

# AGENDA

## Southern Area Planning Sub-Committee

Date: **Wednesday 30 September 2009**

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Time: **2.00 pm**

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

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

For any further information please contact:

**Ricky Clarke, Democratic Services Officer**

Tel: 01432 261885

Email: [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

# 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

## **GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS**

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

**AGENDA**

		Pages
1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 2 September 2009.	1 - 6
4.	<b>ITEM FOR INFORMATION - APPEALS</b> To be noted.	7 - 8
 <b>PLANNING APPLICATIONS</b>		
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.		
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.		
5.	<b>DCSE0009/1495/F - KNAPP FIELD, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JA.</b> Proposed dwelling with detached garage and associated works.	9 - 14
6.	<b>DCSE0009/1487/O - HILLCREST, GORSLEY, ROSS-ON-WYE, HR9 7SW.</b> 3 detached dwellings with new access and associated works.	15 - 22
7.	<b>DCSW0009/1681/F - STONE HOUSE, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DL.</b> Proposed detached double garage, garden/mower store and first floor storage area.	23 - 28
8.	<b>DCSE0009/1676/F - CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORDSHIRE, HR9 5QU.</b> Proposed dormitory accommodation with dining and recreational unit in association with continued use of land as a children's nursery school and kids club, together with approved leisure, recreational, educational and cultural use (diversification of existing use)	29 - 36



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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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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 2 September 2009 at 2.00 pm**

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

Councillors: CM Bartrum, H Bramer, AE Gray, JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, DC Taylor and JB Williams

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

**28. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor BA Durkin.

**29. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**30. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 5 August 2009 be approved as a correct record and signed by the Chairman.

**31. ITEM FOR INFORMATION - APPEALS**

There were no appeals.

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

There were no section 106 reports.

**33. DCSE0009/1553/F - LAND WEST OF WELL VALE FARM, WHITCHURCH, HEREFORDSHIRE, HR9 6DW.**

*Retrospective planning application for two stables and lean-to, and for occasional use as animal shelter and use of land for the keeping of horses. Caravan used for storage of animal equipment.*

Councillor JG Jarvis, the Local Ward Member, felt that the application site was well screened from the public highway and therefore moved the recommendation.

**RESOLVED**

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

- 1 Within 3 months of the date of this permission the external cladding of buildings marked A, C and D on the submitted plan received and date stamped 23 July 2009 shall be stained dark brown, details of which shall be submitted to and approved in writing by the LPA, and thereafter maintained.**

**Reason: To protect the visual amenity of the area and to ensure that the development complies with the requirements of policy DR1 of Herefordshire Unitary Development Plan.**

**2 G02 (Retention of trees and hedgerows)**

**3 F09 (Private use of stables only)**

**INFORMATIVES:**

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

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

**34. DCSE0009/1507/F & DCSE0009/1508/L - FORDING FARM, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SB.**

*A) Proposed single storey extension to existing farmhouse.*

*B) Proposed single storey extension to existing farmhouse and partition in existing kitchen.*

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

Councillor H Bramer, the Local Ward Member, felt that it would be difficult to extend the property on the front elevation of the existing building. He felt that the primary consideration in respect of the application was whether the need for an extension outweighed the possible visual impact.

In response to a question, the Senior Planning Officer confirmed that policy H18 of the Unitary Development Plan required the original building to remain the dominant feature. He added that the proposed contemporary design achieved this.

**RESOLVED**

**That in respect of DCSE0009/1507/F, planning permission be granted subject to the following conditions:**

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

**2 C01 (Samples of external materials)**

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

**4 D09 (Details of rooflights)**

**5 D10 (Specification of guttering and downpipes)**

**INFORMATIVES:**

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

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



**That In respect of DCSE0009/1508/L, listed building consent be granted subject to the following conditions:**

- 1 D01 (Time limit for commencement (Listed Building Consent))**
- 2 C01 (Samples of external materials)**
- 3 D04 (Details of window sections, eaves, verges and barge boards)**
- 4 D09 (Details of rooflights)**

**INFORMATIVES:**

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

**35. DCSE0009/1433/F - THE CROWN INN, WOOLHOPE, HEREFORD, HR1 4QP.**

*Proposed temporary overflow car parking area.*

In accordance with the criteria for public speaking, Mrs Whaley, a neighbouring resident, spoke in objection to the application and Mr Slocombe, the applicant, spoke in support.

