

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

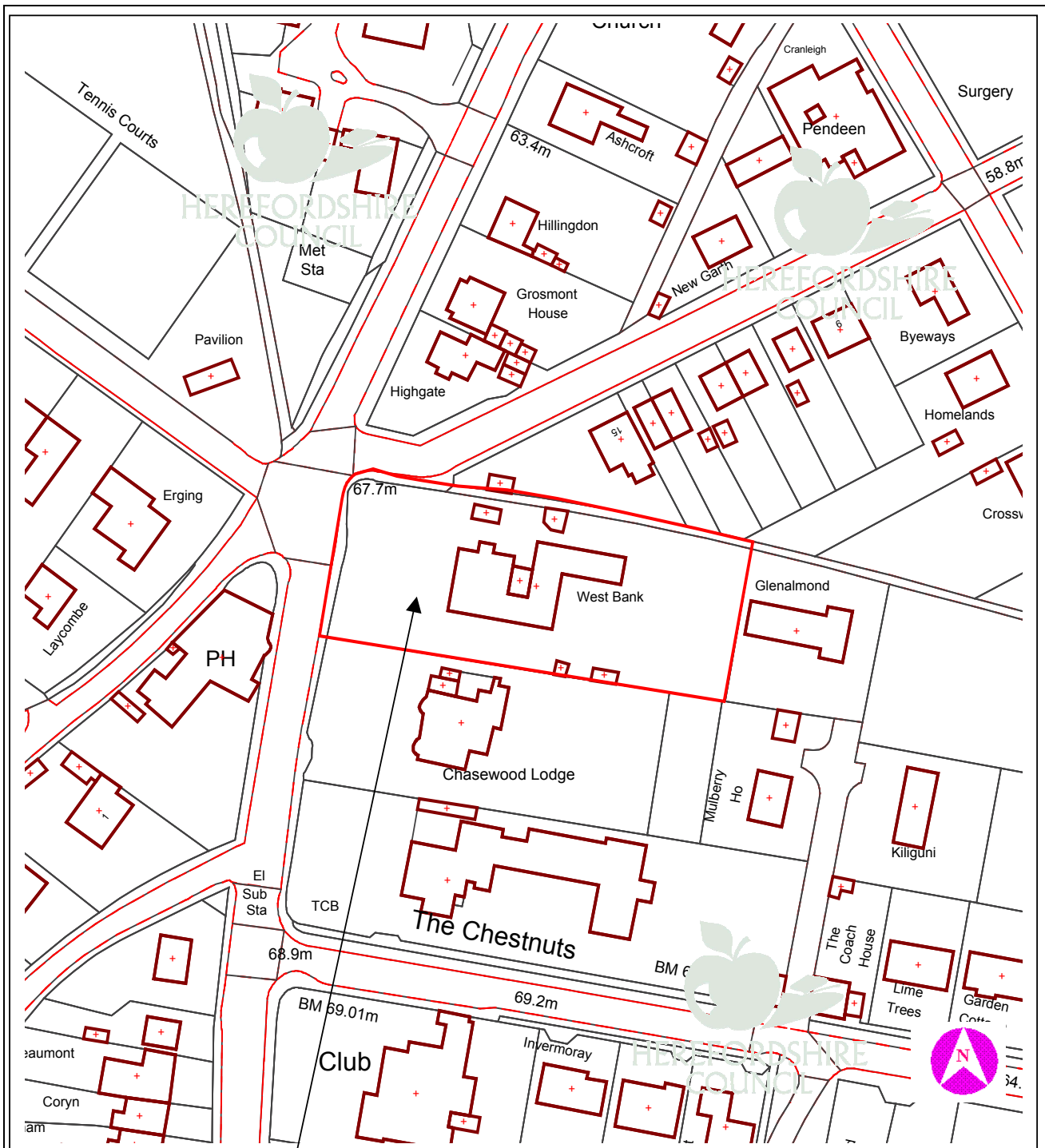
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/2743/F

SCALE : 1 : 1250

SITE ADDRESS : West Bank Residential Care Home, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ

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7 DCSE2008/2815/F - PROPOSED DEVELOPMENT OF 13 NO. NEW RESIDENTIAL UNITS 7 NO. 3/4 BED HOUSES, 3 NO. 2 BED FLATS, 2 NO. 2 BED HOUSES & 1 NO. BED UNITS, WITH DEMOLITION WORKS TO REMOVE EXISTING GARAGE & MOT TEST CENTRE. GARDNER BUTCHER GARAGES, 30 KYRLE STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7DB.

