

AGENDA

Southern Area Planning Sub-Committee

Date: **Wednesday 8 July 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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Agenda for the Meeting of the Southern Area Planning Sub-Committee

Membership

Chairman **Councillor PGH Cutter**
Vice-Chairman **Councillor MJ Fishley**

Councillor CM Bartrum
Councillor H Bramer
Councillor BA Durkin
Councillor AE Gray
Councillor JA Hyde
Councillor JG Jarvis
Councillor G Lucas
Councillor PD Price
Councillor RH Smith
Councillor DC Taylor
Councillor JB Williams

Non Voting **Councillor TW Hunt** Chairman of Planning Committee
 Councillor RV Stockton Vice-Chairman of Planning Committee

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AGENDA

	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>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 10 June 2009.</p>	1 - 2
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To be noted.</p>	3 - 6
<p>PLANNING APPLICATIONS</p> <p>To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.</p> <p>Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p>	
<p>5. DCSE2009/0670/F - HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF.</p> <p>Construction of irrigation reservoir and associated conservation areas.</p>	7 - 24
<p>6. DCSE2009/0824/F - LAND AT THE KNAPP, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HU.</p> <p>Proposed dwelling and garage including new access and parking area.</p>	25 - 30
<p>7. DCSE0009/0926/F - THE CHURCH OF ST MARY THE VIRGIN, CHURCH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5HP.</p> <p>New Church Hall and alterations incorporating glazed link to Church.</p>	31 - 38
<p>8. DCSE0009/1021/F - REAR GARDEN PLOT TO TUDORVILLE EXPRESS, WALFORD ROAD, TUDORVILLE, ROSS ON WYE, HEREFORDSHIRE, HR9 5PY.</p> <p>Provision of new two storey 3 bedroom dwelling in rear of garden.</p>	39 - 46
<p>9. DCSE0009/0983/F - CHEVENHALL, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ.</p> <p>Proposed conservatory to annexe.</p>	47 - 52

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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 10 June 2009 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor G Lucas (Vice Chairman)

Councillors: H Bramer, AE Gray, JA Hyde, JG Jarvis, PD Price, RH Smith and DC Taylor

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

1. CHAIRMAN AND VICE-CHAIRMAN

The Legal Practice Manager explained that as no committee chairs had been appointed at the Annual Meeting of Council on 22 May, it was necessary to elect a Chairman to preside over the meeting. Councillor PGH Cutter was duly elected to the chair.

Councillor G Lucas was appointed as Vice-Chairman for the meeting.

RESOLVED THAT

- a) Councillor PGH Cutter be elected as Chairman for the meeting
- b) Councillor G Lucas be appointed as Vice-Chairman for the meeting

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CM Bartrum, BA Durkin, MJ Fishley, and JB Williams.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 13 May 2009 be approved as a correct record and signed by the Chairman.

5. ITEM FOR INFORMATION - APPEALS

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

6. DCSE2009/0800/F - TAN HOUSE FARM, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UP

Provision of a mobile log cabin for use as an agricultural dwelling during the lifetime of the applicant

The Senior Planning Officer informed the Sub-Committee that four further letters of support and one letter of objection had been received. She added that no new issues of planning consideration were raised in the letters. A statement from the Local Ward Members, Councillor BA Durkin was circulated to Members prior to the start of the meeting.

In accordance with the criteria for public speaking, Mr Wallbridge spoke on behalf of Upton Bishop Parish Council, Mrs Nicholson spoke in objection and Mrs Rigby and Mr Munthe spoke in support of the application.

Several Members questioned the need for such a development in open countryside and questioned whether the development was an essential requirement for the applicant's organic and agricultural activities. Councillor RH Smith said that the application did not fit in with any of the Council's existing planning policies and could see no reason for the application to be approved.

The Development Control Manger advised that no evidence of the functional need had been submitted and that the officer's had therefore recommended a refusal of planning permission.

RESOLVED

That planning permission be refused for the following reasons:

- 1. On the basis of the submitted information the Local Planning Authority is not satisfied that either a functional need or the financial requirements for a dwelling in this location has been demonstrated to warrant a departure from national and local planning policies to control residential development in the open countryside. As such, the need for an agricultural worker's dwelling has not been established as required by Annex A of Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Policies H7 and H8 of the Herefordshire Unitary Development Plan.**
- 2. In the absence of a demonstrated functional need for an agricultural worker's dwelling on the site, the unjustified log cabin would, in principle, be harmful to the open countryside and the policies which seek to protect it from unjustified residential development. As such, the proposal is contrary to Policies H7 and LA2 of the Herefordshire Unitary Development Plan and the principles of PPS7 (Sustainable Development in Rural Areas).**

7. DATE OF NEXT MEETING

08 July 2009

The meeting ended at 2.35 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSW2009/0329/RM**

- The appeal was received on 21 May 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 M Davies
- The site is located at Land at Rangers Lodge, Little Birch Lane, Wrigglebrook, Kingsthorpe, Hereford, Herefordshire, HR2 8AU
- The development proposed is Erection of a detached dwelling with ancillary works.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2008/2384/F

- The appeal was received on 21 May 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 J Lee
- The site is located at The Leys, Lyne Down, Much Marcle, Ledbury, Herefordshire, HR8 2NS
- The development proposed is Application for change of use of land at Lyne Down, Much Marcle, Herefordshire from agriculture to a one family traveller site including siting of one mobile home touring caravan shed and new access.
- The appeal is to be heard by Hearing

Case Officer: Yvonne Coleman on 01432 383083

Application No. DCSW2009/0470/F

- The appeal was received on 20 May 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, Herefordshire, HR2 6QR
- The development proposed is Replacement of existing two-storey one bedroom dwelling with a two-storey three bedroom dwelling
- The appeal is to be heard by Written Representations

Case Officer: Angela Tyler on 01432 260272

APPEALS DETERMINED

Application No. DCSE2008/1826/F

- The appeal was received on 22nd December 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs J Savidge
- The site is located at Wharton Farm, Pontshill, Ross-on-Wye, Herefordshire, HR9 5SX
- The application, dated 15 June 2008, was refused on 15 August 2008
- The development proposed was Proposed two storey extension.
- The main issue is whether the proposal would harm the character and appearance of the dwelling and the surrounding countryside having regard to development plan policies which control the conversion of rural buildings.

Decision: The application was refused under Delegated Powers on 15 August 2008
The appeal was ALLOWED on 13 MAY 2009

Case Officer: Ed Thomas on 01432 260479

Application No. DCSW2008/1468/O

- The appeal was received on 16 October 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr D Warwick
- The site is located at Treheath, Longtown, Herefordshire, HR2 0LD
- The application, dated 3 June 2008, was refused on 30 July 2008
- The development proposed was One infill dwelling to the North West of Treheath with new vehicular access to the highway.
- The main issues are the effect of the proposed dwelling on the character and appearance Of Treheath and the settlement of Longtown and the effect of the dwelling on the living conditions of occupiers of Treheath with respect to private garden land

Decision: The application was refused under Delegated Powers on 30 July 2008
The appeal was DISMISSED on 18 May 2009

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2008/0575/F

- The appeal was received on 29 October 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr A. Bevan
- The site is located at Newton Farm, St. Weonards, Hereford, Herefordshire, HR2 8PW
- The application, dated 18 February 2008, was refused on 28 April 2008
- The development proposed was Proposed football training pitch and changing rooms. Plus new access road.
- The main issue is whether the proposed development would be a sustainable form of development in the light of national and local planning policy regarding development in the countryside.

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

Decision: The application was refused under Delegated Powers on 28 April 2008
The appeal was DIMISSED on 21 May 2009

Case Officer: Andrew Prior on 01432 261932

Application No. DCSW2008/2439/F

- The appeal was received on 22 February 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Michaelchurch Estate
- The site is located at Former Victoria Inn, Urishay Road, Michaelchurch Escley, Herefordshire, HR2 0JX
- The application, dated 18 June 2008, was refused on 11 November 2008
- The development proposed the restoration and conversion of the former Victoria Inn to a dwelling
- The main issue is whether taking account of its condition, the building is suitable for re-use as a dwelling.

Decision: The application was refused under Delegated Powers on 11th November 2008
The appeal was DISMISSED on 3 June 2009

Case Officer: Andrew Prior on 01432 261932

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

5 DCSE2009/0670/F - CONSTRUCTION OF IRRIGATION RESERVOIR AND ASSOCIATED CONSERVATION AREAS AT HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF.

For: E C Drummond & Son per Paul Dunham Associates, 19 Townsend, Soham, Cambridgeshire, CB7 5DD.

Date Received: 9 April 2009

Ward: Kerne Bridge

Grid Ref: 58782, 21464

Expiry Date: 4 June 2009

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 The application site lies approximately 2.5 kilometres southwest of Ross on Wye town centre. It falls within the Wye Valley Area of Outstanding Natural Beauty (AONB) and is crossed by public footpath WA6 and two lines of high voltage electricity pylons. It was drained in the mid 20th century and is currently under arable crops. The site is accessed from the unclassified U70412 road at Hom Green.
- 1.2 The proposal is to construct a new water storage scheme for crop irrigation, with associated measures to increase biodiversity. Overall, the application site covers 22.6 hectares. Development would comprise:
- Three reservoirs, with a cumulative capacity of 152,275 m³ (33.2 million gallons);
 - A sedimentation pond of capacity 1,568 m³, to take run-off and surface water;
 - Landscaped areas for on-site deposition of excavated material;
 - Creation of a wetland wildlife corridor alongside the pools, designed to restore part of Coughton Marsh and link two existing designated areas (Coughton Marsh SSSI and Parish Field wildlife site).

The applicant wishes to take a phased approach, completing the works over a 3-4 year period, and creating one pool at a time. Due to the site characteristics earthmoving would only take place during summer months.

- 1.3 The application is a re-submission (see section 3 below). Water management schemes fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (as amended) [EIA Regulations]. In May 2004, prior to the first application, the Council issued a formal Screening Opinion that an Environmental Statement [ES] would be necessary. The screening was based on the scale of the proposal and its siting within a 'sensitive location'. This new application is on a reduced scale, but an ES is still required. Written confirmation has been received that the Secretary of State does not wish to comment in this instance.
- 1.4 The application is supported by a series of documents:

- (i) Impact Assessment Statement

This document forms the basis of the ES and includes a Non-Technical Summary. It has been designed as a core document to cover the relevant topics in succinct form. These include site

selection, need, hydrology, source of water, pool design, landscape and visual impact, ecology. Wherever further data or technical detail are needed, the following appendices develop each topic:

(ii) Appendices

- A Response letters from previous application
Copies of correspondence with key consultees, for information
- B Clarification of local flood zone
Confirmation from the Environment Agency as to current flood zone data maps and clarification of water abstraction requirements
- C Archaeological report
Investigation report, Archenfield Archaeology, April 2009.
- D Irrigation need working
Calculations as to the volume of water required
- E Evaluation of possible sources of water
Data and assessments of alternative water sources: site watercourses, River Wye, flood storage, poytunnel run-off.
- F Application plans and sections
- G Project Report/Methodolgy; Design and Access Statement
Engineer's Method Statement.
- H River flow and abstraction impact calculations
Data based on Environment Agency gauges on the River Wye.
- I Landscape and Visual Assessment Report, and J Ecological Report
Resubmission of the reports dated March 2008 relating to the previous application. The applicant has stated that in both cases the principles remain unchanged and this report remains relevant. Contains some plans showing the previous layout.
- K Management Agreement
Draft terms for future management of the biodiversity enhancement areas, between the landowner and Herefordshire Nature Trust.

(iii) Drainage Appraisal for polytunnel development, June 2007.

The applicant has explained that this report has been submitted as it contains relevant detailed data on run-off, flood risk and drainage in the wider context.

iv) Hydrological Impact Statement

Summary of the hydrological aspects of the proposal contained in the core document.

- 1.5 The application was given the required publicity by press notice as Environmental Impact Assessment development, in the Ross Gazette on 19 April 2009. The application was also advertised as a Departure, having regard to policy LA1 of the Herefordshire Unitary Development Plan 2007, which requires development in the AONB to be 'small scale'.

- 1.6 Site notices were put up on 28 April 2009. Immediate neighbours and anyone who had expressed an interest in the original submission were notified on 21 April 2009.

