

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday 13 May 2009**

Time: **2.00 pm**

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

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

For any further information please contact:

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E-mail: rclarke@herefordshire.gov.uk*

Herefordshire Council

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

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

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 15 April 2009.</p>	1 - 10
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To be noted.</p>	11 - 12

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 and Transportation 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. DCSE2009/0130/F - PLOT ADJACENT TO FORGE HOUSE, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PJ. | 13 - 18 |
| New vehicular access. | |
| 6. DCSE2009/0489/F - HARTLETON LODGE, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SB. | 19 - 24 |
| Single storey extensions with first floor en-suite within new roof space. | |
| 7. DCSE2009/0533/F - A TIMBER FRAMED SMOKING SHELTER, THE KING CHARLES II, 13 BROAD STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EA. | 25 - 30 |
| A timber framed smoking shelter. | |
| 8. DCSW2009/0593/F - BOURNEVILLE, KERRYS GATE, NEAR ABBEYDORE, HEREFORD, HEREFORDSHIRE, HR2 0AH. | 31 - 36 |
| Retention of part of existing dwelling forming store and boiler house.
Provision of new single storey element to replace 2 bedroom bungalow.
Provision of double garage. | |

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 15 April 2009 at 2.00 pm

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

Councillors: CM Bartrum, H Bramer, BA Durkin, AE Gray, JA Hyde,
JG Jarvis, G Lucas, PD Price and RH Smith

In attendance: Councillors TW Hunt

97. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RV Stockton, DC Taylor and JB Williams.

98. DECLARATIONS OF INTEREST

5. DCSW2008/2972/F - STEINER ACADEMY HEREFORD, MUCH DEWCHURCH, HEREFORD, HR2 8DL..
Councillor MJ Fishley; Personal; Council appointed School Governor.

99. MINUTES

RESOLVED: That the Minutes of the meeting held on 18 March 2009 be approved as a correct record and signed by the Chairman.

100. 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.

101. DCSW2008/2972/F - STEINER ACADEMY HEREFORD, MUCH DEWCHURCH, HEREFORD, HR2 8DL.

Amendments to planning permission for new assembly hall, classrooms and ancillary building (ref DCSW2003/3461/F) including minor alterations to Church Farm.

The Principal Planning Officer advised Members that the determination of the application had been deferred at the previous meeting due to concerns raised regarding the delivery of woodchip to the site. He confirmed that a delivery vehicle had visited the site and presented a series of plans and photographs showing how the delivery of woodchip could be achieved. He added that the delivery times regarding the woodchip were restricted through condition 7 of his recommendation.

Councillor MJ Fishley, the Local Ward Member, was pleased that the concerns regarding the woodchip delivery had been addressed and therefore moved the

Officer's recommendation.

RESOLVED

That planning permission be granted subject to the following conditions.

1. **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **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. **B04 (Amendment to existing permission)**
Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.
4. **D05 (Details of external joinery finishes)**
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 the Herefordshire Unitary Development Plan.
5. **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.
6. **The delivery of woodchip shall be carried out in accordance with the management policy dated 26 March 2009.**
Reason: In the interests of the safety of local residents and school children and to comply with Policy DR3 of the Herefordshire Unitary Development Plan
7. **In addition to the requirements of Condition 6, deliveries of woodchip will be restricted to between the hours of 09.00 – 12.00 and 14.00 – 15.30 from Monday to Friday and shall not take place on Saturdays, Sundays, Bank or Public Holidays.**
Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

1. **N19 - Avoidance of doubt - Approved Plans**
 2. **N15 - Reason(s) for the Grant of Planning Permission**
102. **DCSW2009/0298/O - ORCOP HILL, MUCH DEWCHURCH, HEREFORD, HR2 8EW.**

Provision of 6 affordable dwellings on site of former poultry unit, bio-disc treatment plant and use of existing access.

The Principal Planning Officer reported the following updates:

Orcop Parish Council provided the formal response to a questionnaire sent out to 178 local residents. 100 responses were received.

The findings of the survey indicated that 75% of those who responded felt there was a need for affordable dwellings in the parish, 25% of respondents felt that the young adults in their household would benefit from the purchase of an affordable dwelling. 40% of respondents identified that affordable housing would be a benefit.

In conclusion just under 70% of those who responded wished the Parish Council to support the proposed scheme.

A further letter of objection had been received from a Mrs V Harcombe of Wenmai Cottage, Orcop Hill. She reiterated her strong objections and urged the refusal of planning permission as follows:-

- maintain that burying of asbestos is a health hazard
- only 3 of the affordable homes were sold as affordable, the remaining 3 were sold privately. Likelihood that this would happen again if permission was granted given the current housing market
- No facilities within 3 miles of the site

The Southern Team leader advised that the key changes to the current application were an increased market value discount of 45% and an amendment to the indicative housing layout plan.

In accordance with the criteria for public speaking, Mrs Morris, representing Orcop Parish Council, spoke in support of the application, Mr Baly, a local resident, spoke in objection, and Mr Griffin, the applicant's agent, spoke in support.

Councillor MJ Fishley, one of the Local Ward Members, felt that the additional dwellings would benefit the local community. She added that in her opinion the revised price of 109000 for a three bed dwelling was affordable and therefore she supported the recommendation.

Councillor RH Smith, the other Local Ward Member, advised Members that he had requested that the application come before committee. In response to a point raised by Councillor Fishley, he confirmed that a housing needs survey had been completed in 2003 and that Orcop Parish Council had requested another one in 2007 although this request had been rejected. He noted the support of the Parish Council and felt that there was a need for affordable housing in Orcop. He voiced concerns regarding the possibility of buried asbestos on the site and he stated that this would have to be addressed through conditions if planning permission was granted. He noted that there was not unanimous local support for the application and felt that this view was supported by a 52 name petition which had been submitted to the planning department.

Councillor JG Jarvis concurred with Councillor Smith in respect of the local housing need but noted that the application was contrary to policy H10 of the Council's Unitary Development Plan. He advised Members that Policy H10 stated that only one dwelling could be permitted on the site at present and therefore moved the

Officer's recommendation.

In response to a question the Southern Team leader confirmed that the dwellings would be allocated through Homepoint with priority given to local residents on a priority basis. He added that if local buyers could not be found then Homepoint would offer the properties to applicants from further afield within Herefordshire.

Councillor PD Price voiced his concerns regarding Homepoint's allocation procedures. He advised Members that a local family could be ineligible for a 3 bed house through Homepoint's conditions if they were only deemed to require a two bed house.

Councillor RH Smith echoed the concerns raised by Councillor Price. He felt that the application should be refused subject to an amendment to reason 1 for refusal in the Officer's report.

RESOLVED

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 proposal does not entail the provision of a single affordable dwelling and 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 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.**

103. DCSW2009/0091/F - COURT FARM, MUCH BIRCH, HEREFORD, HEREFORDSHIRE, HR2 8HT.

Replace seven ageing poultry units (in two different locations on the farm) with four modern poultry units.

The Principal Planning Officer reported the following updates:

Environment Agency raised no objection. On the basis that the proposal involved the replacement of existing poultry units, there was not deemed to be any significant risk to the environment.