**For: Mr J Gardner per Mr R Moores, Evans Jones LLP,
Royal Mews, St Georges Place, Cheltenham,
Gloucestershire, GL50 3PQ.**

Date Received: 19 November 2008 Ward: Ross-on-Wye West Grid Ref: 59939, 24319

Expiry Date: 18th February 2009

Local Member: Councillors CM Bartrum and G Lucas

1. Site Description and Proposal

- 1.1 Gardner Butcher garage repair workshop is located on the south side of Kyrle Street almost opposite the entrance to Red Meadow public car park and Kyrle Place. It is the site of the former Ross gas works and a number of late C19 red brick buildings survive. On the southeastern side of these buildings is a black painted corrugated sheeted building. There is vehicular access off Kyrle Street, between the red brick building and the corrugated sheeted building. The rear boundary is defined by a retaining wall that is approximately 8 metres high.
- 1.2 Berkeley Mews adjoins the site on its south side and Morley Square is to the southwest.
- 1.3 The site is in the Ross-on-Wye conservation area and the Wye Valley Area of Outstanding Natural Beauty.
- 1.4 This application proposes the residential redevelopment of the site that will accommodate 13 mono-pitched roof dwellings. These will be in a terrace of five 3-storey units and two 3-storey semi-detached town houses that will be on the site of the red brick building and a pair of semi-detached houses and a block of 3 flats, a 3-bay carport are proposed between these units, a 1 bedroom unit is proposed above the carport, on the site of the corrugated sheeted building. The dwellings are to be set back from the edge of the adjoining pavement to allow visibility for vehicles emerging from a courtyard and the carports.
- 1.5 The proposal is for a development of contemporary design incorporating a composite metal roof system, timber cladding and coloured render and the application is accompanied by a Design and Access Statement, a Preliminary Contaminated Land Survey and a Heads of Terms in connection with a Section 106 Agreement.

2. Policies

2.1 Planning Policy Statements

| | | |
|-------|---|---------------------------------------|
| PPS1 | - | Delivering Sustainable Development |
| PPS3 | - | Housing |
| PPG13 | - | Transport |
| PPG15 | - | Planning and the Historic Environment |
| PPG16 | - | Archaeology and Planning |

2.2 Herefordshire Unitary Development Plan

| | | |
|-------|---|--|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| S3 | - | Housing |
| S6 | - | Transport |
| S7 | - | Natural and historic heritage |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR5 | - | Planning obligations |
| DR10 | - | Contaminated land |
| E5 | - | Safeguarding employment land and buildings |
| H1 | - | Hereford and the market towns: settlement boundaries and established residential areas |
| H13 | - | Sustainable residential design |
| H14 | - | Re-using previously developed land and buildings |
| H15 | - | Density |
| H16 | - | Car parking |
| H19 | - | Open space requirements |
| HBA6 | - | New development within conservation areas |
| ARCH2 | - | Foundation design and mitigation for urban sites |
| ARCH6 | - | Recording of archaeological remains |
| LA1 | - | Areas of Outstanding Natural Beauty |

3. Planning History

- 3.1 SH780495PF - Building to house car body repair and spray shop. Approved 6.9.1978
- SH910890PO - Re-development of garage site to residential. Approved 6.11.1991
- SHSH940620PO - Re-development of garage site for residential. Approved 5.7.1994
- SH980395PO - 9, 1-bedroom flats and 10 maisonettes. No decision
- DCSE2008/2814/C - Demolition of corrugated steel garage. Approved 6.1.2009
- DCSE2008/2817/C - Demolition of garage and MOT test centre. Approved 6. 1. 2009

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water has no objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager recommends conditions.
- 4.3 Conservation Manager has no in principle objection to residential development on this site.
- 4.3 Archaeological Advisor has no in principle objection.
- 4.4 Parks and Countryside comments that the Draft Heads of Terms is as required by policy H19.

5. Representations

- 5.1 A Design and Access Statement has been submitted:

The Immediate Surroundings:

- The site is located centrally in Ross-on-Wye and within the conservation area;
- Kyrle Street is characterised by semi-detached and terraced family sizes housing at back of pavement with gardens to the rear;
- Generally the houses, although of a distinctive style, are of simple architectural design, detail and fenestration;
- There is however a number of set piece designs within the area having a higher level of detail;
- The shops that are further along the street are generally of a larger mass than the houses and are covered by expansive low spreading roofs;
- Elevations are faced in a variety of finishes that include brick, painted render and timber cladding. Roofs are generally large pitched constructions;
- A number of properties have dormer windows;
- Properties range in height from two, two and a half and three storey;
- The distinctive style of the area is reinforced by its semi-formal street pattern;
- Kyrle Place is opposite and comprises a number of semi-detached three storey units which appear uncharacteristic of the area;
- The architectural character of the area has been diminished by general householder alterations that include replacement doors and windows;
- The site is midway along the southern side of Kyrle Street and is backed by a large retaining wall that supports Morley court and Berkeley Mews, which 5-6metres above the ground level of the application site;
- Long stay public car parks are adjacent and opposite;