2. Policies

2.1 National Planning Policy

PPS 1	Delivering Sustainable Development
PPS 7	Sustainable Development in Rural Areas
PPS 9	Biodiversity and Geological Conservation
PPS 25	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

S1	Sustainable Development
S2	Development Requirements
S7	Natural and Historic Heritage
DR1	Design
DR2	Land Use and Activity
DR4	Environment
DR6	Water Resources
DR7	Flood Risk
DR11	Soil Quality
E13	Agricultural and Forestry Development
E15	Protection of Greenfield Land
T6	Walking
LA1	Areas of Outstanding Natural Beauty
LA2	Landscape Character
LA3	Settings of Settlements
LA6	Landscaping Schemes
NC1	Biodiversity and Development
NC2	Sites of International Importance
NC3	Sites of National Importance
NC6	Biodiversity Action Plan Priority Habitats and Species
NC7	Compensation for Loss of Biodiversity
NC8	Habitat Creation, Restoration and Enhancement
NC9	Management of Features of the Landscape
ARCH1	Archaeological Assessments and Field Evaluations
ARCH6	Recording of Archaeological Remains

2.3 Other Material Considerations

Town and Country Planning (Environmental Impact Assessment) Regulations 1999 as amended ['The EIA Regs'];
 DETR Circular 02/99: Environmental Impact Assessment.
 Conservation (Natural Habitats, &c) Regulations 1994 ['The Habitats Regulations'];
 Natural Environments and Rural Communities Act 2006 ['The NERC Act'];
 Wye Valley Area of Outstanding Natural Beauty Management Plan 2004-2009
 Consultation Draft: Wye Valley Area of Outstanding Natural Beauty Management Plan 2009-2014

3. Planning History

- 3.1 Planning application reference DCSE2008/0995/F, for a similar scheme, was made a year ago. The first application was on a larger scale (comprising 4 reservoirs), and was withdrawn due to a

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

need for further information. For this fresh application the applicant has provided the additional information and also reduced the scale of the proposal and the number of reservoirs following discussions. Planning permission reference DCSE2008/0996/F for fruit-growing polytunnels on the applicant's landholding is relevant to this proposal but not directly linked.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency:

No objections, subject to recommended conditions relating to the proposed wetland management scheme, groundwater monitoring (installation of an additional borehole and/or piezometer) and remediation in the event of any deterioration in ground/surface water conditions.

4.2 Natural England:

No objection, subject to the proposal being carried out in accordance with the details of the application. It is our view that, either alone or in combination with other projects, it would be unlikely to have a significant adverse effect on the River Wye SSSI/SAC, Coughton Marsh SSSI or Parish Field local wildlife site. The transfer of the applicant's abstraction period from summer to winter represents a beneficial change in management. The application does not require an Appropriate Assessment under the Habitats Regulations although the Council, as 'competent authority' should address this through an assessment screening opinion. Suitable planning conditions and/or a legal agreement should be used to secure the biodiversity benefits offered in the application prior to the development commencing. These should comprise a 'detailed design and management plan' including measures and methodology to monitor progress in consultation with Natural England. Key aims: to minimise impacts upon existing habitats and species during the earlier phases of development, and to deliver medium/long term biodiversity gain.

4.3 Wye Valley AONB:

Repeats previous response of 30 May 2008 - no objection in principle but some concerns over the scale of proposals, design and potential landscape impact. Acknowledges the reduction in scale, but would still be significant development. Landscape design should be to the highest standard and reflect local character. Creation of wetlands is welcome. More detail is needed on landscaping, management, and how visual impact would be avoided. Particular reference to the possibility of areas of bare mud during dry periods and possible visual impact during construction.

4.4 Defra:

Does not wish to object. The area is nominally Grade 3 agricultural land, but only a limited amount of prime land is likely to be affected due to the wet/clay character of the site. This small area of Best and Most Versatile Land [BMVL] is not regarded as significant. The importance of the fruit-growing industry to the local economy may be taken into account, along with the environmental benefits from the proposal.

4.5 Central Networks:

Initial concerns that the existing levels indicated on the plans are at the margin of statutory minimum safety clearances for the distributor lines and pylons. Further information is required to clarify the precise levels in relation to the electricity pylons and lines. HSE safety advice attached to response, along with construction details of pylon bases for information. Confirmation that the proposal is acceptable, following receipt of clarification, additional levels on plans and sections, and a site meeting between the applicant and Central Networks; no objection.

- 4.6 National Grid:
'Moderate' risk to transmission lines. Works must comply with specification guidelines for safe working in the vicinity of overhead lines.
- 4.7 Herefordshire Nature Trust:
Any further response will be reported to the Sub-Committee. In a copied letter to the applicant dated 15 April 2009, the Trust expressed strong support for:
- The revisions to the plans;
 - Proposals for long-term land management for biodiversity;
 - Proposals to break the old land drains and retain the main areas of peat;
 - Harvesting run-off from polytunnels
- 4.8 Ramblers Association:
No objections provided path 'WA8' is kept clear at all times [note: this should read 'WA6'].
- 4.9 Open Spaces Society:
Any response will be reported to the Sub-Committee

Internal Council Advice

- 4.10 Drainage Engineer:
The application addresses the Environment Agency's requirements and we are satisfied with the proposal provided the development follows the submitted Drainage Appraisal, Impact Assessment Statement and Hydrological Impact Statement.
- 4.11 Conservation Manager:
Winter abstraction is preferable to summer. Overall habitat enhancement proposals are welcomed. Some questions arise as to management of lake margins in future, if water levels drop. No objections raised however, subject to conditions to secure the proposals made in the application: habitat creation and enhancement, landscaping, long-term management and hydrology monitoring. A Habitats Regulations Assessment Screening Report has been provided as advised by Natural England, confirming the view that the proposal would have no significant adverse effect on designated sites.
- 4.11 County Archaeologist:
I am generally happy with the amount and nature of the details provided. No objections, but given the broad sensitivity of the area, recommend a condition to secure precautionary further investigation.
- 4.12 Public Rights of Way Manager:
Confirmation that concerns have been addressed; no objections raised.

5. Representations

- 5.1 Walford Parish Council: Fully support the application and welcome the demonstrated co-operation with the Herefordshire Nature Trust.
- 5.2 NFU: expresses full support, regarding on-farm water storage as important in the light of climate change and concerns about future water availability in the West Midlands. The capture of winter surplus for summer irrigation will be vital to secure future agricultural enterprise and assist in drought and flood management. The proposal design will also add considerably to the biodiversity value of the area.

- 5.3 CPRE: Repeat concerns expressed on the previous application, on the scale of the works, potential damage to archaeology (especially peat deposits), Effects on designated areas (AONB and SSSI), danger to birds in connection with power lines, visual effects of the lakes, especially if they become redundant. Our objections remain much the same. The reservoirs will add to the effects of the tracts of polytunnels. It would be premature to grant planning permission for the reservoirs until the outcome of Judicial Review proceedings on the associated polytunnel development is known.
- 5.4 Ms S Peacock, Wye Valley Society (address not given): The application cannot be considered without reference to the decision to grant planning permission for polytunnels, currently the subject of a Judicial Review. If that permission is successfully challenged, the applicant's need for the reservoirs will change. To grant planning permission [for the reservoirs] would be premature. The proposal is contrary to policy LA1. The effect of these non-natural expanses of water on the intrinsic beauty of the landscape should not be underestimated.
- 5.5 Ms V Morgan, Westfields House, Bulls Hill, Walford, Ross on Wye, HR9 5RH: many of the objections raised in my email of 15 May 2008 [on the previous application] still apply. On landscape - the effects would be considerable. This will exacerbate the effects of the polytunnels. The proposal conflicts with policy LA1 as it is not small scale and will not enhance the landscape. If the reservoirs become redundant there could be three unsightly holes in the ground. There have been some significant archaeological finds in the area. There may be overflow from the reservoirs with possible hazard to users of the public footpath and even to residents. Hedge planting will not deter children. The overhead power lines are cause for concern, especially if the pools reverted to recreational use. Until the High Court challenge to the Council's decision to grant permission for polytunnels is known it would be premature to grant planning permission for the reservoirs as their primary purpose would be to provide irrigation to the polytunnels.
- 5.6 Although not received directly in connection with this new application, in the interests of balance mention is made of 24 letters of support, which were received in connection with the previous withdrawn application. This proposal is essentially the same but on a reduced scale.

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

6. Officer's Appraisal

- 6.1 This proposal for water management within the Wye Valley AONB, close to the River Wye SSSI/SAC and Coughton Marsh SSSI falls within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (EIA Regs). This effectively removes permitted development rights and therefore planning permission is necessary. Nonetheless, the planning system does not evaluate particular farming methods. The volume of water is separately regulated by the Environment Agency under other legislation, requiring appropriate water management licences (or exemptions). Committee Members are thus invited to determine the application on its planning merits rather than the principle of water abstraction and use. In this regard, the main issues for consideration are:

- Need for the development; sources of irrigation water, reservoir design
- Site choice; including alternatives considered;
- Land use, policy issues and impact on the Wye Valley AONB;
- Landscape and visual impact;
- Drainage and flood risk;
- Archaeology;
- Biodiversity;

- 6.2 As with any proposal, this application must be determined in accordance with the provision of the current Development Plan unless material considerations indicate otherwise. The Planning Policy Statements cited at 2.1 above constitute relevant national policy and are current. The Herefordshire Unitary Development Plan 2007 (UDP) remains in force but is under review with the preparation of the Core Strategy for the Local Development Framework (LDF).

Need for the development, sources of irrigation water, reservoir design;

- 6.3 The application gives details as to the amount of water needed by the farm. A total of 162 hectares growing area has a calculated irrigation need of up to 379,963 m³ of water per year. At present, the applicant uses a combination of summer abstraction and trickle irrigation. Water is taken from the River Wye during the summer months and delivered direct to crops. Under the Water Act 2003, currently exempt trickle irrigation will be brought into licensing requirements between October 2009 and 2011. The Environment Agency encourages winter storage rather than summer abstraction, as more sustainable water management and to ease pressure on the Wye. The applicant wishes to meet these requirements. To this end approximately half his water needs would be taken during the winter and stored in the proposed reservoirs.
- 6.4 In response to points raised by objectors, the applicant has confirmed that the reservoirs and his polytunnels are not in any way inter-dependent. He has stated there are at least 156 hectares (nearly 400 acres) of outdoor crops requiring irrigation; including potatoes, apples, herbs and turf. The planning permission for polytunnels allows no more than 54 hectares of tunnels on the holding at any one time, representing about 34% of the crop-growing area needing water. The farm also includes further arable land, which is not irrigated. The reservoirs would meet approximately 40% of total water needs; the rest would continue to be abstracted under licence. On this basis, it is clear that consideration of this proposal for reservoirs is not premature or in any way dependent upon the outcome of the High Court case relating to the polytunnels. The reservoirs would be highly unlikely to become redundant in the foreseeable future. The primary stated purpose and need for the reservoirs is to meet the Environment Agency changes to abstraction licensing coming into force later this year. These requirements will subsist, irrespective of any judgement on the use of polytunnels at this site.
- 6.5 The design of the reservoirs also takes account of the potential for harvesting run-off from about 11.25 ha of up-gradient polytunnel growing. The need to rotate areas with tunnels complicates this option, but the applicant has shown willingness to attempt utilising this resource. Using a 1 in 100 year (+ 20%) storm event scenario, a yield of around 1,448 cubic metres of water per year is calculated. To this end, the plans include a small additional sedimentation pond with capacity of 1,568 cubic metres. Flows into and out from this pond would be carefully controlled in accordance with the greenfield run-off rate set by the Environment Agency. All of the excavated material would remain on site, being used in pool construction and for landscape profiling. Each of the three reservoirs would include generous freeboard to prevent overtopping. Each would be linked to the next, with sequential outflows and engineered spillways in case of exceptionally high water levels. Reservoir levels would therefore be precisely managed so as to ensure that in times of drought a minimum of bare ground would be exposed, and in times of flood there would be a minimum of risk to surrounding land. It needs to be borne in mind that the reservoirs would represent a partial water resource; the remainder being abstracted under licence as it is now. The need for careful management during a drought would apply to any water source.
- 6.6 In calculating need, the application states that the proposed reservoirs would have a combined capacity of 151,275 m³ per year. Existing abstraction licenses provide a further 159,091 m³ per year. Available irrigation water would total 310,366 m³ per year; 18% lower than the theoretical maximum. The applicant states that prudent use of this water is controlled and monitored using the latest technology. The growing area has 50+ monitoring points, and optimum watering takes place in accordance with a schedule pre-determined on a daily basis.

- 6.7 Officers consider that the principle of the development is reasonable, in terms of the justification of need, design, and the calculations as to the volume of water to be stored.