The response confirmed that the site would also be controlled by the Pollution Prevention and Control Permit regime and also advised that a condition requiring details of surface water run-off should be considered.

In accordance with the criteria for public speaking, Mr Snell, a neighbouring resident, spoke in objection to the application.

Councillor RH Smith, the Local Ward Member, advised Members that the application was supported by policy E16 of the Council's Unitary Development Plan. He noted the comments of the public speaker and felt that these concerns, regarding delivery times and screening, could be addressed through appropriate conditions. He

therefore supported the application but sought clarification regarding a possible increase in Dust and also whether condition 12 required the bases of the old buildings to be removed.

In response to the questions raised by the Local Ward Member, the Principal Planning Officer confirmed that the issue of landscaping was extremely important and had been addressed through conditions. He added that condition 6 covered the issue of dust extraction and that condition 12 did require the existing buildings, including bases, to be removed completely.

The Southern Team leader added that the existing buildings would have to be removed before the new ones could be used, he also confirmed that delivery times were addressed through condition 4 of the Officer's recommendation. In response to an addition comment from Councillor RH Smith, the Southern Team Leader confirmed that condition 12 could be amended to allow the applicant sufficient time to move the poultry from the existing buildings to the new ones.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Development in accordance with the approved plans)

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

3. C01 (Samples of external materials)

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

4. F02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

5. No litter from any of the proposed poultry houses shall be spread on any land at Court Farm. All litter shall be taken off the site properly sheeted and via the access onto the B4348.

Reason: To safeguard residential amenity.

6. I40 (Details of flues or extractors)

Reason: In the interests of the amenity of the area and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

7. Details of any replacement incinerator, including the proposed siting, shall be the subject to the existing incinerator being permanently removed from Court Farm and shall be approved in writing by the local

planning authority before the incinerator is first installed.

Reason: To safeguard residential amenity.

8. I32 (Details of floodlighting/external lighting)

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

9. At times of cleaning out any of the poultry houses a deodorising unit, specifications of which shall be the subject of the prior written approved of the local planning authority, shall be sited down wind of the poultry units in order to lessen the potential for odour.

Reason: To safeguard residential amenity.

10. 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.

11. 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.

12. Before any of the poultry units are brought into use the seven identified poultry units and associated equipment including silos shall be decommissioned and all materials not to be used in the construction of the new buildings shall be permanently removed from Court Farm in accordance with details to be approved in writing by the local planning authority.

Reason: In order to define the terms to which the application relates in order to protect the landscape and the amenity of residents in the area by reducing the cumulative impact of intensive livestock units on Court Farm in accordance with Policies LA2, LA3, DR4 and E16 of the Herefordshire Unitary Development Plan.

13. 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.

14. I20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan

Informatives:

1. N19 - Avoidance of doubt - Approved Plans

2. N15 - Reason(s) for the Grant of Planning Permission (to include reference to consideration of the Content of the Environmental

Statement)

104. **DCSE2009/0370/F - ROWAN LODGE, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LF.**

Detached garage and storerooms with study above.

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. **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. **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.
4. **F08 (No conversion of garage to habitable accommodation)**
Reason: The [integral garage/garage/car port] and access thereto must be reserved for the garaging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation.

Informatives:

1. **N19 - Avoidance of doubt – Approved Plans**
 2. **N15 – Reason(s) for the Grant of Planning Permission**
105. **DCSE2009/0388/F - JUNCTION OF FERNBANK ROAD EASTFIELD ROAD, ASHFIELD, ROSS-ON-WYE, HR9 5PP.**

10m high telecommunication pole with antennas, associated radio equipment cabinet and Lucy AR pillar.

The Southern team Leader advised Members that the application had been withdrawn at the request of the applicant.

106. **DCSE2009/0308/A - HOPE & ANCHOR, ROPE WALK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BU.**

Two free standing signs (pole sign illuminated) and a fascia sign to building.

The Senior Planning Officer reported the following updates:

An alteration to the objection listed in paragraph 5.3. The fourth reason for objection should read:

It would be obtrusive to the views from all rooms, which currently have an uninterrupted view of the riverside.

In accordance with the criteria for public speaking, Mrs Baugh, a neighbouring resident, spoke in objection to the application.

Councillor CM Bartrum, one of the Local Ward Members, noted that the neither the Traffic Manager nor the Town Council had not objected to the application and therefore moved the recommendation.

Councillor G Lucas, the other Local Ward Member, concurred with Councillor Bartrum and seconded the motion.

Councillor H Bramer felt that the door sign and the ground sign were perfectly acceptable although he had reservations in respect of the sign which was due to be relocated. He felt that there was no need to move the sign and felt that it's current position was acceptable.

The Southern Team leader drew Members' attention to section 6.1 of the Officer's report and confirmed that commercial need was not a factor when determining advertisement applications. He added that public safety and amenity were the only issues that could be used as reasons for refusal.

Councillor JA Hyde concurred with Councillor H Bramer, she felt that moving the sign would have a detrimental effect on the amenity of the residents of the White House. She noted that the proposed sign was illuminated and was advised that the existing sign was also illuminated.

In response to a question, the Senior Planning Officer confirmed that conditions allowed the sign to be illuminated during the public house's hours of business. He advised Members that as the application was for advertisement consent they could choose to approve the application in part.

Members discussed the application and felt that their concerns related solely to the relocation of the pole sign. The original motion to approve the application was withdrawn and the resolution below was agreed.

RESOLVED

That advertisement consent be refused in respect of the pole sign (Item B) due to the impact on the amenity of local residents.

That advertisement consent be granted in respect of the double sided directional sign and the wall sign (Items A and C) subject to standard conditions and the following further 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. I35 (Time limit on floodlighting/external lighting) (amended)

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

Informatives:

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

The meeting ended at Time Not Specified
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CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2008/2334/O**

- The appeal was received on 22 April 2009
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Cooper
- The site is located at 37 Redhill Road, Ross-on-Wye, Herefordshire, HR9 5AU.
- The development proposed is Erection of one detached dwelling, use of an existing access.
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432 261974**Application No. DCSE2009/0058/F**

- The appeal was received on 9 April 2009
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr C Boultee Brooks
- The site is located at Little Canwood, Checkley, Herefordshire, HR1 4NF.
- The development proposed is Construction of replacement dwelling.
- The appeal is to be heard by Hearing

Case Officer: Charlotte Atkins 01432 260536**Application No. DCSW2008/1975/F**

- The appeal was received on 1 April 2009
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr P Kirk
- The site is located at Orchard Cottage, Hoarwithy, Hereford, Herefordshire, HR2 6QR.
- The development proposed is Replacement of existing two storey one bedroom dwelling, with a two storey and attic dwelling incorporating three bedrooms and integral garage.
- The appeal is to be heard by Written Representations

Case Officer: Yvonne Coleman on 01432 383083**Application No. DCSE2008/2743/F**

- The appeal was received on 31 March 2009
- 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 West Bank Residential Home Ltd
- The site is located at West Bank Residential Care Home, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ.
- The development proposed is Construction of two single storey and one two storey extensions to existing Residential Care Home.
- The appeal is to be heard by Written Representations

Case Officer: Edward Thomas on 01432 260479

5 DCSE2009/0130/F - NEW VEHICULAR ACCESS, PLOT ADJACENT TO FORGE HOUSE, BROMSASH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PJ.