The Consideration of an Appropriate Form of Development for the Site:

- The site comprises of several buildings, the larger being the former gas works office which are considered of little architectural merit and not capable of conversion;
- The buildings are at back of pavement;
- Directly opposite is a terrace of new houses, Kyrle Place;
- To the rear and southwest is Morley Court;
- The site is located in a thriving community and is in a highly sustainable location. Town shops and community facilities are within close walking distance;
- It is considered the site is most suitable for residential use in particular flats providing opportunities for first time buyers, single people and the elderly;

- Although the site is highly sustainable each town house has parking for two vehicles. Cycle storage is also incorporated into the scheme;

Design Principles:

- To create a development that is an appropriate form for this distinctive urban location that respects the aesthetic of the original design principles of the street;
- To produce a scheme that uses high quality materials that enhance the AONB and the conservation area;
- To re-inforce the building line along the street;
- Continue the terrace form creating an active street frontage;
- To ensure the proposed development buildings are appropriate I scale, mass and appearance;
- To maintain the amenity and privacy of the Morley Court and Berkeley Mews;
- To encourage the use sustainable transport for access to facilities and work;

Design Considerations and Solutions:

- After looking at a number of options the scheme was configured with a mixture of three storey flats and town houses to the front of the site with subservient two storey buildings at the rear;
- The nature of adjacent properties are incorporated into the scheme;
- The shallow mono-pitched roofs help reduce the mass and overall height of the buildings an the views from Morley Court and Berkeley Mews are retained;
- The development has been designed with the principles of sustainable construction;

Materials:

- A simple pallet of materials is proposed to give high quality buildings that include coloured render and timber cladding;

Access

- The site is in a highly sustainable location; and
- It has good public transport links to Hereford, Ledbury, Newent, Gloucester and Monmouth.

5.2 Ross Town Council has no objection.

5.3 Objections have been received from:

Mr and Mrs C Passey, Horsemill House, 20 Kyrle Street, Ross-on-Wye
 CS O'Connor Thompson, Lonsdale, 1 Berkeley Mews, New Street, Ross-on-Wye
 DW Dawson, The Ross-on-Wye and District Civic Society, Travellers Green,
 Brampton Abbots

- The development is out of keeping with other residential properties in Kyrle Street;
- The parking/garaging areas fronting onto Kyrle Street will be dangerous to access and also provide an area for drunken behaviour and excess noise;
- It will increase vehicles in a small mostly one way street;
- The development is ugly and belongs in a city or in a Spanish holiday town;
- Too many properties on what is a confined space;

- The mono-pitch roofs are inappropriate in this location. There are modern inexpensive properties nearby that are more in keeping with the area;
- While white painted render is acceptable, the panels of coloured cladding look inappropriate;
- 3-storey dwellings could well dominate the narrow street;
- Plots 7-11 which back onto our property will affect our seclusion;
- The noise from the terraces will affect our amenity;
- Concern about the stability of the retaining wall; and
- The peace and quiet we enjoy at the moment will be lost.