Site choice and alternatives considered;

- 6.8 All of the applicant's holding lies within the Wye Valley AONB, and borders the River Wye. In policy terms therefore, site choice lies necessarily within these constraints. The applicant considered three sites, using the criteria in PPS 25 as a partial guide to assessment, since flood risk is a prime consideration. Of the available options, the application suggests that the application site (site 2) would have the least impact, and offers potential for mitigation regarding visual impact and biodiversity gains. These points will be discussed further in this report. Site 1 lies close to the River Wye and is in flood zone 3 (highest risk). Although reservoirs are generally floodplain-compatible, other constraints such as possible effects on the River Wye SSSI/SAC, and Environment Agency (EA) guidelines on potential losses of flood capacity ruled this site out. Site 3 lies close to properties at Hom Green and comprises high quality agricultural land. Site 2 was therefore chosen because (a) the land is of the lowest quality available, (b) it is in a low flood risk area (zone 1), (c) there is potential for significant ecological benefit and (d) there are no near neighbours.
- 6.9 No consultees have questioned the choice of site. In relation to site choice and alternatives, your officers consider that this matter is satisfactorily addressed by the application in terms of the EIA Regs requirements.

Land use, policy issues and impact on the AONB:

- 6.10 The AONB Consultation Draft Management Plan (2009-2014) states:
'1.1.3 The primary purpose of Areas of Outstanding Natural Beauty (and National Parks) is to conserve and enhance natural beauty Further AONB purposes are as follows: account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of the local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.'
- The current AONB Management Plan (2004-2009) recognises the need to reconcile possible conflict between agriculture and the conservation of natural beauty. It acknowledges the impracticality of *'fossilising'* an area, and the need for a *'living and working countryside; the production of food must return to being a viable business.'* It contains a number of objectives which support the principle of this proposal. For example, policies WV- B2 and B3 seek management schemes that help to enhance or restore biodiversity and designated sites (in this case the River Wye and Coughton Marsh); policy WV-F1 encourages farmers to adopt sustainable management practices (in this case water management). The AONB Officer has suggested that the Illustrative Landscape Proposal is acceptable in principle, subject to further details to ensure that landscape design is to the highest standard and reflects the local character of the area. In his view this should also reflect policy WV-D2 of the AONB Management Plan and take account of the Coughton Marsh SSSI. These points may be secured by condition. Natural England supports the AONB Officer's comments, advising that the lakes could *'reasonably be amalgamated with consideration of the finished landform'*.
- 6.11 Policy LA1 of the Herefordshire Unitary Development Plan 2007 is the key local policy in this case. It prioritises protection of the AONB's nationally important natural beauty and amenity. It requires development in the AONB to:
- be 'small-scale',
 - not adversely affect landscapes,
 - be necessary for economic and social well-being, and

- be capable of enhancing landscape or biodiversity quality.

The policy then lists four exceptions relating to national interest, effects on the local economy, alternative sites and adequate mitigation. The policy does not define 'small-scale', a relative and subjective concept. The applicant's holding extends to some 377 hectares; the proposal site represents about 6% of that area. In local terms it is accepted that the proposal would not be small-scale, although in terms of the overall AONB area of 32,600 hectares, the site is not strategically significant. Regarding the other requirements of policy LA1, the effects of lakes on landscape would be a matter of judgement; the proposal is stated to have an economic need; and biodiversity enhancement would be one of the prime objectives.

- 6.12 Proceeding to the four exception clauses in policy LA1; the site is clearly not 'of greater national interest than the purpose of the AONB' [clause (a)]. However, 'adverse impact on the local economy' [clause (b)] is unlikely – rather the reverse, due to the applicant's acknowledged contribution to this element. On clause (c), the applicant has demonstrated consideration of alternative sites, and his holding lies entirely within the AONB. On clause (d), the application includes extensive proposals for biodiversity enhancement and some restoration of the historic marsh, which adequately meets the need for mitigation.
- 6.13 Officers consider that the proposal fails to meet policy LA1 on the scale of the development and the question of national interest. However, it is necessary to assess whether other material considerations lead to a different conclusion. Of particular relevance in this context are the nature of the development, the need for water storage, the reduced impact on the River Wye in summer, the potential for biodiversity enhancement, and the applicant's contribution to farming and the local economy.
- 6.14 Three Planning Policy Statements are relevant:
- PPS7 supports proposals in rural areas which demonstrate sustainability through an integrated approach, environmental protection, prudent resource use and economic growth.
 - PPS9 requires applicants to take account of biodiversity needs. In this case, the site's biodiversity value has historically been degraded, through drainage and intensive cropping. A key consideration is the applicant's willingness to create new wildlife habitats within the site and to help restore part of the adjoining former wetlands in Coughton Marsh SSSI. Proposals are also included for a wildlife corridor along the eastern margin of the application site, which would link Parish Field to the SSSI. Parish Field is a historic feature owned and managed by Herefordshire Nature Trust. Negotiations between the Trust and the applicant are working towards long-term co-operative management of the whole area.
 - PPS25 sets parameters for flood risk assessment. The application appraises the site in terms of existing flood risks (from the River Wye and tributaries), and comparison between existing flood capacity and likely effects of the proposal. It gives details of existing and proposed ground and surface water management. The Environment Agency has accepted the submitted clarification of local flood zones and drainage appraisal.
- 6.15 Herefordshire Unitary Development Plan 2007 Policy E15 seeks to protect Best and Most Versatile [BMV] land from development. Grades 1, 2 and 3a are included in this classification, based on the indicative MAFF maps compiled in the 1960s. The maps are small scale and not site-specific. The application confirms that, despite historic drainage, the site is regularly waterlogged. Defra have confirmed that only a small part of the site would be BMV land, nominally grade 3. However due to the site's wet character its loss would not be significant. Taking into account the wider importance of the applicant's contribution to the local economy and the implications for environmental gain (to Coughton Marsh and the River Wye), officers do not consider there is any conflict with policy E15.

- 6.16 Your officers consider that National policy supports the principle of the proposal provided environmental, landscape and other matters can be accommodated. The proposal only conflicts with part of one local policy and mitigation is possible. Landscape and biodiversity issues will be discussed in more detail below.

Landscape and visual impact;

- 6.17 The application includes resubmission of a professional report prepared in 2008 to accompany the earlier withdrawn application. Illustrative plans within it show the previous layout which included 4 reservoirs; the applicant has explained that it was decided to submit the whole report unaltered since the principles still apply, on the understanding that drawing numbers DLA 1235/03 and DLA 1235/04 were superseded. The report identifies the site as lying within 'Principal Settled Farmlands' according to the Herefordshire Landscape Character Assessment 2004. This type is dominated by dynamic mixed farming having a variety of vegetation and field types with scattered settlements. Its domestic nature has been repeatedly subject to change over many centuries. The report notes general and widespread degradation of this landscape due to farming intensification and loss of hedgerows. The site is relatively open, flat, and marred by the disused railway line and the double line of electricity pylons. The historic draining of the marsh, removal of hedgerows, and use for arable crops has contributed to this process. Large water bodies are not currently typical of this landscape, but the report concludes that overall the effects of the development in landscape terms would be neutral. It acknowledges the potential for landscape and ecology mitigation.
- 6.18 Policy LA2 of the Herefordshire Unitary Development Plan 2007 states that the Council wishes to 'establish good practice in management work, aimed at the restoration and care of historic landscapes'. The proposed breaking of the old drainage system, the aspiration to raise the surrounding water table (thus improving Coughton Marsh SSSI), the creation of a wildlife corridor, and the development of a long-term management plan with the Herefordshire Nature Trust, would all contribute to this aim. The applicant has clearly justified the need for reservoirs with regard to the prudent use of water resources and wider concern for the well-being of the River Wye. The site has been carefully chosen so as to have the least visual impact, and the historic character of the locality as a marsh has influenced the design and nature of the development. Officers take the view that the proposal complies with policy LA2 of the Herefordshire Unitary Development Plan 2007.
- 6.19 On visual impact, the report identifies 9 viewpoints around the site and provides a photographic assessment. In each case it concludes that no discernable adverse effects are likely and that creation of additional planting belts would largely screen the lakes from view. Public footpath WA6 crosses the site and would have clear views of it, but otherwise there are very few public viewpoints. However, visual impact is a subjective concept, and one objector feels that the cumulative visual effect of the lakes with the nearby polytunnels would be considerable when viewed from high ground 1.5 kilometres east of the site. Further concerns have been raised about visual impact during construction, particularly since the work would be phased, and the prospect of areas of mud being possibly exposed during times of drought. Policy does not assist on these points, so consideration of them must be a matter of judgment.
- 6.20 The applicant has explained that the phased construction would allow each element to be completed before the next began. In his view this would enable vegetation to become established and allow for settlement of the pools and soil remodelling. It would also assist in keeping any disruption on the farm to a minimum. Although the prospect of visual change and temporary exposure of bare soil are acknowledged, this would be in keeping with other agricultural practices and farm water-management schemes are in most cases Permitted Development. Each reservoir would be engineered to overflow into the next and levels would be carefully controlled. The design would enable any exposure of bare mud to be kept to a minimum. Final landscaping details, required by condition, should include further mitigation

such as marginal planting and the application of shingle on those margins most likely to be exposed.

- 6.21 Officers acknowledge that during the initial period there would be some temporary visual impact, however public views into the site are limited to the Public Right of Way and distant high ground. With careful management this impact could be kept to a minimum in terms of scale and time. The applicant has considered matters of landscape and visual impact carefully, and the overall scheme represents a coherent strategy to store water on the one hand and offer environmental improvements on the other.

Drainage and flood risk:

- 6.22 On flood risk, although previous Environment Agency flood maps indicated zone 2, the Agency has agreed with the developer that site is in fact entirely in zone 1 and therefore low risk. The flood map has been updated to reflect this. The Agency's comments confirm acceptance of this view and that the proposal takes account of additional run-off generated by adjacent polytunnels. Conditions are recommended for continuing monitoring and management of water levels.

- 6.23 Drainage issues have raised a number of technical questions; appropriate advice has been sought from the Environment Agency and Land Drainage Officer. In response the applicant has further clarified the design principles for the pools in a Hydrological Impact Statement. This draws together the main points already in the core document. Some of the relevant points have already been discussed, but for ease of reference may be summarised as follows:

- The reservoirs would be self-contained and sealed, using appropriate natural clay. In principle this clay would be extracted from the site. It would be for the developer to ensure that sufficient appropriate and effective materials would be available and used, as for any other development;
- The historic drainage pipe system would be broken;
- By effectively 'squeezing' the (by now un-drained) area outside the reservoirs, the water table should rise and restore some of the marsh, in particular the SSSI wet woodland to the south-east;
- There would be no lowering of groundwater levels and no water would be taken from the immediate vicinity (either surface or groundwater). Some run-off from adjacent polytunnels would be harvested where practical into a sedimentation pond;
- Areas of significant peat have been located and would be avoided;
- At present, the developer holds licences to abstract water from the River Wye. This would continue at the same rate, but a proportion of the abstraction would be transferred from summer to winter to alleviate pressure on the Wye. The reservoirs would be used to store this water. The Environment Agency encourages such a transfer and acknowledges the benefits.
- Sophisticated monitoring equipment would be used to ensure optimum water management to prevent overtopping;
- The reservoirs would be linked and each would overflow into the next, but each would also have a final overflow spillway which, in times of extreme wet weather, would go into the watercourse;
- The existing watercourse which crosses the site would not be affected by the proposal and its route would be maintained, albeit it has been canalised in the past;
- The site would be engineered to ensure that the public footpath which crosses the site would not be adversely affected by the reservoirs;
- Construction methodology would ensure protection to the SSSI Coughton Marsh and Parish Field during the works.