For: Mr & Mrs Challenger per Richard Ball Architect, Ilex, Ashfield Crescent, Ross on Wye, Herefordshire, HR9 5PH.

Date Received: 22 January 2009

Ward: Penyard

Grid Ref: 64866, 24137

Expiry Date: 19 March 2009

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application site forms part of the extensive garden that is on the south-west side of Forge House, which is on the south side of the crossroads in the centre of Bromsash.
- 1.2 This application is in part retrospective. An access has been partly constructed onto the B4224, work has now stopped and a chain link fence has been placed across the entrance. The application is for the construction of a vehicular access that will be some 50 metres south-east of the B4224/C1280 crossroads with 2 metre x 90 metre visibility splays in both directions. The entrance and visibility splay will require the hedge that runs across the front of the site to be removed. A native species hedge is to be planted on the line of the visibility splay.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development
 PPG13 - Transport
 Highways Design Guide for New Development

2.2 Herefordshire Unitary Development Plan

Policy S2 - Development Requirements
 Policy S6 - Transport
 Policy T8 - Road Hierarchy
 Policy LA5 - Protection of Trees, Woodlands and Hedgerows
 Policy LA6 - Landscaping Schemes

3. Planning History

- 3.1 SE2002/0342/O Dwelling - Refused 27.03.02
 Appeal dismissed on 06.12.02

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager recommends conditions.

5. Representations

5.1 7 letters of objection have been received. The main issues raised are:

- The access will be within close proximity to a notorious blind crossroad.
- This is a dangerous section of road where the speed limit is often ignored.
- The access will lead to the development of the site, which has already been refused and dismissed, on appeal.

5.2 Linton Parish Council – “This entrance would be close to the very dangerous crossroads at Bromsash - the scene of many accidents; fortunately none fatal, as yet. The increase in traffic including heavy lorries and ever-larger agricultural traffic has increased the danger to motorists and pedestrians. The 30mph speed limit is largely ignored. Concern was expressed regarding the discharge of surface water onto the road if the driveway is laid to tarmac or block paved. Council does not support this application.”

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 Policy T8 of the Herefordshire Unitary Development Plan deals specifically with road hierarchy requiring access to the road network to be carefully controlled. Access to the road network is controlled in the interests of road safety and the free flow of traffic. Developments should not compromise the safe movement and free flow of traffic or the safe use of the road by others.

6.2 The key determining factor in this application therefore is considered to be a matter of highway safety. The application proposes the construction of an access onto the B4224, which is subject to a 30mph speed restriction. On these types of road, and in order to provide safe access the Council’s Highways Guide for New Development requires the entrance to be constructed with a 2 metres x 90 metres visibility splay in both directions. The splay is required to enable drivers using the B4224 to see a potential hazard in time to slow down or stop before reaching it, and to ensure that users of the entrance can see when exiting and be seen by others.

6.3 Whilst the Parish Council and local residents raise concerns about highway safety matters, given the relationship of the entrance to what is considered as a dangerous entrance, the Traffic Manager considers the entrance is far enough away from the crossroads so as not to cause nuisance to the users of the adjoining road. Accordingly, it is considered the proposal is acceptable in the interests of highway safety and to the free flow of traffic using the B4224.

- 6.4 The visibility splay requirements will remove the hedgerow that runs across the frontage of the site. While this will have local landscape impact, domestic hedgerows are not subject to statutory protection under The Hedgerow Regulations. However, the applicant has agreed to the planting of a native species hedge along the line of visibility splay.
- 6.5 Some concern has been expressed in relation to the potential for future residential development of the site. The principle of this has been ruled out by reference to the dismissed appeal, and the subsequent adoption of the Herefordshire Unitary Development Plan restricts the opportunity for further development. It is the officer's view that any future development would be limited to small scale ancillary outbuildings that would be associated with any garden plot.

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. **H06 (Vehicular access construction)**
Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
3. **H03 (Visibility splays)**
Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
4. **H05 (Access gates)**
Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
5. **H09 (Driveway gradient)**
Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
6. **H13 (Access, turning area and parking)**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.
7. **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.

Informatives:

1. **HN01 - Mud on highway**
2. **HN05 - Works within the highway**
3. **HN10 - No drainage to discharge to highway**
4. **N19 - Avoidance of doubt - Approved Plans**
5. **N15 - Reason(s) for the Grant of Planning Permission**

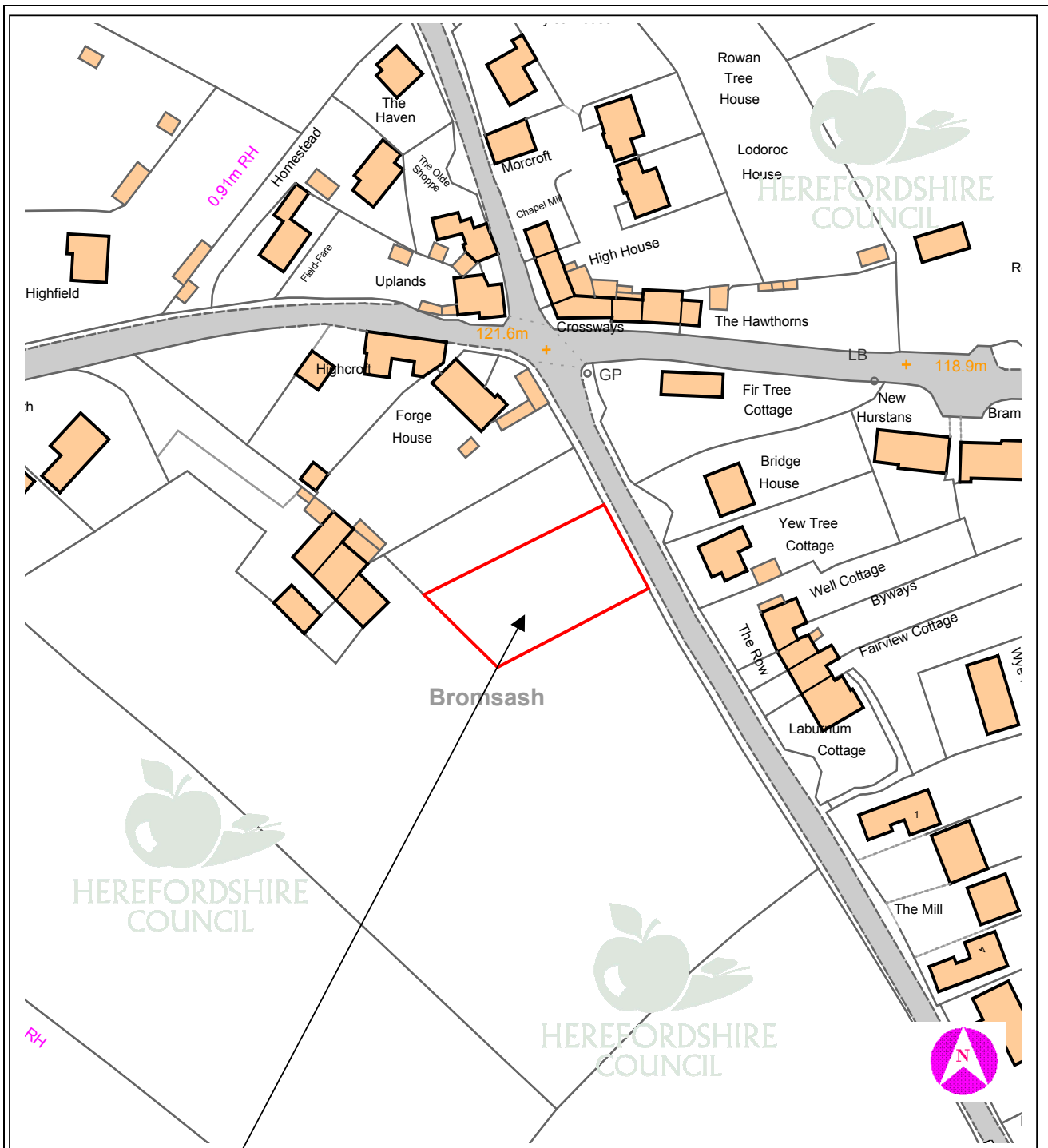
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2009/0130/F