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 site is located in an area that is characterised by a mix of house types and retail uses. The use of the site as a vehicle repair workshop is an activity that falls within Use Class B2: (General Industrial) which include activities for the carrying out of industrial processes other than one falling within Class B1 which are uses that can be carried out that would be to the detriment of the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Given the proximity of nearby housing it is considered the existing use of the site, as a B2 use is inappropriate. While, policy E5 seeks to safeguard employment land and buildings, this application provides substantial benefits and amenities to the area. Also, the applicant is looking to relocate the business to alternative premises in Ross. Policy H14 deals specifically with the re-use of previously developed land and buildings acknowledging the importance these sites have in meeting the Council's overall housing provision. This is in line with the Government's commitment to maximising the re-use of previously developed land. Accordingly, there is no in principle objection to residential development of the site.
- 6.2 This application proposes a development of 13 town houses that will consist of 3-storey houses along the frontage of Kyrle Street with 2-storey dwellings along the southeastern boundary of the site, which is occupied by the corrugated, sheeted building. Units 7-11 that will front onto Kyrle Street will be set back a metre from the back of pavement to allow visibility for vehicles emerging onto Kyrle Street. Units 12 and 13 will be set back some 2.4metres from the back of pavement. While it is acknowledged the predominant character of Kyrle Street is composed by back of pavement buildings it is not considered the siting and staggering of the dwellings will be a significant detractor from this characteristic. Kyrle Place, which is opposite, and the most recent housing scheme in the area is set back some 2.5metres from the back of pavement. The set back is a necessary compromise to ensure an appropriate level of visibility.
- 6.3 Kyrle Street is characterised by a variety of building types and styles that vary from Victorian terraced cottages and 1970's 3-storey semi-detached houses opposite at Kyrle Place. It is considered that these house types demonstrate buildings of their time that create diversity to the area. While the building type near to the site is predominantly traditional in appearance it is the designers intention to re-develop this site with buildings that do not imitate the Victorian cottages further along Kyrle Street or the less attractive semi-detached houses that are opposite. The disjunction in design and massing of the proposal would be eased by 1metre gaps on either end of the site frontage and the context has been taken into account by staggering the 3 sections of the buildings. While, the majority of terraced houses in Ross have roofs parallel to the

street, the gable on approach in this application, which emphasises the verticality of the proposed dwellings, the scale and form of the 3-storey dwellings and the monopitch roofs create a rhythmic development in the street scene. Nevertheless it is acknowledge that they will stand out as distinctly different. However this contemporary approach is not considered inappropriate for this site and subject to careful control over the quality of materials utilised it is considered that the proposal will enhance the character and appearance of the locality and the wider Conservation Area.

- 6.4 Mention is made of the terracing that will be on the rear of units 7-11 and the impact these will have on the amenity of the adjoining dwelling, 1 Berkeley Mews. The submitted plan indicates the finished floor level of these units will vary from (34.404 to 35.885). The terraces are shown to be 2.8metres.metres above ground level. At the rear of the site is an 8metre high retaining wall above which is 1 Berkeley Mews. Given these comparative heights it is not considered the terraces will give rise to the loss of residential amenity of the neighbouring property.
- 6.5 The site is located within the historic core of Ross, designated as an Archaeologically Important Urban Area in the Herefordshire Unitary Development Plan. Given the nature and scale of the likely ground disturbance under the proposal, the development impact will probably be severe. There are clearly significant archaeological issues in this case. However, the Archaeological Advisor comments that it should be possible to mitigate any damaging effects of the development by means of an archaeological investigation prior to/during development works on site, and the employment of an appropriate foundation design. Accordingly there is no objection subject to the attachment of suitable archaeological condition to any permission granted.
- 6.6 The proposal is subject to contributions as set out in the SPD Planning Obligations. The applicant has agreed a Draft Heads of Terms to secure the enhancement of existing open space, play, sport and recreation, and enhanced education infrastructure in Ross-on-Wye. The proposal does not require a highway contribution this is because the anticipated traffic generation from the proposal is less than existing. Consequently, the Traffic Manager considers the development will have a nil impact on the adjoining road network.

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 B07 (Section 106 Agreement)

a) £17,270 towards enhancement of existing open space, play sport and recreation facilities

- b) £32,813 towards the enhancement of educational infrastructure at Ross Early Years; Ashfield Park Primary School; St Josephs RC Primary School; John Kyrle High School and Ross Youth Service

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

- 4 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.

- 5 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.

- 6 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.

- 7 E01 (Site investigation - archaeology)

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

- 8 E04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy ARCH2 of Herefordshire Unitary Development Plan.

- 9 H02 (Single access – footway)

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

- 10 H03 – (Visibility splays)

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

- 11 H04 (Visibility over frontage)

- Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 12 H08 (Access closure)
- Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 13 H09 (Driveway gradient)
- Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 14 H13 (Access, turning area and parking)
- Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of the Herefordshire Unitary Development Plan.
- 15 H21 (Wheel washing)
- Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.
- 16 H22 (Opening windows adjacent to the highway)
- Reason: In the interests of highway safety and to conform with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.
- 17 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 the Herefordshire Unitary Development Plan.
- 18 H29 (Covered and secure 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 the Herefordshire Unitary Development Plan.