- 6.24 Responses from the Land Drainage Engineer accept the submitted details and Environment Agency's views. Conditions are recommended to ensure that the development follows the proposed engineering and drainage appraisals in accordance with the submitted details. Officers take the view that there would be no conflict with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

Archaeology:

- 6.25 The application includes an archaeological report by Archenfield Archaeology Ltd dated April 2009. On the advice of the Archaeological Advisor, the study comprised a desk-based assessment and field evaluation. The report acknowledges features and finds in the wider area. However it found a low potential for well-preserved remains on the site. It concludes that previous deep ploughing and the widespread insertion of land drains by trenching in the entire area would have compromised any possible preservation. No peat-bearing deposits were encountered in the trial trenching, although an area of peat has been identified on the eastern side of the site.
- 6.26 The Archaeological Advisor has accepted the findings of this report. In his view the area is generally archaeologically sensitive, and recommends a standard condition for precautionary further investigation, in accordance with policies ARCH1 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

Biodiversity

- 6.27 The application includes a resubmitted ecological survey dated March 2008 undertaken by White Young Green Planning. The survey found the existing site to have limited biodiversity value. The surrounding hedgerows were found to have the most value, and the proposal would not affect these. A badger sett adjacent to the former railway line, in the southwest corner of the site, would need to be protected, particularly during construction. The existing drain/watercourse crossing the site could represent valuable habitat for otters and water vole but is regularly dredged and no evidence of these species was found. The study found that the existing arable area provides 'little habitat and foraging opportunities for wildlife. It is likely that [it] is used as a corridor, providing cover for species commuting [with other areas]'. Recommendations are given for protection during construction, timing of works, and the provision of a comprehensive short and long-term management plan. The report concludes that there would be no significant negative ecological impact during construction, and that the development would represent a long-term, permanent, positive impact.
- 6.28 The application highlights the current separation of the SSSI at Coughton Marsh from the Parish Field Local Wildlife Site. This is harmful to biodiversity. Following detailed discussions when the previous application was withdrawn, this revised application on a reduced scale includes the provision of a wildlife corridor between the two designated areas. The area would be engineered to provide shallow scrapes which would help to restore natural wet pasture and provide an important link to the wet woodland in the SSSI. The Parish Field to the north is owned and managed by Herefordshire Nature Trust. The proposal includes a draft agreement between the Trust and the applicant for future management of the wildlife corridor and also some of the areas receiving the excavation spoil. Seasonal grazing of managed grassland would encourage habitats for plant, insect, bird and animal species not currently available. Management of the small watercourse/drain could also be beneficial. In the wider context, habitat creation and the transfer of water abstraction from summer to winter would benefit the ecological value of the River Wye.
- 6.29 Policies NC1 to NC9 of the Herefordshire Unitary Development Plan 2007 emphasise the importance of biodiversity both in terms of legal protection and for its own sake. In considering

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

any proposal, the local planning authority must take account of possible harm and encourage enhancement. The adopted Herefordshire Biodiversity Action Plan identifies scarce or threatened habitats and species which the Council particularly wishes to assist. Wet pasture and wet woodland are included. Natural England has no objection to the proposals with regard to The River Wye SSSI/SAC, Coughton Marsh SSSI or Parish Field Local Wildlife Site. It accepts the findings of the submitted ecological report. Along with the Council's Planning Ecologist, it recommends a requirement for detailed a construction method statement and long-term monitoring, management and review schemes. Both acknowledge the potential for benefit to biodiversity whilst providing the applicant with water.

- 6.30 In balancing the need for water storage and the proposals for biodiversity enhancement, your officers feel that the proposal offers an overall biodiversity benefit for the site, Coughton Marsh, Parish Field and the River Wye.

Other considerations

- 6.31 Objectors have suggested that there could be danger to users of the public footpath, and that water birds attracted to the lakes might be endangered by the electricity lines. The applicant has confirmed that the lakes would avoid the right of way and the full width of the path would be maintained. He proposes a combination of protective hedging and fencing, with a wide margin and shallow water along adjacent shores. Central Networks commented on the previous application that some birds do fly into overhead lines, but they have no evidence to suggest that this is more likely where water-bodies are present. No consultees have raised concerns on these points.

7. Conclusion

- 7.1 In your officers' opinion this application addresses all the issue that arose in connection with the previous submission. It brings forward a proposal that takes account of a wide range of considerations, which recognise the potential biodiversity benefits of such a scheme. Co-operation with Herefordshire Nature Trust in developing a wildlife corridor (and its future management) is regarded as a significant gain in terms of improvements to the degraded marshland area.

- 7.2 The application has been assessed against National policy and the Herefordshire Unitary Development Plan 2007 (UDP). The proposal does not accord wholly with UDP policy LA1, and some visual impact is acknowledged – particularly during construction. However this is balanced against other factors:

- All of the applicant's holding lies within the Wye Valley AONB, and 2 alternative sites were considered.
- Water management is subject to Environment Agency licensing and particular scrutiny. Changes under the Water Act 2003 will be implemented later in 2009.
- The Environment Agency encourages winter abstraction and water storage rather than taking water in summer when the River Wye levels are low.
- Significant environmental benefits may derive from the proposal in terms of the local, national and international biodiversity designations of the River Wye, Coughton Marsh and Parish Field.
- Significant beneficial on-site improvements for wildlife have been negotiated for and secured, in partnership with Herefordshire Nature Trust.
- The applicant's contribution to food production, the local economy and employment may be taken into account.

- 7.3 According to professional advice, the proposal is capable of meeting environmental standards on design and management. All relevant matters have been considered and additional

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

information obtained from the applicant and consultees where necessary. Your officers conclude that there are material considerations that support the proposal and in this case outweigh the policy points where conflict exists. The proposal is therefore recommended for approval subject to appropriate planning 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 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 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policies ARCH1, ARCH5 and ARCH6 of Herefordshire Unitary Development Plan 2007.

4 G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, and the safety of users of the Public Right of Way, in accordance with policies DR1, DR2 and T6 of the Herefordshire Unitary Development Plan 2007.

5 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.

6 No development shall take place until a habitat enhancement and biodiversity management scheme, based on the findings and recommendations of the submitted Ecological Report and in consultation with the Council's Planning Ecologist, has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- i) Provision for further surveys as necessary, by a suitably qualified person, prior to and during each phase of development;**
- ii) Measures to safeguard any identified protected species and their habitats, including badgers, particularly during the construction period;**
- iii) Specific proposals for wildlife habitat creation or enhancement through planting and landform, and future management of these measures;**
- iv) Full details of a long-term Management Scheme for identified and specified areas of the site, to be agreed with and implemented by the Herefordshire Nature Trust or equivalent successor organisation for a specified period of time, including the start date;**
- v) Measures to protect and maintain all significant areas of peat within the site;**

- vi) The appointment of a suitably qualified Ecological Clerk of Works to oversee implementation of the scheme throughout the phased construction period and for a minimum of two years after completion of the last pool and/or the landscape and biodiversity schemes (whichever is the later);
- vii) Provision for adequate monitoring and progress reporting;
- viii) Timescales for implementation of the scheme.

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c) Regulations 1994 (as amended), and to ensure that biodiversity is conserved and enhanced, all in accordance with the requirements of PPS9, the NERC Act 2006 and policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

- 7 No development shall take place until a comprehensive landscape scheme has been submitted to and approved in writing by the local planning authority. The details submitted shall include a large-scale masterplan showing the landscaping and habitat features to be implemented, in conjunction with the following detailed proposals;
- i) Full ground-modelling methodology for the proposed wetland habitat and conservation corridor indicated on drawing no 117.301.C2-1E, including wet scrapes;
 - ii) Full ground-modelling details for all areas designated to receive excavated material on drawing no 117/301/C2.C2-1E;
 - iii) Method statement for all soil handling and storage including, where necessary, measures to reduce high soil nutrient levels on those areas identified for conservation use;
 - iv) Final ground-modelling details of the reservoir margins, showing gradients and shallow water depths at the edge (in particular alongside the Public Right of Way);
 - v) Measures and methodology for ensuring that, in the event of drought, the area of bare mud around the reservoirs likely to be exposed would be kept to a minimum.
 - vi) Schedule of all planting and seeding, to include details of species, sizes, location, density and spacing as appropriate. This shall include identification of any areas to be left for natural re-vegetation and the methodology for the choices made;
 - vii) Timescales for implementation, including any provision for phased work, the times of the year when earthmoving will take place, the completion of each phase, review of the scheme according to changing circumstances, and remediation for any plant or seeding failures;

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: In the interests of visual amenity, to ensure a satisfactory form of development, and to conform with the requirements of policies LA6, NC1, NC6 and NC8 of the Herefordshire Unitary Development Plan 2007.

- 8 Prior to the construction of any reservoir a scheme for groundwater monitoring, including the installation of a borehole/piezometer at a specified location, shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall provide detailed proposals for monitoring, including the nature of sampling, frequency and duration, in accordance with the submitted Hydrological Impact Statement dated May 2009. Thereafter, monitoring shall be carried out and reviewed in accordance with the approved scheme, which shall be

carried out and implemented in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure monitoring of the hydro-geological and hydrological regime, to protect groundwater and the water environment including Coughton Wood and Marsh SSSI and Parish Fields in accordance with policies DR1, DR4, and DR6 of the Herefordshire Unitary Development Plan 2007.

- 9 If the monitoring scheme approved under the above condition shows, in the opinion of the local planning authority, any adverse risk of deterioration to groundwater and surface water quality or quantity, remediation proposals shall be submitted in writing to the local planning authority in consultation with the Environment Agency within three months of the findings. The proposals shall include:

- i) Methodology for investigating the cause of the deterioration;
- ii) Measures for remediation;
- iii) Further measures to amend any failures in either monitoring methods or remediation;
- iv) Timescales for implementing the scheme and provision for review.

The remediation scheme shall be implemented in accordance with the approved details.

Reason: To prevent any adverse impacts on the hydro-geological and hydrological regime, to protect groundwater and the water environment including Coughton Wood and Marsh SSSI and Parish Fields in accordance with policies DR1, DR4, and DR6 of the Herefordshire Unitary Development Plan 2007.

- 10 F06 (Restriction on Use)

Reason: To restrict the use of the site to that proposed in the interests of local amenity, because any other use would require further consideration by the local planning authority, and to comply with policies S1, S2, and DR1 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1 The applicant is advised to appoint a suitably qualified civil engineer to supervise the design, construction, maintenance and safety of reservoirs regardless of size.
- 2 The requirements given in condition 7 (v) for details to minimise the exposure of bare mud should include proposals for a combination or mixture of engineering design details, water management, selected marginal planting and other means such as the use of shingle if appropriate.
- 3 N11C - General
- 4 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
- 5 ND03 - Contact Address
- 6 HN01 - Mud on highway
- 7 HN02 - Public rights of way affected
- 8 HN03 - Access via public right of way

9 HN23 - Vehicular use of public rights of way

10 The development shall only be undertaken in accordance with the requirements of Central Networks and the National Grid. Guidance for safe working under overhead power lines, and the HSE informative 'should be strictly adhered to at all times. Shock Horror: Safe working near overhead power lines in agriculture'.

11 Trees should not be planted in the vicinity of overhead power lines unless agreed with Central Networks and National Grid. Planting within the sphere of influence of the lines should be restricted to native herbs and plants, and native shrubs that would not exceed 3 metres in height.

12 N19 - Avoidance of doubt - Approved Plans

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

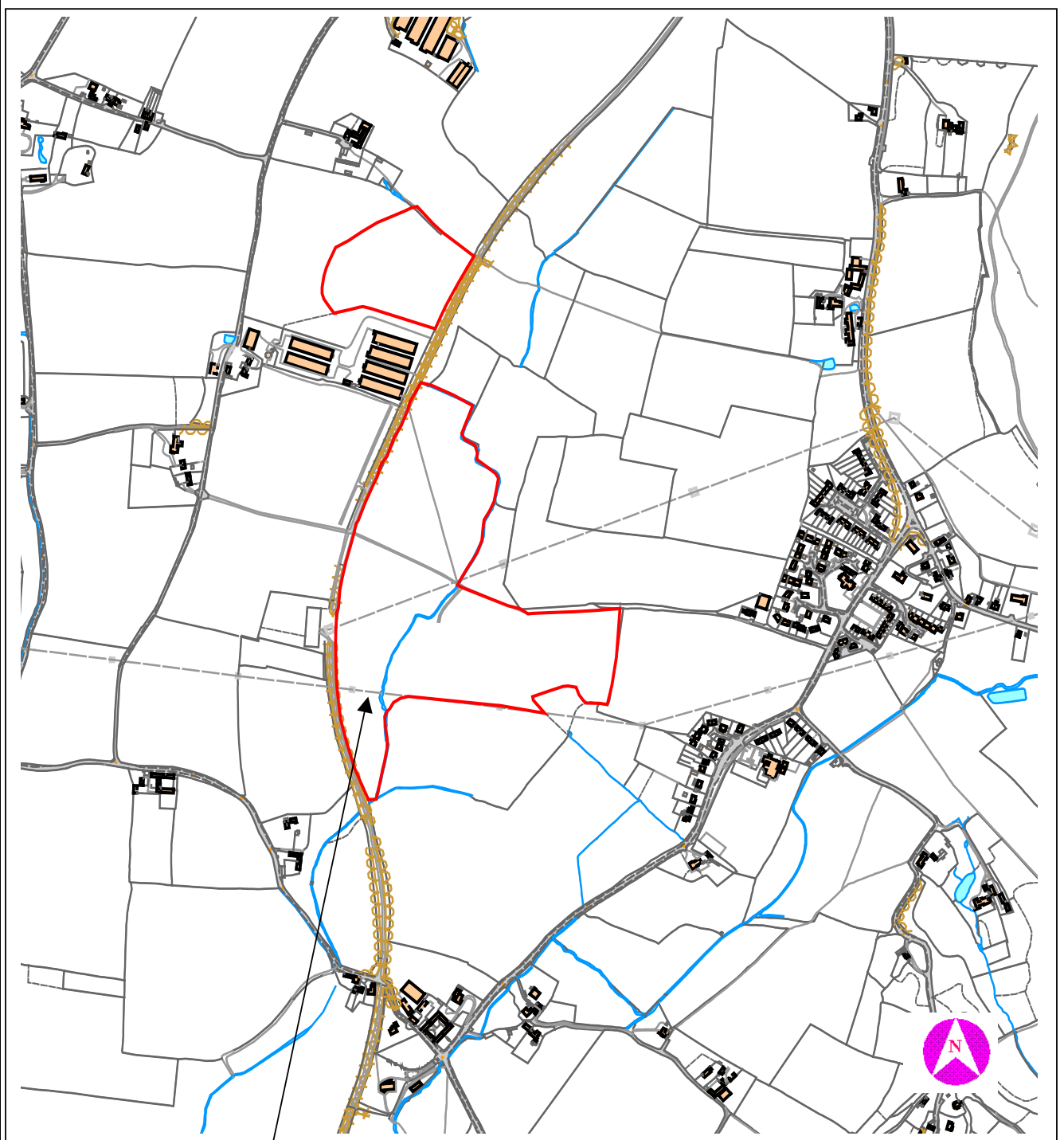
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2009/0670/F

SCALE : 1 : 10000

SITE ADDRESS : Homme Farm, Hom Green, Ross-on-Wye, Herefordshire, HR9 7TF

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6 DCSE2009/0824/F - PROPOSED DWELLING AND GARAGE INCLUDING NEW ACCESS AND PARKING AREA AT LAND AT THE KNAPP, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HU.