SCALE: 1 : 1250

SITE ADDRESS: Plot adjacent to Forge House, Bromsash, Ross-on-Wye, Herefordshire, HR9 7PJ

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6 DCSE2009/0489/F - SINGLE STOREY EXTENSIONS WITH FIRST FLOOR EN-SUITE WITHIN NEW ROOF SPACE, 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: 10 March 2009

Ward: Penyard

Grid Ref: 65231, 25297

Expiry Date: 5 May 2009

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 Hartleton Lodge is a detached dwelling situated in attractive open countryside. The dwelling is constructed in stone and render under a tiled roof and occupies a position elevated above the unclassified public highway and the junction with the drive to Hartleton House. The dwelling has a T-shaped plan, which comprises the original stone element and the existing two-storey extension to the rear, which dates from the late 1960s.
- 1.2 It is proposed to erect an extension against the existing north-east facing gable, together with a lean-to against the north-west (side) elevation. The former would extend the dwelling by 3.9 metres and provide a dining room at ground floor with an en-suite to the master bedroom above. The lean-to extension would add a utility room, downstairs WC and lobby.
- 1.3 Neighbouring development comprises Mill Barn to the north (50 metres) and Fordings Farm and Fordings Farm Barn to the east.
- 1.4 The proposal has been revised following the refusal of application DCSE2008/2209/F at the October 2008 meeting of the Southern Area Planning Sub-Committee, and now proposes smaller extensions.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H18	-	Alterations and Extensions

3. Planning History

- 3.1 26246 Alterations and additions to existing dwelling including provision of septic tank drainage there from and formation of a new pedestrian access thereto, Hartleton Lodge, Fording Lane, Linton - Approved 22.10.68

DCSE2008/2209/F Single and two-storey extensions - Refused 15.10.08

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objection.

4.3 The Public Rights of Way Manager has no objection.

5. Representations

5.1 Linton Parish Council: "Policy H18 1 in the UDP states that the original building should be the dominant feature, but together the two extensions would be larger than the original building. If Herefordshire Council grants planning permission then this would be a clear departure from planning policy and good reasons would be required as to why they had done so."

5.2 Five letters of objection have been received. They come from Dr M Bertenshaw, Fording Farm, Linton, Mr & Mrs Lewis, Fordings Barn, Linton, Mr & Mrs W Mitchell, Mill Barn, Bromsash, Mrs P Northcroft, Frogs Leap, Bromsash and Mrs M Pytel, Hartleton, Bromsash. The content is summarised below:

- Hartleton Lodge has already been extended historically with a two-storey extension that almost doubled the size of the original stone building. Further extensions would further reduce the dominance of the original feature in a manner contrary to Policy H18 of the Unitary Development Plan.
- Hartleton Lodge is in an elevated position where a further rendered extension would be prominent and completely out of place in the local context where neighbouring buildings are built almost exclusively in stone.
- The proposed dining room extension would be in close proximity to the site boundaries and planting to screen the extension would not be possible - some trees have already been felled.
- The extension would be in close proximity to the retaining wall to Mill Barn and construction and/or surface water run-off could cause damage.
- The proposal is not markedly different to that refused under reference DCSE2008/2209/F and it is difficult to envisage how a different conclusion can be drawn in response to this proposal.

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 extensions to an existing dwelling. Policy H18 of the Unitary Development Plan (Alterations and Extensions) is directly applicable as is Policy DR1 (Design). Policy H18 requires that extensions are in keeping with the character and appearance of the existing dwelling and allow the original dwelling to remain the dominant feature. The residential amenity of adjoining

properties should not be adversely affected, the plot should not be over-developed and adequate provision should be made for on-site parking. Policy DR1 is a generic design policy, which requires that proposals should be of a high standard of design, whilst promoting the distinctive character of the local area where appropriate.

- 6.2 As referred to above, this application is a revised proposal for extensions to the property, following the refusal of application DCSE2008/2209/F. Whilst the location of the extensions remains the same, the scale has been reduced significantly. The gabled extension from the north-east facing elevation is now effectively single storey, with an en-suite shower room provided in the roof slope. Whilst the footprint remains the same as formerly proposed, the height has been reduced by 1.5 metres. As a result the difference in height of the extension when compared to the height of the existing dwelling is now 2 metres as opposed to the former 300mm.
- 6.3 The lean-to element has also been significantly reduced in scale. The refused proposal involved a lean-to running almost the full length of the north-west facing elevation. The footprint as proposed under the refused application was 26.7 m². With the omission of the formerly proposed garden room and reduction in depth, this extension is now 40% of the former size at 10.5m².
- 6.4 In terms of the design, the ridge and eaves height of the dining room extension are significantly lower than that of the existing dwelling, whilst the span is narrower than the existing. These attributes combine to create an extension that does not challenge the dominance of the existing dwelling. Whilst it is acknowledged that the existing extension has almost doubled the size of the original dwelling, the case officer considers that the proposed extensions would not compete with or challenge the dominance of the original stone element, which is already compromised from certain vantage points by the existing extension. At present, the original stone element is only dominant on the approach from the west, either along the public highway or the drive to Hartleton House. From the eastern approach the existing two-storey extension is, by virtue of its scale and elevation above the road, the dominant feature and further extensions of a clearly subordinate scale are not considered to cause further harm to the character or appearance of the existing dwelling or the immediate area.
- 6.5 With regard to Policy H18, the case officer does not consider that the extensions would adversely affect the privacy or residential amenity of neighbours, nor would the proposal result in over-development of the plot. Mill Barn is nearly 50 metres distant, whereas Fordings Farm Barn is over 70 metres to the east. These separation distances are considered sufficient to safeguard existing levels of residential amenity. The Traffic Manager has confirmed that the extensions would not affect the existing parking and turning provision and has no objection.
- 6.6 It is acknowledged that the dominant local building material is stone. Mill Barn, Fordings Farm and Fordings Farm Barn are all constructed in stone, as is the original Hartleton Lodge. However, given that approximately half of the existing dwelling is faced in render it is considered appropriate that render be used as the facing material for the proposed extensions. Arguably this approach helps to define the original dwelling.
- 6.7 Finally, it is considered relevant to discuss the fallback position afforded by the 'new' householder permitted development regime i.e. the extent of extensions that could be constructed without the requirement for express planning permission. With specific reference to Hartleton Lodge, planning permission is required for the current proposal on the basis that the extensions would result in additions projecting more than

4 metres from the rear of the original dwelling. However, the owner could, if so minded, erect a side extension against the north-west elevation of the original building i.e. towards Mill Barn without planning permission. Such an extension would be subject to certain limitations in that it could not exceed 4 metres in height or have a width greater than half the width of the original dwelling. However, even subject to these limitations an extension of the equivalent scale to that currently proposed could be erected without express planning permission and the associated conditional control.