INFORMATIVES

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

- 5 **HN01 – Mud on highway**
- 6 **HN04 – Private apparatus within highway**
- 7 **HN05 – Works within the highway**
- 8 **HN10 – No drainage to discharge to highway**
- 9 **HN22 – Works adjoining highway**
- 10 **HN24 – Drainage other than via highway system**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

APPENDIX

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

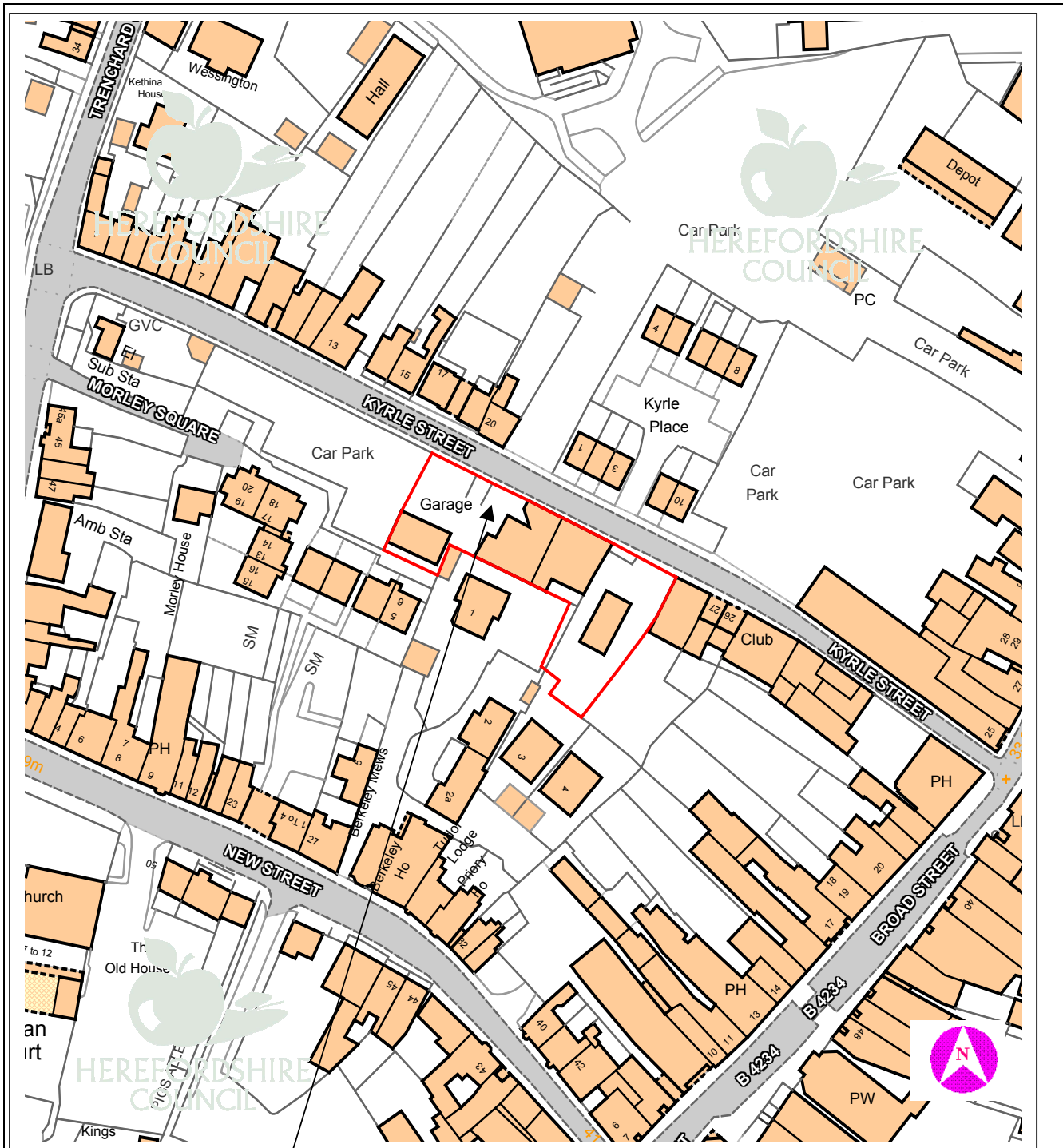
Planning Application – DCSE2008/2815/F

Development of 13 residential units
Butcher Gardner Garage, Kyrle Street, Ross-on-Wye

1. The developer covenants with Herefordshire Council to pay £17,270 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the locality of the development or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £32,813 to provide enhanced educational infrastructure at Ross Early Years, Ashfield Park Primary School; St Josephs RC Primary School, John Kyrle High School and Ross Youth Service.
3. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1 and 2 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council

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.