For: Mr M Donovan & J Thorpe Properties per Paul Smith Associates, 12 Castle Street, Hereford, HR1 2NL.

Date Received: 21 April 2009

Ward: Kerne Bridge

Grid Ref: 57411, 19381

Expiry Date: 16 June 2009

Local Member: Councillor J Jarvis

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of a detached dwelling with a detached double garage on land currently forming part of the domestic curtilage to The Knapp, Goodrich. The site comprises the south-eastern portion of the existing garden, which extends southwards from the rear of The Knapp to Shop Lane. The Knapp itself is a large dwelling that stands on Knapp Pitch to the north. The garden falls significantly towards the south with the effect that the proposed dwelling and garage would be cut into the slope. The garden is well screened by existing mature hedgerow and intermittent trees, although views into the site are possible from Coppet Hill.
- 1.2 The current application follows refusals for more intensive development within the grounds of The Knapp. DCSE2007/1556/F sought permission for 5 detached dwellings with garages upon a site incorporating a greater proportion of The Knapp's garden. An appeal was dismissed. A further application for four detached dwellings (DCSE2007/2989/F) was refused under delegated powers. In response, a comparatively low-density scheme, comprising a single detached dwelling with garage is now proposed.
- 1.3 Access would be provided from Knapp Close, a small residential cul-de-sac of four modern, detached dwellings, which also gives access to The Knapp itself. The proposed dwelling would be sited at the approximate mid-point of the site, with the garage against the western boundary. Finished floor levels for both garage and dwelling is proposed at 66.80m, which is 2.3 metres above No.4 Knapp Close. It is proposed to plant a new landscaping belt to the rear of the dwelling - outside the red line site area, but upon land retained with The Knapp and in the control of the applicants.
- 1.4 The dwelling itself is comparatively large by modern standards. It has five bedrooms, two of which are en-suite, with a separate family bathroom. It has twin-projecting gables from the front (south) elevation and a two-storey rearward projection (upslope). It is proposed to construct the dwelling in brick at ground floor with render above, under a natural slate roof. The double garage would be built in brick under a slate roof and is located to the southwest of the dwelling. It too would be cut into the site.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development

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

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA6	-	Landscaping Schemes

3. Planning History

- 3.1 SE07/1556/F Proposed erection of 5 dwellings and 5 detached double garages along with new private road on land at The Knapp. Erection of double garage at The Knapp and alterations to the entrance of Knapp Close. - Appeal against non-determination: Appeal Dismissed 29.02.08
- SE07/2989/F Proposed erection of 4 dwellings and detached double garages along with new private road. Erection of double garage at 'The Knapp'. Alterations to entrance of Knapp Close. - Refused 16.11.07

- 3.2 The current application (SE09/0824/F) relates only to part of the sites referred to above.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Recommends conditions to prevent surface water and land drainage run-off from discharging to the public sewer.

Internal Council Advice

- 4.2 Traffic Manager: Recommends conditions regarding visibility improvements and drainage of the access.
- 4.3 Conservation Manager: The reduction to a single dwelling (from former applications) is welcome. The scheme, however, fails to respond effectively to the topography of the site. A more imaginative investigation of architectural sources would inform as to how better to root buildings into the landscape.

5. Representations

- 5.1 Goodrich Parish Council: No objections. It is requested that the finish to the building is white (the rendered element) and that the trees and hedges around the site are safeguarded during and after the construction phase. The Parish Council would not wish to see another instance of landscaping conditions not being adhered to.
- 5.2 Three letters of objection have been received. These letters come from Mr & Mrs Urding, 4 Knapp Close, Goodrich, Mr & Mrs Griffiths, 1 Knapp Close, Goodrich and Mr P Dryden, The Baan, Old Orchard, Goodrich. The content can be summarised as follows:

- Although it is considered that the current proposal for one dwelling is an improvement on the previous applications, there remain concerns regarding the appropriateness of a dwelling of this scale in such a sensitive location within the village;
- The building, owing to its scale, is out of character with its immediate environs and the village in general;
- The building would be positioned relatively high upon the site and will be dominant above neighbouring properties. This dominance will extend into views from the centre of the village;
- The building is not built into the site to the extent that it ought to be. The front is in fact upon a raised plinth.
- There is no expressed local need for a dwelling of this size;
- A 1½ storey dwelling would be more appropriate to the site;
- The drive will pass between two trees, which will probably necessitate their removal or at least could prejudice their long-term health.

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 erection of a detached dwelling with detached double garage on land at The Knapp, Goodrich. The site falls within the settlement boundary. As such the principle of residential development at this location is acceptable. It then falls to consider the proposal against other relevant policies within the Unitary Development Plan. In this case the key issue in the determination of this application is considered to be the appropriateness of the scale and design of the dwelling in the site context. Members will note that none of the objectors have raised issues connected to loss of privacy or light.
- 6.2 Reference has, however, been made to the planning history associated with the site insofar as it formed part of the larger application sites for the erection of five and then four detached dwellings. Neither application was successful. This application involves the south-eastern corner of the existing curtilage. It is fair to say that this application differs radically from those previously proposed, not only in terms of the number of dwellings, but also in the orientation of the building and the scope of the associated infrastructure. As only one dwelling is proposed, the drive, for example, is now significantly shorter and would be far less visually prominent than formerly proposed.
- 6.3 There is also a more appropriate provision of private garden space and given only one dwelling, no issues surrounding levels of residential amenity within the scheme itself. These issues were failings of the previous schemes. It is also noteworthy that although the appeal Inspector raised issue with the proposal for five large, detached dwellings on the larger site, she did not make specific reference to the designs, which were reminiscent of the current proposal.
- 6.4 Objectors have pointed to the scale of the dwelling and position of the building within the site as reasons to resist the application. The dwelling will stand above the drive and a short flight of steps is required to access the front door. However, to three sides of the building, excavation is required to achieve level internal floors within the main body of the house and in reality the plinth would not be as exaggerated as the cross-section drawing suggests.
- 6.5 The dwelling is 8 metres at its highest point, which is not excessive for a dwelling of this scale. The front elevation is not excessively detailed or fussy in its appearance and subject to the appropriate materials; fenestration and detailed design, would not be incongruous in its setting. At 12 metres in width, the south-facing elevation is commensurate with those of the neighbouring dwellings in Knapp Close. This elevation is the most public face of the building,

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

although it would be shielded at close quarters by the existing mature hedgerow along Shop Lane.

- 6.6 The case officer considers that the design is acceptable within the immediate context. However, the concern of the Parish Council regarding the final finish of facing materials is pertinent. The case officer agrees that the use of brick throughout would be unsuitable and a condition is recommended to stipulate that painted render above the string course, or indeed to the entire front elevation, is a necessity.
- 6.7 Conditions are recommended to ensure that existing trees and hedgerows on site are retained and that the proposed planting belt to the rear is implemented at the first available opportunity. This together with control of the external appearance would provide appropriate mitigation and ensure that there is no adverse impact on the immediate locality or the wider area which is designated within the Wye Valley Area of Outstanding Natural Beauty. The agent has confirmed acceptance of a 12 month implementation condition, hence no reference to a S.106 agreement in line with the temporary suspension of the Planning Obligations SPD.
- 6.8 The application is recommended for approval subject to the conditions referred to below.

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 D04 (Details of window sections, eaves, verges and barge boards)

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

4 D05 (Details of external joinery finishes)

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

5 H03 (Visibility splays)

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

6 H06 (Vehicular access construction)

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

7 H09 (Driveway gradient)

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

8 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.

9 H27 (Parking for site operatives)

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

10 H29 (Secure covered cycle parking provision)

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

11 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.

12 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.

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 N19 - Avoidance of doubt - Approved Plans

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

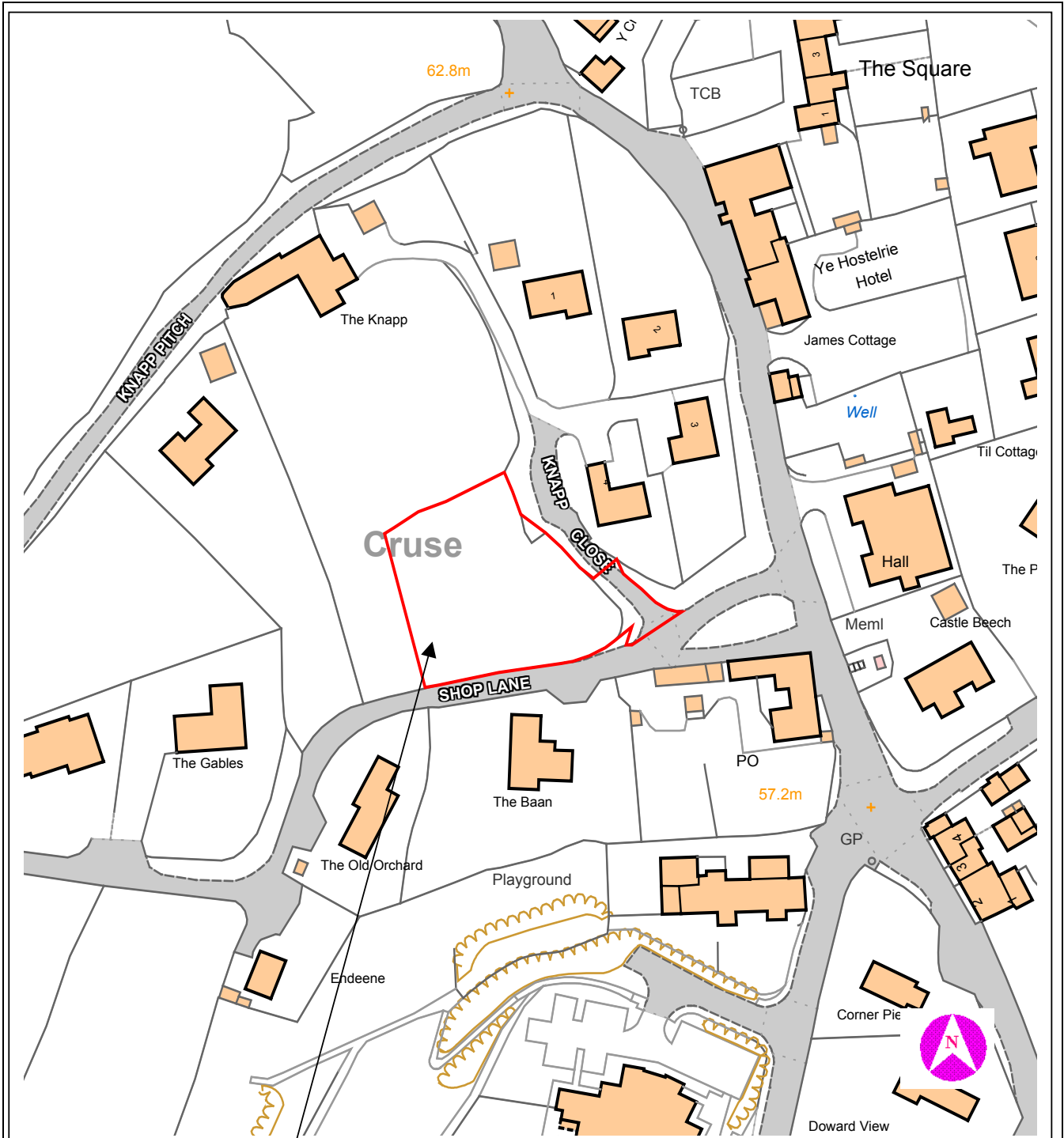
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

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



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APPLICATION NO: DCSE2009/0824/F

SCALE : 1 : 1250

SITE ADDRESS : Land at The Knapp, Goodrich, Ross-on-Wye, Herefordshire, HR9 6HU

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7 DCSE0009/0926/F - NEW CHURCH HALL AND ALTERATIONS INCORPORATING GLAZED LINK TO CHURCH, THE CHURCH OF ST MARY THE VIRGIN, CHURCH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5HP.