Councillor RH Smith advised members that the Local Ward Member was unable to attend the meeting due to his involvement in a planning appeal. He stated that the Local Ward Member had noted the narrow highway leading to the application site and had also noticed that the current car parking allocation was usually full.

Councillor Smith felt that the application was in accordance with policy HBA6 of the Unitary Development Plan. He felt that the additional screening proposed by the applicant would be of benefit to the neighbouring residents and requested that a condition be added to cover this.

Members discussed the benefits of using the new parking area for staff only. It was noted that this would result in less vehicle movements as the staff would be in the premises for longer than patrons. However it was also noted that it would result in the proposed additional parking area being used daily rather than only when the existing car park was full.

**RESOLVED**

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

- 1 A01 (Time limit for commencement (full permission))**
- 2 Prior to the installation of the grass matting system a sample or trade description of the matting shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved details.**

**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 Prior to the first use of the car parking area hereby approved a site plan indicating the positions and sizes of the car parking spaces together with the manner in which they will be demarked on site shall be submitted to and approved in writing**

by the local planning authority. The car parking spaces shall be laid out in accordance with the approved plan.

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

#### **4 Please insert planting condition**

##### **INFORMATIVES:**

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

#### **36. DCSE0009/1465/F - GLEWSTONE COURT COTTAGE, GLEWSTONE, ROSS-ON-WYE, HR9 6AW.**

*Erection of garden shed – part retrospective.*

Councillor JA Hyde, the Local Ward Member, noted the concerns raised in the parish council representation. She said that she was initially surprised by their comments but shared their reservations after viewing the site. She felt that the building did not constitute a shed and she was also concerned about its probable use.

Members discussed the application and had some concerns regarding the building. They felt that it was too large and was not in keeping with the surroundings. They also expressed strong reservations in respect of its possible use.

In response to the points raised, the Senior Planning Officer confirmed that the recommendation contained a condition restricting the use of the proposed building to domestic use only.

##### **RESOLVED**

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

- 1 Within 3 months of the date of this permission details/samples or trade descriptions of the materials to be used externally on the roof and walls shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 2 F07 (Domestic use only of outbuilding)**
- 3 Within 3 months of the date of this permission a scheme of hedgerow planting along the roadside boundary shall be submitted to and approved in writing. The planting shall be carried out in the next planting season.**

**The plants shall be maintained for a period of 5 years. During this time, any plants that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives written consent to any variation. If any plants fail more than once**

they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

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

**Informatives:**

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

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

**37. DCSE0009/1495/F - KNAPP FIELD, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JA.**

*Proposed dwelling with detached garage and associated works.*

In accordance with the criteria for public speaking, Mrs Whyberd, representing Goodrich and Welsh Bicknor Parish Council, and Mr Constance, a neighbouring resident, both spoke in objection to the application. Mr Field, the applicant's agent, spoke in support.

Councillor JG Jarvis, the Local Ward Member, noted that the site had already been granted outline planning permission. He felt that the site levels were not clear on the Officer's presentation and therefore proposed a site inspection.

**RESOLVED**

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

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

The meeting ended at 3.16 pm

**CHAIRMAN**



**ITEM FOR INFORMATION - APPEALS**

**APPEALS RECEIVED**

**Application No. DCSW2009/0373/F**

- The appeal was received on 13 August 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 Mussell
- The site is located at Land adjoining 14 Gosmore Road, Clehonger, Hereford, Herefordshire, HR2 9SN
- The development proposed is New three bed detached dwelling
- The appeal is to be heard by Written Representations

**Case Officer: Angela Tyler on 01432 260372**

## APPEALS DETERMINED

### Application No. DCSE2008/2743/F

- The appeal was received on 31 March 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 West Bank Residential Home Ltd
- The site is located at West Bank Residential Care Home, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ
- The application dated 30 October was refused on 18 February 2009
- The development proposed was Construction of two single storey and one two storey extensions to existing Residential Care Home.
- The main issues are the effect of the proposal on:
  - i) The character and appearance of the area (Ross-on-Wye Conservation Area).
  - ii) The living conditions of nearby residents in terms of privacy.