DW THOMAS
SENIOR PLANNING OFFICER



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APPLICATION NO: DCSE2008/2815/F

SCALE : 1 : 1250

SITE ADDRESS : Gardner Butcher Garages, 30 Kyrle Street, Ross-on-Wye, Herefordshire, HR9 7DB

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8 DCSW2008/2348/RM - DETACHED DWELLING AT LAND ADJACENT TO ORCHARD HOUSE, LOWER WRIGGLESBROOK, KINGSTHORNE, HEREFORD, HR2 8AW.

For: Mr. & Mrs. C. Lynne per Andrew Last, MCIAT, Brookside Cottage, Knapton Green, Hereford, Herefordshire, HR4 8ER.

Date Received: 17 September 2008

Ward: Pontrilas Grid Ref: 50266, 31847

Expiry Date: 12 November 2008

Local Member: Councillor RH Smith

1. Site Description and Proposal

- 1.1 The application site comprises part of the garden area for Orchard House (formerly known as No. 7 Cherry Orchard). The property has been refurbished and the extensive garden area rises steeply from the Wrigglesbrook Lane, an unclassified road (U/C 71606), from which access will be gained. There are two existing access points in the north-western and south-eastern corners of the property. The north-western access is currently used informally by the occupants of Glenrosa whilst the south-east access serves Orchard House.
- 1.2 The proposed access will serve both Orchard House and the proposed new dwelling and is positioned in the south-eastern corner of the site. The new access arrangements entail widening the existing access point and reducing its gradient. The other access point will be stopped up. The existing line of evergreen trees and hedging will need to be trimmed back in order to improve visibility along the frontage of the property. The new tarmac driveway will skirt the lower slope of the site before heading up slope to a proposed double garage finished in horizontal feather edge boarding under an interlocking concrete tiled roof. It is 4.3 metres to the ridge.
- 1.3 The new dwelling would be further up the slope from the garage and is cut into the existing ground level. The new dwelling has the appearance of a single storey dwelling to the rear and a two storey dwelling from the roadside elevation. The originally submitted scheme was finished in stonework at ground floor level, brickwork above supplemented by areas of render and timber framing in the apex of the two gable elements. A boarded oriel window is attached to the north-western corner of the new dwelling. The house is 9.3 metres high on the northern end reducing to 8.1 metres for the remaining cross wing and gabled section.
- 1.4 The originally submitted scheme was revised such that the living accommodation on the upper ground floor has been handed with windows facing Cherry Orchard moved onto the south-east elevation. The two visible windows above will be obscure glazed. The position of the dwelling has also been amended such that the house is cut into the slope which will reduce the scale and appearance of this 2½ storey property. The revised plans provide for a brick faced and tiled roofed building. The boarded oriel window feature has been reduced in size and re-positioned on the south-eastern corner of the building.

- 1.5 The application site has the benefit of an extant outline planning permission for a detached dwelling approved by the Southern Area Planning Sub-Committee on 15th February 2006.

2. Policies

- 2.1 Planning Policy Guidance:

PPS1 - Delivering Sustainable Development

- 2.2 Herefordshire Unitary Development Plan 2007:

Policy S2 - Development Requirements
 Policy DR1 - Design
 Policy DR2 - Land Use and Activity
 Policy H6 - Housing in Smaller Settlements
 Policy H13 - Sustainable Residential Design
 Policy T8 - Road Hierarchy

3. Planning History

- 3.1 DCSW2005/3890/O Detached dwelling. Approved 28th February 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager: Recommends conditions be attached to both the improved access serving the two properties and to the access point adjoining Glenrosa. The Traffic Manager has no further comments as regards the revised dwelling.
- 4.3 Public Rights of Way Manager: Has no objection.

5. Representations

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

Design:

- sloping site, well screened with evergreen trees, some of which will need to be removed;
- tree planting to replace removed trees;
- dwelling designed on three levels, lower ground floor has master bedroom suite;
- upper ground floor has the living accommodation for the benefit of views; two further bedrooms within roof space;
- appearance from front of a 2 and a half storey dwelling and at the rear it appears to be single storey;
- materials - stone, brick and some rendering; (note: revised application has simplified external appearance of dwelling);
- oriel window is a feature which allows occupants to enjoy beautiful views;

- roof will be covered in plain tiling.

Access:

- existing poor access will be improved such that vehicles can enter site from both directions;
- 2.4m by 40m visibility to be provided;
- reduce slope to access to 1 in 12 and 1 in 8 thereafter;
- detached garage on existing plateau, access to it follows natural contours of the land.

Landscaping:

- hedge planted between new dwelling and Orchard House, it will be a mixed species native hedge;
- some tree planting in the future.