For: Rev P Wheatley per Hook Mason Ltd, 41 Widemarsh Street, Hereford, HR4 9EA.

Date Received: 5 May 2009 Ward: Ross-on-Wye West Grid Ref: 59720, 23991

Expiry Date: 30 June 2009

Local Members: Councillors CM Bartrum and G Lucas

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of an extension to house a new church hall at The Church of St. Mary's The Virgin, Church Street, Ross-on-Wye. The Church is listed Grade I and occupies a prominent position between Church Street and Wilton Road, being situated on one of the highest points in the town. The spire is 62.5 metres tall and is widely visible from the surrounding area. It is understood that work started on the present building in 1284, although it may have been the site of an earlier Saxon Church. Work was completed and the dedication took place in 1316. The spire was completely rebuilt in 1721, with further extensive alterations during the mid-Victorian period.
- 1.2 The current proposal is to build an extension incorporating a glazed link from the south-west corner of the Church, which would incorporate part of the existing Churchyard. It is understood that the facility would replace the existing detached hall located within St. Marys Hall, Church Row, at the northern periphery of the churchyard. The stone building would comprise an essentially rectangular plan under a twin-gabled roof, reminiscent of the existing aisle extensions. Within the building the principal space is the proposed hall, which is full height. The remainder of the ground floor space is given over to facilities and service functions including a kitchen, lavatories and storage space. There are also stairs and a lift to the first floor meeting room. The hall has a basic footprint of 15.8m x 13.8m (largest dimensions). With the exclusion of the glazed link, the gross external floor area is 205 square metres. The linking structure to the main body of the church is a flat roofed, glazed structure that would join with the West elevation of the South porch. A new arched opening is required to allow access through.
- 1.3 It is proposed to construct the building in natural stone under a natural slate roof to match the Church. Rainwater goods are to be of cast iron, doors in solid oak, with dark grey coloured aluminium window frames. It would be necessary, as part of the application, to relocate a number of existing grave monuments and divert an existing public right of way. Replacement tree planting is also proposed in lieu of the two mature specimens that would be removed.
- 1.4 A Design Statement, a separate Design and Access Statement, a 'Statement of Significance' and an access audit report accompany the application. Listed Building Consent is not required due to ecclesiastical exemption. It will be necessary for the Parochial Church Council to separately make a Faculty application in order to obtain the pre-requisite approval for the proposed works.

2. Policies

2.1 Central Government Guidance

Planning Policy Guidance Note 15: Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy HBA1	-	Alterations and Extensions to Listed Buildings
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development within Conservation Areas
Policy T6	-	Walking
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA6	-	Landscaping Schemes

3. Planning History

- | | | | | |
|-----|-----------------|---------------------------------------------------------------------------------|---|---------------------------------------------------------------------------|
| 3.1 | SH92/0274PF | Extension to provide a new Church Hall, meeting room and associated facilities, | - | Approved with conditions. This planning permission was never implemented. |
| | DCSE2007/3902/F | New boiler room | - | Approved 14.02.08 |

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage: “English Heritage has no objection to this proposal, but advises that conditions on archaeology and on detailed design should be imposed on any planning permission granted for it.

English Heritage is a strong supporter of the principle that historic churches should have appropriate facilities to enable them to function well as key buildings in their communities: that is the best way of ensuring their continued existence in the longer term. We have had a lengthy pre-application involvement with the evolution of this proposal, and consider that the principles of its scale, location, linkages and accommodation are sound.

The design has already been through a long iterative process, and we are satisfied with it subject to architectural details, materials and finishes.

English Heritage recommends that any planning permission granted for this application should take full account of the potential archaeological sensitivity of the site, with conditions appropriate to that. Conditions should also be imposed to require your Council's prior approval of all architectural details, materials and finishes and all landscape design and details.”

Internal Council Advice

- 4.2 Conservation Manager: “No objection. St. Mary's, in common with many medieval churches, is the product of several centuries of expansion, and all the obvious opportunities to extend the core of the building have already been taken. The site in the south-west return was considered to have least impact and it was decided at an early stage that the hall should have an independent identity as a freestanding building rather than as an extension. The double pile

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

form echoes the parallel roofs of the nave and aisles and also serves to reduce its bulk, and the simplified traditional language, which English Heritage describe as 'collegiate', has been adopted as a response to the strong architectural context. The single storey link element faces the difficult architectural challenge of connecting two buildings without impinging physically on important features such as the south aisle window, and whilst there is no wholly satisfactory solution, the geometry and lightweight construction of the link are considered to be an acceptable compromise.

Conditions are recommended requiring further architectural detail for the link block, together with samples of stone and roof material for the main building.”

- 4.3 Conservation Manager (Archaeology): “Holding objection. Concern is expressed that the archaeological field evaluation submitted with the application is nearly 20 years old. Within the last 12 months, major structural finds of Roman and medieval date have been made within 'The Prospect', just to the west of the application site. These finds put a different complexion on some of the provisional discoveries made in 1991, and raise the serious possibility that the proposed location of the church hall may in fact contain very significant and at risk archaeological features.

As a consequence the old evaluation report is no longer fit for purpose and it is advised that the applicant commission some further archaeological field evaluation to be conducted and reported on prior to the determination of the application. The scope of this would be limited, probably amounting to less than 15 metres square.”

- 4.4 Public Rights of Way Manager: “No objection subject to the imposition of a condition requiring that development shall not commence until a Diversion Order, relating to the affected footpath, has been processed under the Town and Country Planning Act 1990.”
- 4.5 Traffic Manager: Expresses some concern regarding the impact of the development upon the existing route of footpath ZK7, but defers to the Public Rights of Way Manager, who has no objection.

5. Representations

- 5.1 Ross Town Council: No objections.
- 5.2 The Ramblers Association: Express concern at the lack of information provided with regard the possible alteration to the route of the public right of way ZK7.
- 5.3 Ancient Monuments Society: The Society does not object to the hall building: 'The new structure adopts a deliberate, and not inappropriate, secular language. The use of natural sandstone in random rubble with dressed stone, and natural slate for the roof, lends it a welcome contextualism.'

However, objection is raised to the link element, which is regarded as “clumsy in its footprint” and “seriously inappropriate in its elevation”.

- 5.4 One letter of objection has been received from Mr. M. Bowring, Oak House, Walford Road, Ross-on-Wye. The letter is summarised as follows:
- Further extension of the church would destroy the character of the building.
 - The proposed extension does not fit in with the overall symmetry of the existing church building. It will extend beyond the line of the tower and obstruct the public footpath. The church is a well-known part of our heritage and should be preserved for future generations.

- 5.5 The Ross on Wye & District Civic Society: Objection: "Under the status quo the scale of the church is in keeping with the location, whereas a major extension would seriously compromise the balance between building and open space."
- 5.6 The architect has responded to the Ancient Monuments Society's criticism of the link structure. It is clarified that the footprint is intended to maximise the available internal circulation space within the constrictions of the existing building and its relationship to the new hall. The sharp simplicity of its glazed modern construction is deliberately in contrast with the weathered masonry of the existing building and what will be the crisper masonry of the new hall, in order for them to 'read' separately. The link is regarded as a necessary part of the design to ensure that the new hall is an extension to the church both physically and in terms of activities. Having two separate buildings would not satisfy the operational needs of the church users, particularly on dark, wet nights.

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 key issue in the determination of this application is an assessment of the appropriateness of the design and appearance of the extension against the Grade I listed building and within the wider context of the character and appearance of the Ross conservation area. It is clear that the design of the proposed church hall and link has evolved during extension pre-application discussion with the English Heritage and the involvement of the Council's Building Conservation Officers, to the extent that neither raises opposition to the proposal.
- 6.2 English Heritage recognise the value that the hall would have in assisting the function of the church as a key building in the community and consider the principles of the extension's scale, location and linkages to be sound. These sentiments are shared by the Council's Conservation Manager, who observes that the location of the development is that which would have the least impact upon the character of the existing building, whilst the basic form and appearance echo the parallel roofs of the nave and aisles. Given such a strong architectural context, the design approach is considered the most appropriate.
- 6.3 The Ancient Monuments Society raises concern regarding the design, function and appearance of the glazed link structure. It is also the view of English Heritage that the finer points of detail regarding the fenestration within the link have not been fully resolved. In any event, English Heritage is satisfied that these details can be addressed through the imposition of conditions requiring the submission of further detail, upon which they would be consulted. It should also be recognised that the challenge of linking a medieval church to a 21st Century hall is one that is unlikely to be met to the satisfaction of all interested parties. In this context, although the concern of the Ancient Monuments Society is noted, so too are the comments of English Heritage, the statutory body, and the Council's own specialist advisors. As such, the proposal is considered to accord with the Unitary Development Plan policies HBA1 and HBA6, which aim to preserve and safeguard the character and appearance of listed buildings and conservation areas respectively.
- 6.4 The Council's advisors on archaeology have advised that further field work is required in order to update the provisional findings of the 1991 evaluation. At the time of writing the agent had confirmed that additional work would be commissioned. As such, the recommendation reflects the fact that the archaeological issues surrounding the application have not yet been fully resolved.
- 6.5 The application relates to a Grade I listed building. As such, the Council cannot determine the application without referral to the Secretary of State.

Summary

- 6.6 The application proposes the extension of one of Ross's most recognisable buildings. The design of the extension has been subject to close scrutiny by the statutory body prior to formal submission. Neither the Council's advisors nor English Heritage record objection to the proposal, and notwithstanding the concerns raised by the Civic Society, The Ancient Monument Society and the individual objector, it is considered that subject to resolving detailed design issues, an acceptable balance has been struck. As such the application is recommended for approval subject to conditions.

RECOMMENDATION

That subject to the resolution of the outstanding archaeological issues, officers named in the Scheme of Delegation to Officers be authorised to refer the application to the Secretary of State with a recommendation that the Council is minded to approve, subject to the conditions below and any further conditions considered necessary by officers:

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

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

2 D10 (Specification of guttering and downpipes)

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

3 D04 (Details of window sections, eaves, verges and barge boards)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

4 D05 (Details of external joinery finishes)

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

5 D06 (External finish of flues)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

6 C01 (Samples of external materials)

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

7 H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed and to conform with the requirements of Policy T6 of Herefordshire Unitary Development Plan.