6.8 For the reasons described above, the proposal is considered to accord with the requirements of Policies H18 and DR1 of the Unitary Development Plan 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. **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**

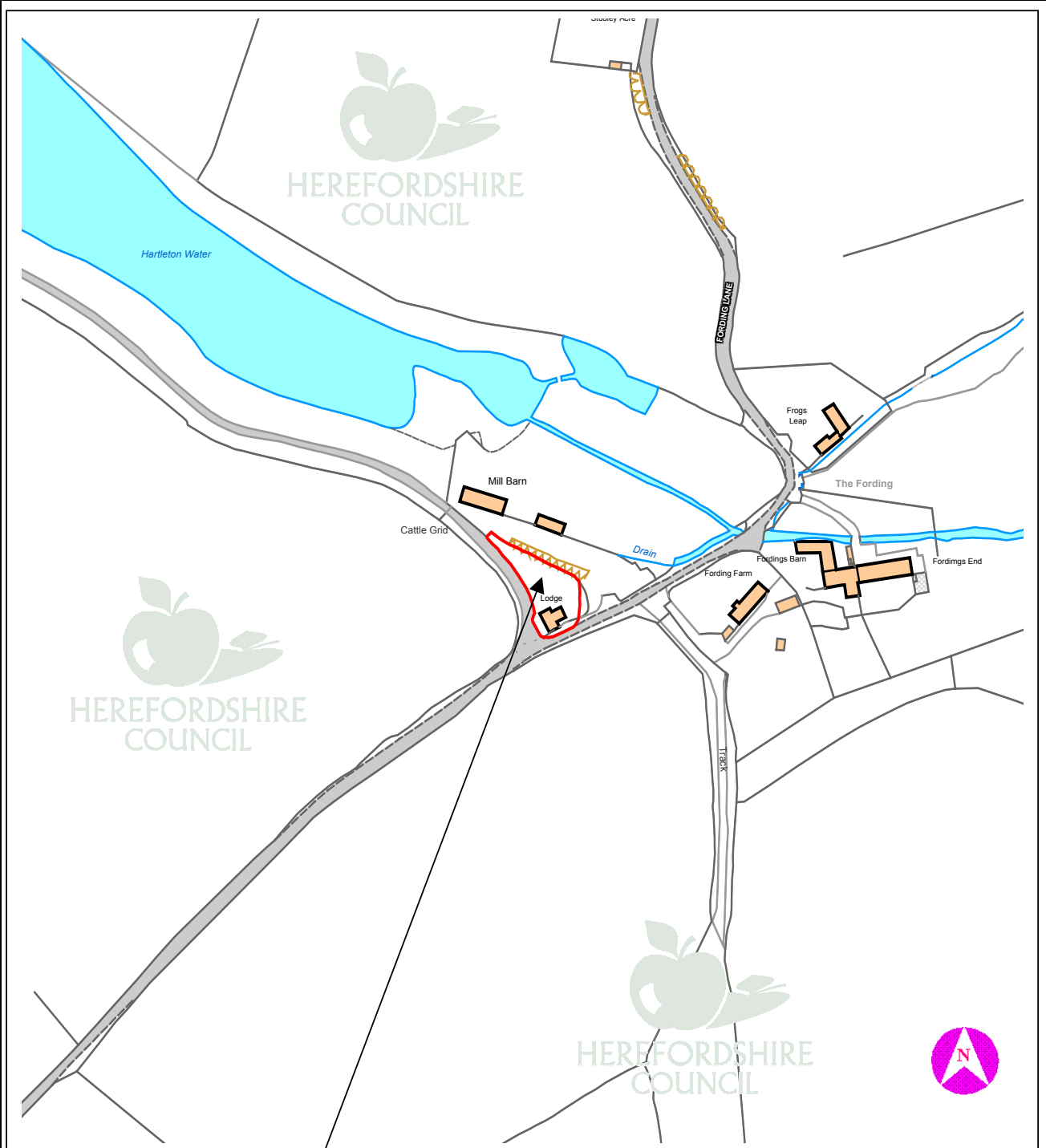
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2009/0489/F

SCALE : 1 : 2500

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

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7 DCSE2009/0533/F - A TIMBER FRAMED SMOKING SHELTER, THE KING CHARLES II, 13 BROAD STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EA.

For: Mr A Gooding per Ms M Oates, The King Charles II, 13 Broad Street, Ross-on-Wye, Herefordshire, HR9 7EA.

**Date Received: 17 March 2009 Ward: Ross-on-Wye West Grid Ref: 59971, 24243
Expiry Date: 12 May 2009**

Local Members: Councillors CM Bartrum and G Lucas

1. Site Description and Proposal

- 1.1 The application is made partially retrospectively and seeks the retention of the existing smoking shelter, with modifications, to the rear of the King Charles II Public House, 13 Broad Street, Ross-on-Wye. The building is Grade II listed and within the Ross-on-Wye Conservation Area.
- 1.2 The shelter is located at the bottom of the beer garden towards the north-west boundary with the detached dwellings in Berkeley Mews. At present it is an open sided timber framed structure measuring 4.8 metres x 6.5 metres under a shallow pitched, felt covered roof. In its location the shelter is more closely related to the residential development to the rear than the public house itself.
- 1.3 Planning permission for the retention of the shelter was refused under delegated powers under reference DCSE2008/2198/F for the following reason:

‘The proposed smoking shelter is a comparatively substantial structure located in close proximity to neighbouring residential development. The local planning authority is of the opinion that the intensified use of the beer garden facilitated by the shelter would, as a result of noise and smoke pollution, be prejudicial to the residential amenity of the occupants of the adjoining dwellings in a manner contrary to Policies S2, DR2 and DR4 of the Herefordshire Unitary Development Plan.’
- 1.4 The modified proposal now involves providing soundproof cladding to the rear and one side of the shelter in order to attempt to minimise the dispersal of noise and smoke arising from its use. Further cladding would not be permitted under legislation that precludes complete enclosure of smoking shelters.
- 1.5 The application is accompanied by a Design and Access Statement, which explains the reasons behind the provision of a smoking shelter and its location. It is understood that Police have objected to patrons congregating to the front of the pub in Broad Street, whereas moving the shelter closer to the rear of the pub building would be likely to offend other nearby residents. Under the license, patrons are not permitted to enter the beer garden with alcohol after midnight.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S2	-	Development Requirements
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 DCSE2008/2198/F Timber frame smoking shelter - Refused under
(retrospective) delegated powers (see
1.3 above) 20.10.08

4. Consultation SummaryStatutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Conservation Manager (Building Conservation): No objection.
- 4.3 Head of Environmental Health and Trading Standards comments summarised as follows:

Environmental Health Protection has received a number of complaints regarding noise emanating from the beer garden. Replacing the shelter with an umbrella type shelter located closer to the rear of the pub might discourage smokers from staying out in the beer garden so late at night.