5.2 In a letter received from the applicants the following main points are made in response to representations received by the local planning authority:

- we were not sure where rear building line would be positioned;
- extension built up to our boundary has window just about on boundary line. A fence or hedge will block this view;
- dwelling not visible from road; therefore will not dominate other properties. Obscured from lane;
- side and rear elevations will be as viewed as a bungalow given steepness of site;
- have to build within application site;
- mix of dwelling types in Kingsthorpe including our first dwelling further along the lane and Gothic house on the A49;
- using obscure glass and an oriel window, mixture of old and new. Not an eyesore;
- want to return to a 'woodland feel'. Have started landscaping;
- unsure how our dwelling will impact upon properties above us;
- wonder if we could 'hand' the property.

5.3 In a letter that accompanied revised plans received earlier this year, the applicant's agent makes the following main points:

- main change is that dwelling is handed so as to reduce overlooking of adjoining property;
- upper level of oriel window has also been removed;
- materials have been rationalised such that it will be facing brick and files;
- sectional plans provided demonstrate relationship to adjoining property and how dwelling will be cut into the sloping site.

5.4 The Parish Council make the following observations:

"Unsupported application. It is a considered opinion of the Parish Council that the design of the house is not within keeping of the surrounding properties and will have a direct impact in this area."

5.5 The Parish Council's response to the revised plans received recently is awaited and will be reported verbally.

5.6 Three letters of objection have been received from:

Mr A & Mrs M Nicholls, Cherry Orchard, Kingsthorpe, HR2 8AW.
GJ Wilden, Austena, Kingsthorpe, HR2 8AU.
Mr A Pucill, Glenrosa, Kingsthorpe, HR2 8AW.

The following main points are raised:

- two large, overbearing;
- not in keeping, mostly bungalows in vicinity of site;
- too tall;
- loss of daylight;
- loss of trees, therefore of natural landscaping;
- overlooked by number of windows including turret windows;
- should be sited further down slope;
- existing trees and hedges insufficient for screening;
- side elevation in particular too large;
- no objection in principle to property on land.

5.7 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. Any further responses to the revised plans will be reported verbally.

6. Officer's Appraisal

6.1 The application site has the benefit of an extant outline planning permission which establishes the principle of a dwelling on the site. The main issues are the design and impact of the new dwelling and the means of access to and from the site.

6.2 This proposal has been significantly revised in discussion with Officers with the main changes being the placing of the taller element away from Cherry Orchard, the nearest dwelling. This reduces the mass of building on the north-eastern side of the new dwelling and also importantly reduces the number of windows facing Cherry Orchard. This revised proposal also entails re-siting the new dwelling a further 1.4 metres down slope from its original position which has improved its relationship to existing dwellings surrounding the site.

6.3 The design of the building is distinctive having a twin gabled appearance with an oriel window on the south-western corner of the building. The use of facing brick is considered preferable to the mixture of stone, render, brick and timber framing as originally proposed. The dwelling is constructed primarily south-westwards away from Cherry Orchard and will benefit from the views afforded from the site. The dwelling will have the appearance of a dormer bungalow when viewed from Cherry Orchard given that the lower ground floor area for the new dwelling is below the level of the land along the common boundary between the two properties. The ground and first floor levels for Cherry Orchard will still be higher than that of the proposed dwelling. Two windows serving the lounge and facing the garden area including an area of decking will need to be obscure glazed and screened. In its revised form it is considered that there are no reasonable grounds for refusing planning permission which has satisfactorily addressed the concerns regarding loss of privacy.

- 6.4 It is not considered that the new dwelling will impinge upon the amenity of residents living in Little Birch Road which is up slope and to the north-east of the site. The dwellings that adjoin the application site from the north-east conversely overlook the site given their elevated position in relation to the split-level dwelling proposed.
- 6.5 In relation to the overall scale of the dwelling, it is considered that it will sit comfortably within this large plot and with the retention of the most mature trees around the site particularly on the roadside, it is maintained that the dwelling will not have a detrimental impact on the character and appearance of the locality.
- 6.6 The new access will greatly improve the visibility onto the unclassified road by allowing traffic to enter the site from either direction and by facilitating improved visibility to the road frontage. This new access point will serve the existing properties and indirectly improve the access off and onto the highway for two other properties to the north-west, Glenrosa and Cherry Orchard.
- 6.7 The application is supported subject to conditions restricting the installation of additional windows facing Cherry Orchard, obscure glazing windows in the south elevation and specifying the type of facing brick and tiles to be used on the house and garage.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 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.