Informatives:

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

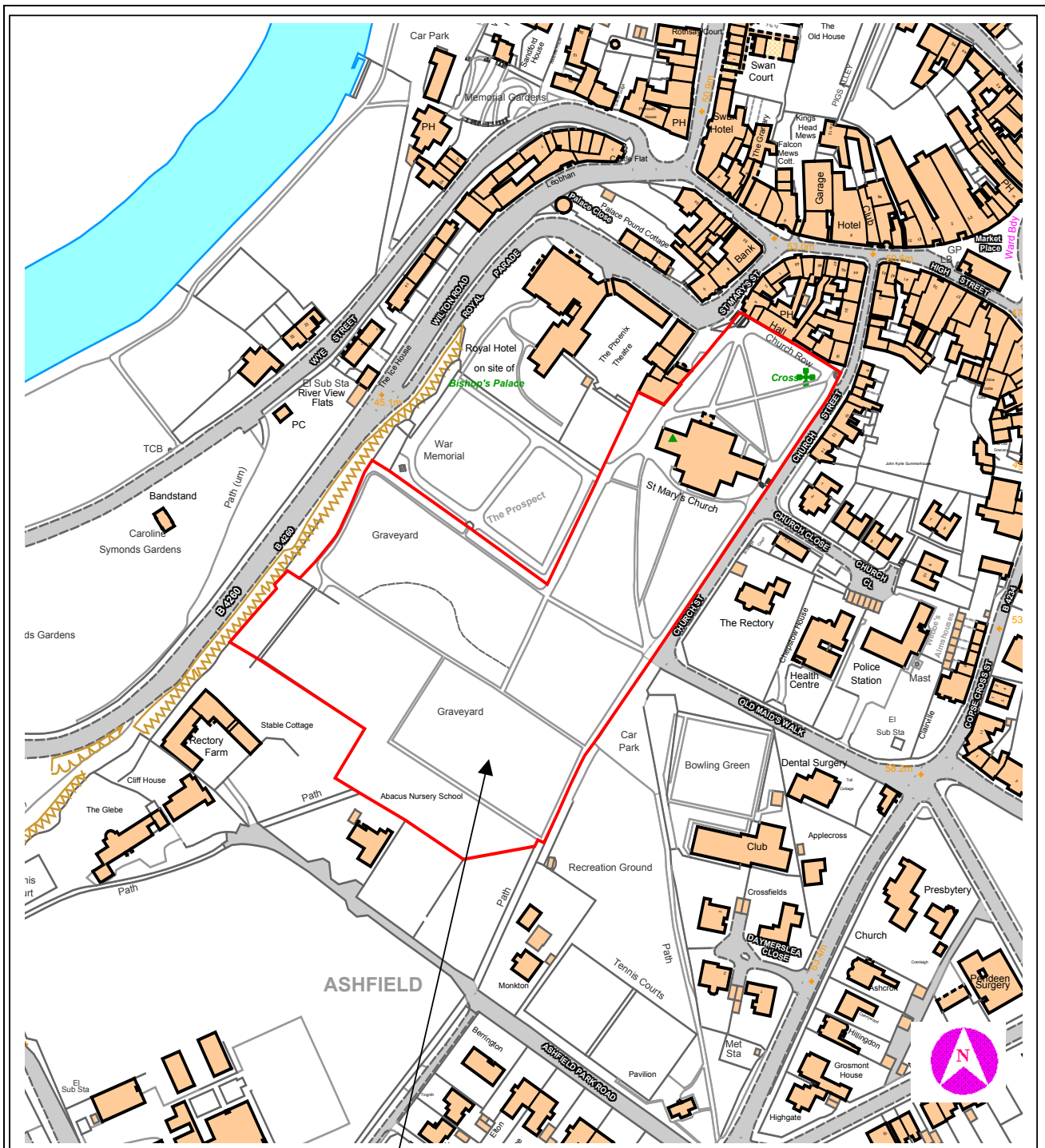
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/0926/F

SCALE : 1 : 2500

SITE ADDRESS : The Church of St Mary The Virgin, Church Street, Ross-on-Wye, Herefordshire HR9 5HP

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8 DCSE0009/1021/F - PROVISION OF NEW TWO STOREY 3 BEDROOM DWELLING IN REAR OF GARDEN, REAR GARDEN PLOT TO TUDORVILLE EXPRESS, WALFORD ROAD, TUDORVILLE, ROSS ON WYE, HEREFORDSHIRE, HR9 5PY

For: Mr J Thomas per Derrick Whittaker Architects, 1 Farjeon Close, New Mills, Ledbury, Herefordshire, HR8 2FU

Date Received: 14 May 2009

Ward: Ross-on-Wye East

Grid Ref: 59688, 22913

Expiry Date: 9 July 2009

Local Member: Councillors PGH Cutter and AE Gray

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a two-storey dwelling on land to the rear of the Tudorville Express Store, Walford Road, Ross-on-Wye. The application follows a refusal of planning permission for the erection of a dwelling on the same site under reference DCSE2007/2747/F. The former application was refused on the basis of poor design, scale and impact upon the amenity of the neighbours. Concern was also raised at the potential noise disturbance arising from vehicular movements adjacent to San Remo, the neighbouring dwelling to the south. Tudorville is a predominantly mid C20th residential area to the south of the town centre. Accordingly there is a mix of private and former Council housing stock in the vicinity. The gardens to the properties in Tudor Rise back onto the site. The garden to San Remo runs adjacent the south-western boundary, whilst Erdington Court, a development of a terrace of four properties lies to the rear of Merrie Orchard.
- 1.2 The design of the refused application was fundamentally poor and the scale vastly out of keeping with the character of the area. The height to the ridge was 10.6 metres and the floor area 150 square metres. The internal layout was vastly inefficient to the extent that the floor plans only committed to 3 bedrooms, although it is clear that scope existed for double this, including rooms within the roof space. The provision of a 2-storey height external spiral staircase certainly alluded to more than casual use of the 'loft rooms'.
- 1.3 The current application proposes a far smaller, genuine two-storey dwelling, albeit located in a similar position. Orientation is such that the front of the dwelling would face the rear of the shop. A contemporary design approach is taken with the use of asymmetrical mono-pitched roofs, under zinc standing seam cover. The dwelling is described as 3-bedroom, although provision is made for a first floor study, which could become a fourth bedroom as required. The plan is essentially rectangular, with a rear wing housing kitchen and bedroom 1 at first floor. This is the 'tower' element. The gross ground floor area is 103 square metres - two-thirds the size of the refused scheme. The overall height of the building is also substantially reduced. The mono-pitch roof form has been adopted to maintain a low profile. The highest part of the dwelling is now 7.2 metres as opposed to the previously proposed 10.6 metres. The height to eaves of the current proposal is, owing to the shallow mono-pitch, 6 metres at its maximum.
- 1.4 The application is accompanied by a Design and Access Statement. This justifies the proposal in the context that the existing garden area with Tudorville Express is underutilised and that the

use of previously developed land within the Ross settlement boundary is the approach advocated by national and local planning policy. The design approach has been adopted to "ensure that the building offers different and exciting views from all angles" and the design of the roofs also ensures that "the building maintains a low profile below that of the adjacent buildings."

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy LA1	-	Areas of Outstanding Natural Beauty

3. Planning History

3.1	DCSE2003/2467/F	Proposed shed/summer house	-	Approved 08.10.03
	DCSE2006/3655/F	Proposed formation of car parking area adjacent to shop	-	Approved 15.01.07
	DCSE2007/2747/F	Proposed new dwelling and swimming pool in garden at rear of Tudorville Express	-	Refused 24.10.07

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Recommend standard conditions relating to the discharge of foul and surface water discharges.

Internal Council Advice

- 4.2 Conservation Manager: No objections subject to conditions for glazing, joinery and roofing materials.

"The previous application, which was of three storeys, foundered in large part because it was grossly out of scale with its context, and the current scheme has made considerable efforts to address this concern. The opposed monopitch roof form has been adopted to maintain a low profile, and whilst the widely differing pitches appear somewhat unresolved in the elevational drawings, the effect will be less apparent in three dimensions. By contrast to its scale, the building's contemporary language is a deliberate riposte to the prevailing context, which has little distinctive identity."

- 4.3 Traffic Manager: No objection, although amendments are required to the design and layout of the parking and access route. The Traffic Manager recommends the imposition of conditions.

5. Representations

- 5.1 Ross-on-Wye Town Council: No objections.

5.2 At the time of writing seven letters of objection have been received from Mrs E Jenkins, 1 Erdington Court, Walford Road, a joint letter from Mr S. Cropper and Mr & Mrs A James from numbers 3 and 4 Erdington Court respectively, Mr & Mrs T Russell, 15 Tudor Rise, Mr M R Higgins, 17 Tudor Rise, Mrs K Ward, 19 Tudor Rise, Mr D Barlow, 21 Tudor Rise and Mr & Mrs French, San Remo, Walford Road. The content of the letters can be summarised as follows:

- The development could result in loss of privacy, particularly if the boundary hedge is removed;
- The use of the private access drive serving Erdington Court would not be permitted;
- Additional traffic on this part of Walford Road would not be advisable;
- Any planning permission should be conditional upon the retention of the existing trees forming the boundary between the site and Erdington Court. Removal of this planting would detract from the visual amenity of the area;
- The design of the building is radically out of keeping with the surrounding houses. The design would detract from the harmonious look of the neighbourhood.
- The narrowness of the access is not appropriate for construction traffic.
- The additional vehicular movements would cause conflict with store customers.
- The store car park may be used increasingly as a domestic car park.
- The development will depreciate the value of surrounding properties.

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 erection of a two-storey dwelling on land currently forming part of the curtilage to the Tudorville Express general stores, Walford Road, Ross-on-Wye. The site is within an established residential area, within the Ross settlement boundary. As a principle, the erection of a dwelling upon the site is acceptable.

6.2 A previous application for the erection of a dwelling on this site was refused owing to its design, scale and the impact of the vehicular access upon the residential amenity of the dwelling immediately to the south-west, San Remo. As described above, the dwelling now proposed is significantly smaller both in plan form and height than the previously proposed dwelling. It does, however, promote a modern style of architecture that is largely unheralded in the neighbourhood, which is described by one of the objectors as "admittedly unflashy yet reassuringly harmonious."

6.3 Accordingly the key issues in the determination of this application are considered as follows:

- The appropriateness of the design to the immediate context;
- The impact of the proposal upon the living conditions of adjoining residents, including an assessment of the impact of the means of access upon the adjoining dwelling, San Remo.

6.4 This site is considered a 'backland' location. In this instance a similar form of development can be seen immediately adjacent in the form of Erdington Court, which appears to derive from the development of land formerly associated with Merrie Orchard. Given recent local appeal decisions on the issue of developing 'backland' sites, the case officer considers that although the proposal rests upon a means of access that passes in relatively close proximity to the neighbour, the development of this land is acceptable. The Traffic Manager, whilst recognising the constraints placed upon the access onto Walford Road, does not object to the application provided that amendments are made to the design of the parking and turning area. This can be governed via the imposition of conditions.

- 6.5 The design of the dwelling is a departure from the existing predominantly twentieth century housing stock. However, the site is not readily visible from public vantage points and with the intended retention of existing landscaping, would not be unduly prominent. Moreover, the scale of the dwelling, which is vastly reduced from that originally proposed, will further reduce the visual impact when viewed from neighbouring properties. As the building will not be seen in a typical street-scene, the case officer considers that a contemporary design is feasible and appropriate. The mixed character of the locality with no overriding architectural style also lends itself to the introduction of a new design approach.
- 6.6 The case officer agrees that existing boundary planting should be retained in the interests of preserving visual and residential amenity and conditions are recommended to this effect. As access is proposed via the existing drive, there would be no threat to the trees on the boundary to Erdington Court. In terms of overlooking, the vast majority of the openings at both first and second floor are in the west facing elevation, which looks onto the rear of Tudorville Express. Windows in the first floor flank elevations serve bathrooms or dressing rooms. Windows in the rear facing elevation (facing Tudor Rise) are limited to those serving the stairs and a ground floor kitchen window. Window-to-window distances in this direction exceed 21 metres. The scheme does incorporate a balcony to the south-elevation. A condition is recommended to require the provision of a privacy screen to the side that faces Erdington Court.
- 6.7 The debate around the appropriateness of the design is clearly a subjective issue. However, there is no defining architectural context and the discrete nature of the site lends itself to a more ambitious design. The application 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 D04 (Details of window sections, eaves, verges and barge boards)

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the architectural characteristics of the building and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

4 Prior to the commencement of development, a scheme to indicate the incorporation of a privacy screen to the balcony hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall accord with the approved details and the privacy screen must be retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve existing levels of residential amenity in the locality so as to comply with Policies DR1 and H13 of the Herefordshire Unitary Development Plan.

5 H06 (Vehicular access construction)

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

6 H13 (Access, turning area and parking)

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

7 H27 (Parking for site operatives)

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

8 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.

9 G02 (Retention of trees and hedgerows)

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

10 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.

11 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.

12 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.

13 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.

14 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.