5. Representations

- 5.1 Ross Town Council: No objection.
- 5.2 Two letters of objection have been received from Mrs Rowena Clark, 2 Willow Mews, 16a Broad Street, Ross-on-Wye and Mr P Horabin, 4 Berkeley Mews, Ross-on-Wye. The content of the objections is summarised as follows:
- The intended soundproofing is not specified and is unlikely to have any impact in reducing the noise that emanates from the beer garden into the early hours of the morning.
 - During the winter months up to 40 young people congregate in the open part of the garden and under the shelter and in the summer months there is capacity for 70 people. This causes significant noise disturbance to local residents to the extent that windows have to be kept closed. Noise even permeates double-glazing.
 - The licensing requirement that alcohol is not allowed in the beer garden after midnight has made no difference to the noise pollution arising from the garden.
 - The applicant states that the structure cannot be moved owing to its construction, but if planning permission had been obtained prior to construction then no removal or replacement would be required.

- The smoke pollution is a health hazard as is sleep deprivation caused by disturbance.
 - There is already a shelter directly outside the back door, which is used by smokers, so, why is another required?
- 5.3 One letter of support has been received from D Coverdale, Flat 1, 14 Broad Street, Ross-on-Wye. The content is summarised as follows:
- The flat is partly over the King Charles Pub (flying freehold) and as a consequence patrons smoking in groups on the pavement in Broad Street, which is directly below the bedroom window, cause severe disturbance. The provision of a smoking shelter at the rear of the pub is thus welcome.
 - It is acknowledged that there are residents to the rear of the pub who would be affected, although it is considered that a balance should be struck, as there are many residents in Broad Street who suffer disturbance at closing time when customers fail to disperse quietly.

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 Conservation Manger advises that the structure is acceptable in relation to the setting of the listed building and conservation area. The structure is not visible from public vantage points and only the apex of the roof can be seen from Berkeley Mews at the rear. As such, the main issue raised by the application is considered to be the impact of the use of the shelter upon the amenity of local residents.
- 6.2 The public house was subject to a Review of Premise License in December 2008. This review imposed the condition that no alcohol can be consumed within the beer garden after midnight, although smoking is permitted within the beer garden until 1.30am. The inference is that the consumption of alcohol is the principal contributory factor to the unsociable behaviour, whereas smoking is not a licensable activity. As such the Regulatory Committee did not feel it reasonable to impose the same controls to smoking in the beer garden as it did to the consumption of alcohol.
- 6.3 The neighbour responses give an indication of the difficulties experienced in reaching a solution that resolves all of the issues to everybody's satisfaction. Residents to the north-west and north-east are clearly affected by the use of the beer garden (and shelter) at present, although locating a shelter closer to the rear of the pub building is likely to result in increased objection from residents living in upper floor flats above properties in Broad Street.
- 6.4 Although the licensee is not statutorily obliged to provide a smoking shelter, it is questionable as to whether its removal or non-provision of such a shelter would remedy the unsociable behaviour. Smoking legislation forces the activity outside, and it is a fact that people will be outside, in greater numbers, later at night than they would have been before the introduction of the smoking legislation. Although the recent refusal states that the provision of a shelter will facilitate greater use of the beer garden, it is difficult to quantify this with any degree of accuracy. Moreover, the licensee has suggested that should this application be refused they would have to resort to the use of giant parasols or 'jumbrellas', which would fulfil the same requirement, be less appropriate visually and not require planning permission.

6.5 Given the applicant's attempts to mitigate the impacts caused by the use of the shelter itself, and the fact that it is a self-effacing structure that does not harm the character or appearance of the conservation area or the setting of the listed building, the case officer considers that the refusal of planning permission would not be warranted in this instance. At face value this approach appears contrary to the earlier refusal but having regard to this revised application, the noise and smoke attenuation measures would have a limited beneficial effect. Conversely there is no guarantee that the removal of the shelter will mitigate the anti-social behaviour referred to in the letters of representation. In short, the shouting, bad language and drifting smoke experienced by residents to the rear of the pub would, in all probability, continue irrespective of the provision of a timber shelter and particularly given that alternatives can be provided without the requirement for planning permission. The remedy to alleged anti-social behaviour would appear to lie with the Regulatory Committee and cannot, in the case officer's view, be addressed through the determination of this application.

RECOMMENDATION

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

- 1. **I15 (Scheme of noise insulation)**

Reason: To safeguard the amenity of the area 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**

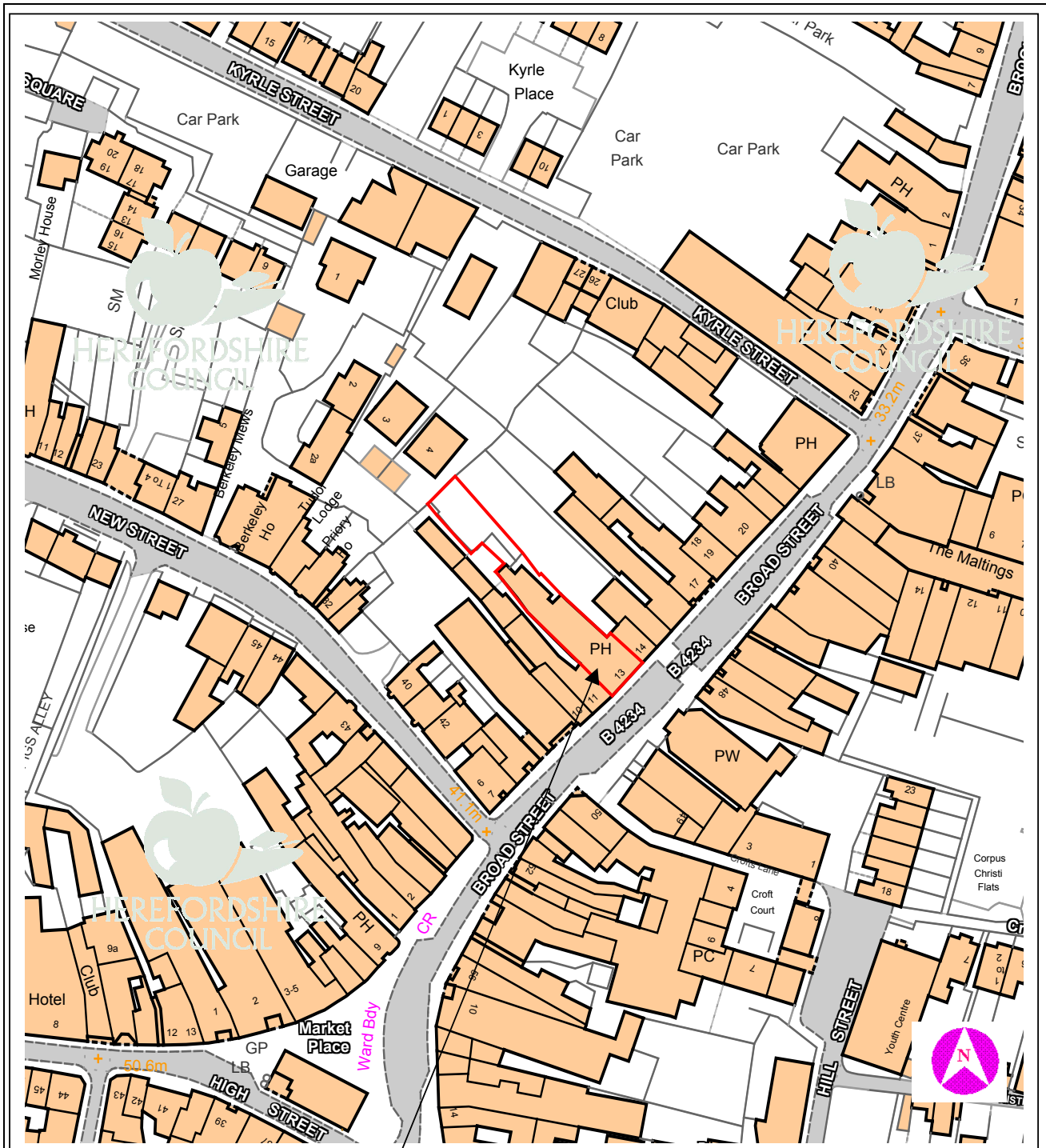
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2009/0533/F