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 F16 (No new windows in specified elevation) (north)

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

4 F17 (Obscure glazing to windows) (north)

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

5 G04 (Protection of trees/hedgerows that are to be retained)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

6 G12 (Hedgerow planting)

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

7 H12 (Parking and turning - single house)

Reason: In the interests of highway safety, 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.

8 H13 (Access, turning area and parking)

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

Informatives:

1 N19 - Avoidance of doubt - Approved Plans.

2 N15 - Reason(s) for the Grant of PP/LBC/CAC.

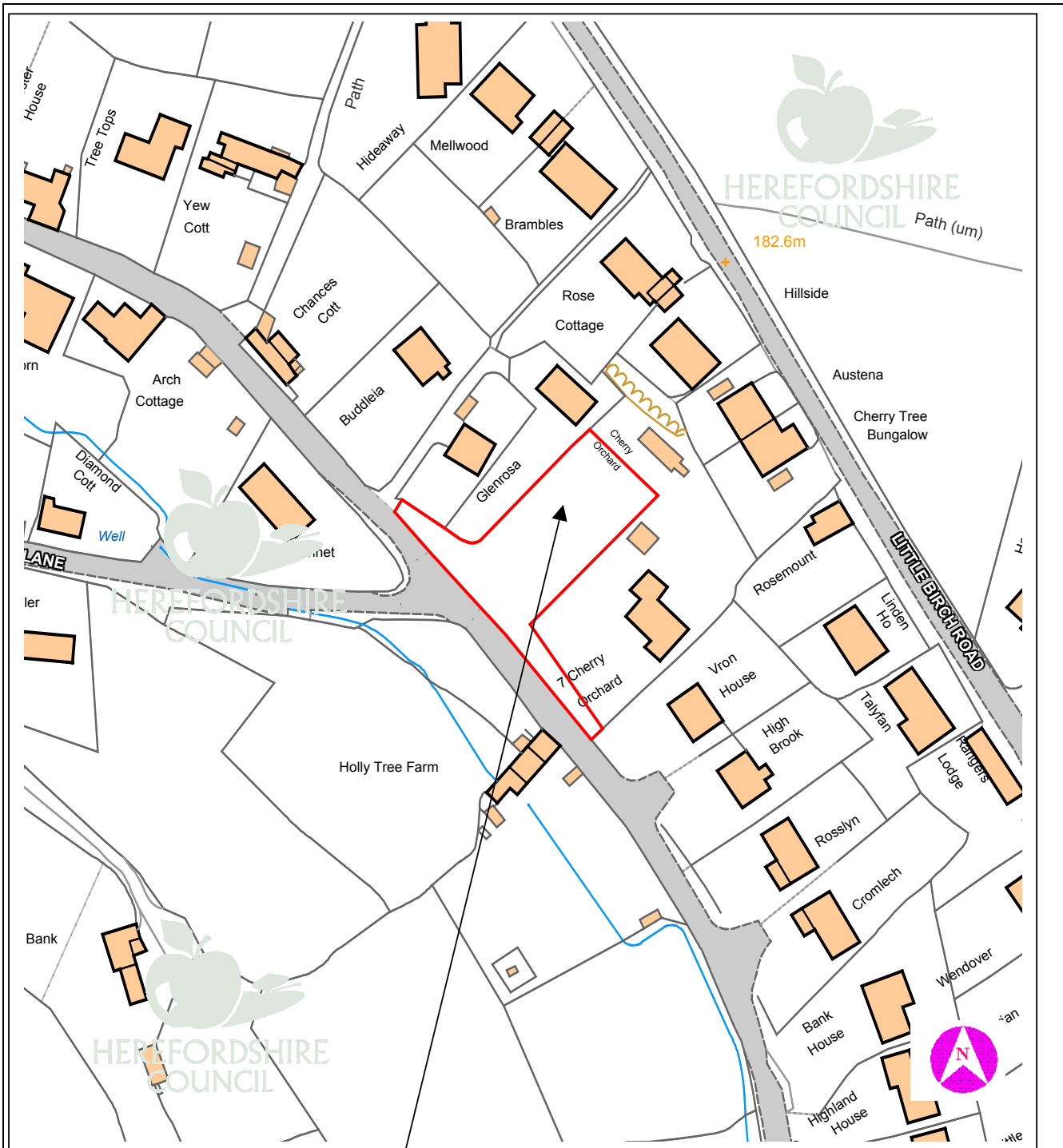
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/2348/RM

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Orchard House, Lower Wrigglesbrook, Kingsthorpe, Hereford HR2 8AW

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