**Decision:** The application was REFUSED under Delegated Powers on 18 February 2009  
The appeal was ALLOWED on 29 June 2009

**Case Officer: Edward Thomas on 01432 260479**

### Application No. DCSE2008/2334/O

- The appeal was received on 22 April 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 Mr & Mrs Cooper
- The site is located at 37 Redhill Road, Ross-on-Wye, Herefordshire, HR9 5AU
- The application dated 2 September 2008 was refused on 11 November 2008
- The development proposed was Erection of one detached dwelling, use of an existing access.
- The main issues are:
  - i) The effect of the proposed development on the living conditions of the occupiers of neighbouring properties, in particular by reason of vehicular movements
  - ii) The implications of the proposed development for highway safety, having regard to the proposed vehicular access to the site

**Decision:** The application was REFUSED under Delegated Powers on 8 November 2008  
The appeal was ALLOWED on 4 August 2009  
An application for the award of Costs, made by the appellant was DISMISSED

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

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

**5 DCSE0009/1495/F - PROPOSED DWELLING WITH DETACHED GARAGE AND ASSOCIATED WORKS AT KNAPP FIELD, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JA.**

**For: Mr & Mrs M Davies per FTA A Ltd, Studio 9 Torfaen Business Centre, Gilchrist Thomas Ind Est, Blaenavon, NP4 9RL.**

**Date Received: 17 July 2009**

**Ward: Kerne Bridge**

**Grid Ref: 57311, 19385**

**Expiry Date: 11 September 2009**

Local Member: Councillor JG Jarvis

### **Introduction**

This application was considered at the Southern Area Planning Sub-Committee on 2 September 2009 when Members deferred making a decision in order to carry out a site visit.

Subsequently, the plans have been amended to reduce both the proposed slab level and the height of the dwelling and any further comments on these will be reported verbally.

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

- 1.1 Planning permission is sought for the erection of a single dwelling with detached double garage at Knapp Field, Goodrich. The application site is part of a larger site of an approval for two dwellings (outline planning permission DCSE2008/0106/O), which has now been subdivided into two plots. The site is within the settlement boundary and given the pre-existing planning permission, the principle of erecting a dwelling on this site is established. The site is bound on 3 sides by residential development with open countryside on the opposite side of the lane known as Knapp Pitch (northwest). 'The Gables' is a 1½ storey dwelling on lower-lying land to the rear (southeast) of the plot, with 'Straid House' (a bungalow) to the southwest and Hollendene to the west beyond the adjoining plot. 'Coppet View Cottage' is a modern, red brick, detached dwelling to the northeast.
- 1.2 As approved by the outline planning permission, the application is drawn up so as to provide a singular point of access to this and the adjoining plot. This has the twin benefits of achieving optimum visibility and keeping removal of hedgerow to a minimum.
- 1.3 The dwelling has an L-shaped plan on what is essentially a rectangular site. The access point is proposed to the northwest corner of the site with the double garage located in the opposite corner. The dwelling is set behind the garage although contained within the northern half of the site. The design is simple and traditional with a rendered finish over block work. The schedule of materials refers to a natural slate roof, timber fascias and soffits with windows recessed to provide 125 mm reveals. The dwelling has 4 bedrooms and measures 8.2 metres to the ridge. The rear wing is lower at 7 metres, and the impact has been further mitigated through the submission of amended plans which show a 225 mm reduction of slab levels.
- 1.4 The application is accompanied by a Design and Access Statement, which highlights the prominence of the site from elevated public vantage points to the south, whilst recognising the

context provided by existing large, neighbouring residential properties. Reference is also made to the fall in ground levels from west (higher) to east (lower), which accounts for the ridge height being 1.34 metres higher than that of Coppet View Cottage to the immediate east.

- 1.5 The applicant has also confirmed acceptance of the 12-month implementation condition in line with the current temporary suspension of Section 106 contributions in relation to small-scale residential developments.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy LA1	-	Area of Outstanding Natural Beauty

## 3. Planning History

- 3.1 DCSE2007/3254/O Site for erection of three dwellings. - Refused 13.12.07  
DCSE2008/0106/O Site for erection of two dwellings. Approved 21.4.08

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: No objection subject to the imposition of standard conditions.

### Internal Council Advice

- 4.2 Traffic Manager: Recommends conditions and that development accord with the proposed site layout (shared access).  
4.3 Public Rights of Way Manager: No objection.