SCALE : 1 : 1268

SITE ADDRESS : The King Charles II, 13 Broad Street, Ross-on-Wye, Herefordshire, HR9 7EA

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

8 DCSW2009/0593/F - RETENTION OF PART OF EXISTING DWELLING FORMING STORE AND BOILER HOUSE. PROVISION OF NEW SINGLE STOREY ELEMENT TO REPLACE 2 BEDROOM BUNGALOW. PROVISION OF DOUBLE GARAGE, BOURNEVILLE, KERRYS GATE, NEAR ABBEYDORE, HEREFORD, HEREFORDSHIRE, HR2 0AH.

For: Mr S Nicholson per Mr K Reynolds, Reynolds Associates, 16 Oak Tree Road, Oak Tree Business Park, Mansfield, Nottingham, NG18 3HQ.

Date Received: 23 March 2009

**Ward: Golden Valley
South**

Grid Ref: 39288, 33276

Expiry Date: 18 May 2009

Local Member: Councillor JB Williams

1. Site Description and Proposal

- 1.1 The proposal site is on the western side of the Class III (C1223) road from which access is gained via an informal gateway for vehicles and a separate pedestrian path. The semi-detached property is fringed on the southern boundary by another highway, the C1224 road which declines westwards from the C1223 road joining the B4347 road. The C1224 road is, like the aforementioned C1223 road, at higher level than the application site.
- 1.2 The white painted brick bungalow has a slate roof and is separated from Stickle Fuen by a low hedgerow on the eastern side of the property, and by a hedgerow on the western side of the property. There is mixed hedging on the highway boundaries of Bourneville. The garden areas to the east, south and north are mostly lawned punctuated by three trees and low shrubs in isolated beds.
- 1.3 Bourneville has been previously extended to the rear, by two flat roof additions providing an enlarged kitchen and a conservatory area. There are three other habitable rooms and a bathroom in the single-storey dwelling.
- 1.4 The application proposes the demolition of the existing semi-detached bungalow and its replacement with a detached bungalow. In more detail, the proposal is to leave a 3 metres wide section of the building, which is 9.5 metres deep. This will provide a store/workshop and, separated from it by an internal wall, will be a heat pump and external store. The proposed new detached dwelling will be sited 3.9 metres away. It would be orientated at 90 degrees to the existing semi-detached dwelling and is aligned north to south. The block rendered rectangular building would be 7.5 metres wide and 14 metres long. The roof will be covered in slates. The accommodation provided is three bedrooms. The design incorporates a central gable element that would project out 1.1 metres from the southern flank wall. An open sided porch is proposed on the north elevation. The new dwelling would be cut into the slope of the land by up to 600mm on the southern flank wall of the new bungalow. The slated roof

will have a roof pitch of 37.5 degrees and will be 900mm higher than the ridge height for the original bungalow.

- 1.5 A new driveway is proposed roughly in the same position as the existing pedestrian gateway, but with a wider 4 metre entrance that will entail the removal of hedgerow. The proposed driveway will slope down to the area created between the proposed new bungalow and the proposed store/boiler room. A double garage is proposed to be erected roughly half way between the new dwelling and the hedgerow boundary up slope. The proposed double garage will have a 37.5 degree pitched roof covered in slates over rendered block walls. It is 5.2 metres high, 6 metres wide and 7 metres long, it will be cut into the site by some 400mm on the southern gable end. The double garage is sited above the proposed bungalow.
- 1.6 This application follows one recently refused for a two storey dwelling some 15.7 metres long and between 7.4 metres and 8.9 metres wide. It was 6.2 metres high and took the form of a linked detached dwelling with the neighbouring bungalow.

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 DCSW2008/2042/F Retention of existing bungalow and re-model to garage, provision of two-storey extension to form 3 bedroom dormer bungalow - Refused 21.10.08

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager's response is awaited.

5. Representations

- 5.1 The Parish Council's response is awaited.
- 5.2 Two letters of objection have been received from:

Mr P Burgess, Stickle Fuen, Kerry's Gate, HR2 0AH
Mr & Mrs E Evans, Oaklands, Kerry's Gate, HR2 0AH

The following main points are raised:

- new build increase 70%, believe Council allows within 40% only
- building line not respected, 1.5m forward of it, double garage 12.5 metres forward of it, plans could easily revert to refused scheme, little empathy for existing dwelling, character of 1920s bungalow and this part of Kerry's Gate
- gradient details misleading, steeper than suggested
- increase in height
- will dominate my property
- use of building adjacent to my property, i.e. boiler room, noise and fumes
- misleading stating that driveway is to be re-opened
- lies within Area of Outstanding Natural Beauty (AONB).

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 form of development proposed and the impact upon the amenities of the adjacent property.
- 6.2 The new dwelling replaces a semi-detached bungalow of poor painted brick construction. It is not of such architectural or historical interest such that its retention overrides the principle of redeveloping the site. The existing building is one of a pair of 1920s bungalows, this fact alone is not sufficient to reasonably resist a proposed scheme for a replacement of the majority of the existing extended three bedroom bungalow. Therefore the principle of demolishing the existing bungalow is accepted given that it satisfies the provisions of Policy HBA8. Policy HBA8 requires that proposals do not adversely affect buildings of local importance. It is considered that the demolition of the majority of the existing bungalow will not be contrary to this Policy in the Unitary Development Plan. It should also be stated that Policy HBA8 is concerned with the contribution that a particular building makes to the character and appearance of the area, which is not within an Area of Outstanding Natural Beauty as has been stated in representations received.
- 6.3 The next issue relates to the size and form of the new dwelling. The bulk of the new dwelling will be separated from Stickle Fuen, the adjoining property. The width of the main block of building is 7.4 metres wide which is only 300mm wider than that of the original bungalow. The roof pitch has been increased from 28 degrees to 37.5 degrees which accounts for the increase in height of some 900mm over the existing extended bungalow. This is considered to be an acceptable differential particularly given that the applicant will cut the new dwelling into the inclining slope of land. The eaves height for the new dwelling is the same as the replaced dwelling and the adjoining property which helps assimilate the new rendered building into the site. The rendered finish is stated to be white which will need to be controlled to ensure that the proposal reflects the character and appearance of the neighbouring properties. The use of a slate, as existing, will also assimilate the building in the landscape particularly when viewed from the south-west.
- 6.4 The footprint of the new dwelling has been elongated when compared to the existing dwelling. The additional length is considered acceptable given that the footprint of the new building is consistent with that of the original bungalow and flat roof additions. The new dwelling is orientated at right angles to the dwellings further north, however

this is not considered to be detrimental to the character of the wider locality which is characterised by a mix of housing types.