15 I56 (Sustainable Homes Condition)

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'

16 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**

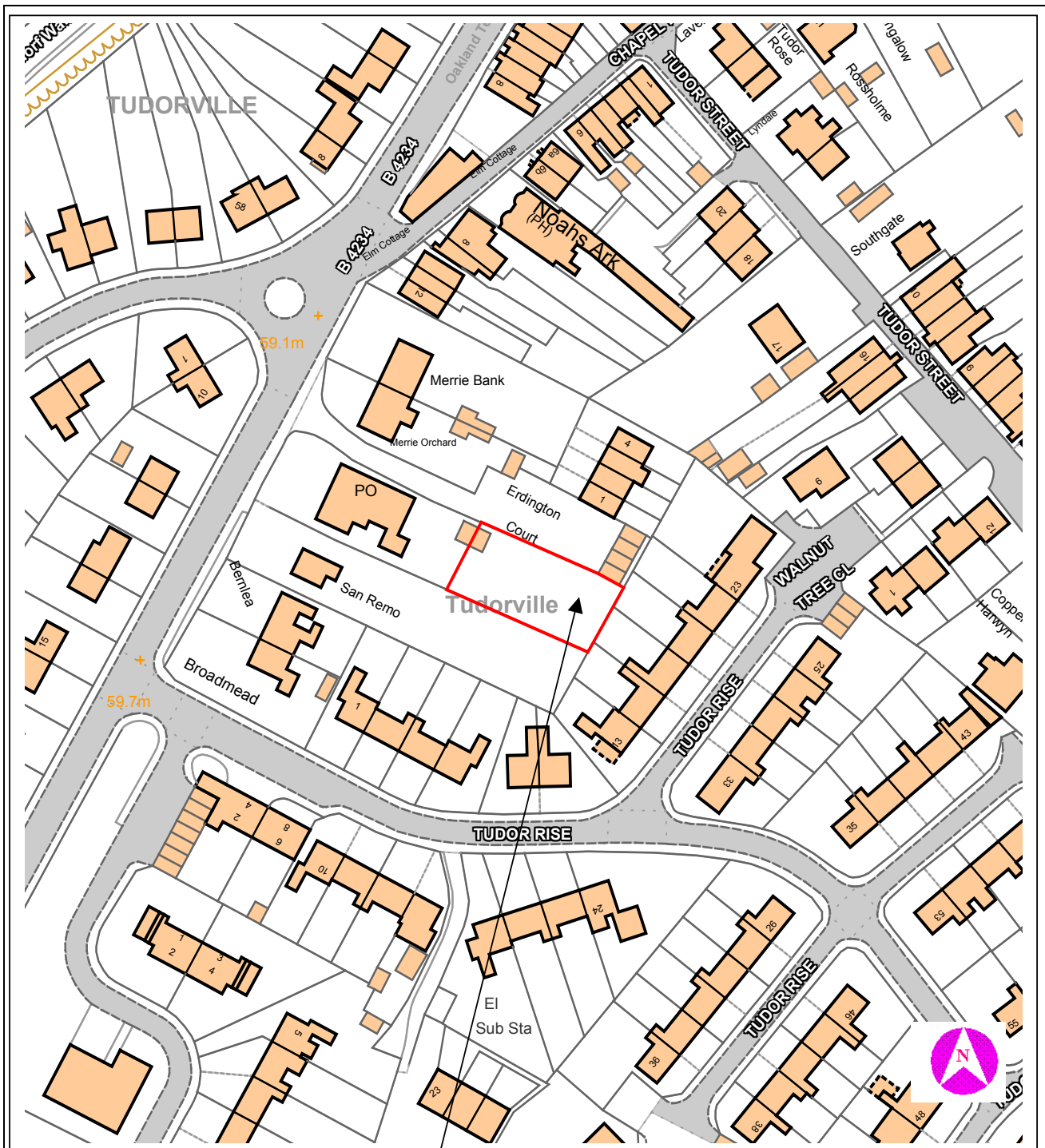
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1021/F

SCALE : 1 : 1250

SITE ADDRESS : Rear Garden Plot to Tudorville Express, Walford Road, Tudorville, Ross on Wye, Herefordshire, HR9 5PY

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

9 DCSE0009/0983/F - PROPOSED CONSERVATORY TO ANNEXE, CHEVENHALL, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ.

For: Mr & Mrs D Warwick per B S Associates, Boseley Business Park, Forest Vale Road, Cinderford, GL14 2PH

Date Received: 8 May 2009 Ward: Ross-on-Wye East Grid Ref: 59814, 23470

Expiry Date: 3 July 2009

Local Member: Councillors PGH Cutter and AE Gray

1. Site Description and Proposal

- 1.1 Chevenhall is a large and imposing detached house on the east side of Walford Road, opposite its junction with Palmerston Road. White Keys is to the southwest and Lawford House is to the north. A wooden panel fence runs along the boundary with White Keys. There is tree planting adjacent to the flank wall of White Keys. The site is in the Ross-on-Wye conservation area and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 In the southeast corner of the site is a rubble stone building under a slate roof that is being converted to an annexe, pursuant to application DCSE2008/0973/F. This application proposes a conservatory extension, 3.6 metres x 3.4 metres, 2.2 metres to eaves and 3.2 metres to ridge that will have rendered elevations under a slate hipped roof, to the south elevation. A folding patio type door is proposed in the front elevation.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development
PPG15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

S2 - Development Requirements
S7 - Natural and Historic Heritage
DR1 - Design
H18 - Alterations and Extensions
HBA6 - New Development within Conservation Areas
LA1 - Areas of Outstanding Natural Beauty

3. Planning History

- | | | | | |
|-----|-----------------|---------------------------------------------------------------------|---|---------------------|
| 3.1 | SE2001/1703/F | Conversion of outbuilding to an annexe | - | Approved 12.12.2001 |
| | DCSE2004/1971/F | Extension. | - | Approved 23.7.2004 |
| | DCSE2008/2536/F | Conversion of outbuildings to an attached annexe and proposed link. | - | Approved 2.12.2008 |

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Conservation Manager has no objection.

5. Representations

5.1 A Design and Access Statement has been submitted:

- The site forms part of an established residential area consisting of a variety of housing types including recent infill properties
- The existing outbuildings are to the rear and to one side of Chevenhall and accessible from the main car park to the main house and is being converted to an annexe
- The conservatory is to the south elevation
- By granting of planning permission the property is considered suitable for residential purposes and it is not unreasonable to provide a conservatory for the enjoyment of the occupier of the property
- The conservatory is similar in design to the annexe and therefore of a similar scale
- The buildings are within the conservation area but can only be seen from Walford Road and will be partially screened by the new boundary wall and gates
- The conservatory will therefore have no impact on the conservation area and will be similar in appearance to the remainder of the property

5.2 Ross Town Council has no objection.

5.3 An objection has been received from Mrs JA Hayes, White Keys, Walford Road, Ross-on-Wye:

- The impact on the immediate neighbour to the south is already overwhelming. With the proposed extension to within 2 foot of the boundary fence will be intimidating;
- With this extension the frontage of the building will stretch across the whole of the small side garden of Chevenhall;
- Together with the linking of the adjacent barn the eventual frontage will be almost the length of Chevenhall from the Walford Road;
- The footprint of this development would appear to be a third of Chevenhall itself; and
- From the road the height and mass and visual aspect will be overpowering for the size of this side plot.

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 Work on the conversion of this building to provide annexe accommodation to be occupied in conjunction with Chevenhall is in progress. Policy H18 which deals specifically with proposals for the alteration or extension of residential properties is considered appropriate to the determination of this application. The policy acknowledges these types of proposals can have a significant effect on the character of the original building, the surrounding area and the amenities of adjoining residents. It is important that the scale, siting and design of such development

respects these aspects, so as to ensure adequate levels of privacy and environmental quality. The policy is subject to the following:

- The original building (that is, as at 1 July 1948 or as originally built if constructed later than this date and not including any subsequent extensions) would remain the dominant feature;
- The proposal is in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, sitting, detailed design and materials;
- The proposal would not be cramped on its plot, including having regard to provision of suitable private open amenity space, and would not adversely impact on the privacy and amenity of occupiers of neighbouring residential property; and
- The level of resulting off street parking provision is in accordance with policy H16.

6.2 Other than a link connecting the main building to a single storey building on the north side of the annexe, the building is original. This application proposes a small-scale single storey addition on the south side of the building. Insofar as its scale and form is concerned the addition is considered acceptable in that it is visually subordinate and of a size that will allow the scale and character of the original building to remain dominant.

6.3 Folding patio doors are proposed to the front elevation of the extension, which will look out across the curtilage of Chevenhall. However, it is acknowledged there may be a peripheral and oblique view from the doors towards the rear of White Keys which is some 15metres to the southwest of the annexe. While, there is no hard and fast rule concerning separation distances, the space that exists between the two buildings is considered adequate to avoid direct overlooking. Also, the existing boundary treatment between White Keys and Chevenhall, and the tree planting adjacent to White Keys, reconciles the potential of any overlooking that may arise causing the loss of residential amenity to the adjoining property.

6.4 The eaves height of the conservatory extension will project some 900mm above the height of the wooden panel fence that runs along the boundary with White Keys. While part of the extension will be seen from White Keys, this in itself is not considered a substantive reason to object to this proposal. The proposal has been viewed from the White Keys and it is not considered the extension will be visually oppressive or intimidating when seen from the garden or from the living rooms of that property.

6.5 Chevenhall and the annexe building sit in a large garden. While, the annexe is located in the corner of the garden, it is not considered this small extension will lead to the cramming of building on the site and will leave ample space for sitting out and movement around the garden. The proposal will not lead to an increase in parking. Consequently it is considered the scale and form of the proposal complies with policy H18.

6.6 The site is located in the Ross-on-Wye conservation area where consideration needs to be given to the improvement and enhancement of the area. In this respect, the Conservation Manager views the proposed conservatory as being in a similar low-key vein to the existing building and is unlikely to have any discernible impact on the conservation area. The proposal is considered acceptable to the requirements of policy HBA6.

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

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

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

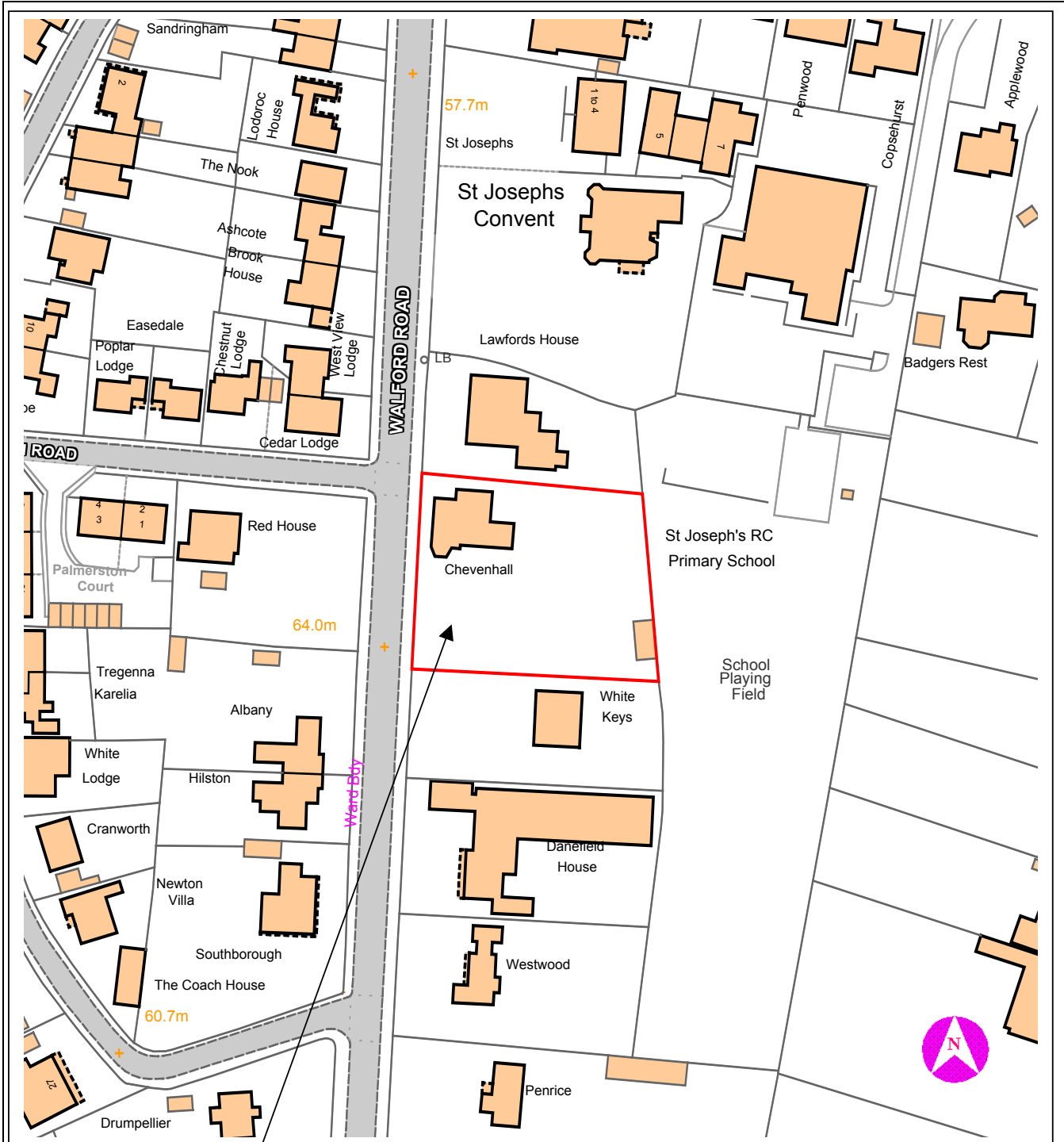
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/0983/F

SCALE : 1 : 1250

SITE ADDRESS : Chevenhall, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ

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