- 6.5 The new dwelling will not dominate the neighbouring dwelling given that it will be sited away from it and is on the same level. The main aspects will be east, south and west, (away from nearest residential property). It should also be added that the main residential activity will be away from Stickle Fuen. Therefore it is not considered that the proposal is contrary to Policy DR2 in the Unitary Development Plan, which requires that the amenity of residences in the vicinity of proposed sites are not adversely affected.
- 6.6 The design for the new dwelling with its simple form and slate roof will compliment the southern edge of this dispersed settlement. The type of slate and colour of render will need to be specified, however these are matters that can be addressed by planning conditions. The new access is necessary given the lack of formal parking on the site presently. There is sufficient landscaping around the site. The double garage is, though, elevated and upslope from the dwelling. It will, given its elevated position in relation to the proposed bungalow, have a prominence which would impinge upon the setting of the new and existing dwellings to the north. Therefore, the double garage will need to be amended or otherwise removed from the submitted scheme. This is the subject of ongoing negotiations.
- 6.7 The new dwelling will have a larger footprint than the replaced dwelling, it will be higher given the increase in roof pitch. It will be cut into the southern slope of the site such that it will be well settled into the sloping site. The design and materials for the bungalow are sympathetic and the new access will provide a satisfactory means of access for the new dwelling. The site is well landscaped presently, therefore it is not considered that conditions requiring further details for landscaping are required.
- 6.8 In conclusion, it is considered that this replacement dwelling is comparable in size to the existing bungalow and apart from the need to resolve concerns regarding the prominent double garage, the scheme as submitted can be supported, given that it satisfies the requirements of Policies H7 and HBA8 and the design and relationship to existing dwellings is satisfied in accordance with Policy DR1 and DR2. It is not considered that the dwelling will be visually dominant nor result in the loss of amenity currently enjoyed by adjoining residents as required by Policy DR2 of the Unitary Development Plan.

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. 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. 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 H18 of Herefordshire Unitary Development Plan.

5. G01 (Earthworks)

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

6. H05 (Access gates)

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

7. 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

8. 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.

9. 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.

Informatives:

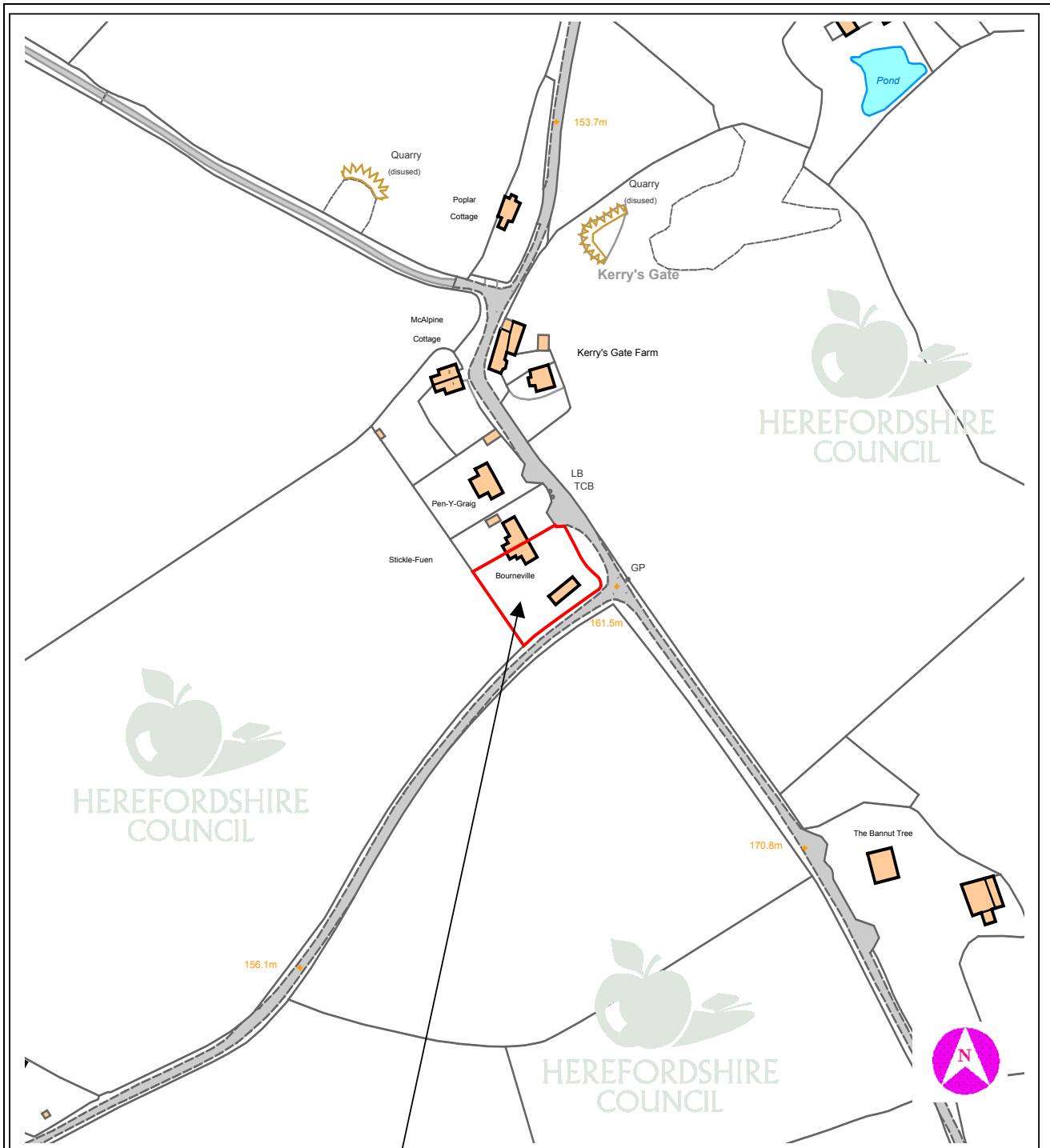
- 1. N19 - Avoidance of doubt - Approved Plans**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2009/0593/F

SCALE : 1 : 2500

SITE ADDRESS : Bourneville, Kerrys Gate, Near Abbeydore, Hereford, Herefordshire, HR2 0AH

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