## 5. Representations

- 5.1 Goodrich Parish Council: Councillors and neighbouring residents have grave concerns with the size and dominance of the proposed dwelling on this site. These concerns had been previously raised when outline planning permission was sought - although development on the site was not opposed. The proposed house would be even higher than the neighbouring properties and would have a very overbearing presence, particularly with regard to its nearest neighbour at the Gables. It is considered that a 1½ storey dwelling would be more appropriate on this site.

A questionnaire undertaken for the Village Design Statement (VDS) shows an overwhelming majority of respondents are against large, executive style homes, with a preference for smaller, family housing.

Concern is also expressed at the capacity of the local sewerage system.



5.2 A total of eight letters of objection have been received from local residents. The contents can be summarised as follows:

- The dwelling is too large for the plot. It is on an elevated plot, prominent within the village and will be overbearing in relation to neighbouring dwellings on lower-lying land;
- The building should be located closer to the road and should be of 1½ storey construction. This was the understanding under the existing outline planning permission;
- This proposal, if allowed, would inform the development on the adjoining plot and form an unwelcome precedent;
- The proposal shows four bedrooms, but there would appear to be space for more, with potential for attic rooms;
- The Village Design Statement questionnaire reveals a strong local preference for smaller, family homes as opposed to large executive dwellings.

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 with detached garage on previously undeveloped land within the settlement boundary. There is an extant outline planning permission for the erection of two dwellings on this and the adjoining site. The principle of erecting a dwelling on this land is therefore established.

6.2 Letters of representation focus primarily upon the size and scale of the proposed dwelling, with the suggestion that the proposal would harm visual and residential amenity and that in response to these issues and views expressed in the VDS survey work, a smaller, family dwelling should be erected. The Traffic Manager is satisfied that the singular point of access represents the best approach and accordingly the key issues in the determination of this application are as follows:

- The appropriateness of the design to the local context;
- The impact of the proposal upon the living conditions of adjoining residents.

6.3 It is clear from the Parish Council response that the preference amongst those involved in the survey work associated with the draft VDS is for smaller family dwellings as opposed to large, executive housing. This perspective is understood, as the majority of residential development in Goodrich in the last 10 years would appear to comprise larger properties. That said the draft VDS cannot yet be afforded significant weight in the determination of this application as it has not been adopted. Consequently, although the views expressed in the VDS survey are borne in mind, it is the policies of the Unitary Development Plan that must be afforded more weight in this instance.

6.4 Whilst parts of Goodrich have a strong architectural context, this is not the case in the immediate environs of the application site. However, given previous Parish Council responses to the use of red brick in new build, the application proposes a painted render finish under a natural slate roof. Setting aside the issue of scale, the architecture and materials proposed are considered appropriate to an edge of village location and represent an acceptable treatment in this location.

6.5 At just over 8 metres to the ridge, the maximum height of the building is not excessive. The cross-section drawings suggest only limited future prospects for use of the attic space, as requisite head-height will be limited to a narrow span beneath the ridge. In terms of its position within the plot, the rear wing is 19 metres from the boundary with 'The Gables' and 28 metres in terms of building-to-building distance. Given the interceding planting along this boundary, even

allowing for the difference in ground level, the spatial relationship between these two buildings is considered acceptable. An objection has also been received from Straid House, a bungalow further to the southwest. However, given the fact that this property is off-set and further removed from the application site, the proposal is not considered to have any undue impact upon the residential amenity currently enjoyed by the occupants in terms of overlooking or loss of privacy.

- 6.6 The case officer disagrees with the perspective that the dwelling is too large for the plot. The dwelling and garage have a combined footprint of 178 square metres on a plot measuring in excess of 0.13 hectare (1300 square metres). Building coverage accounts for 13% of the plot, which cannot be construed as over-development. A total of four, first floor windows face Coppet View Cottage. As these serve a dressing room, ensuite and secondary windows to a bedroom lit by two other windows, it is considered appropriate to require that these are fitted with obscure glazing.
- 6.7 In order to assist the dwelling in blending in with its surroundings, over time, a landscaping condition is proposed. This would be designed to ensure that the roadside hedge is maintained and that planting along common boundaries is retained where it already exists and augmented where necessary.

#### Summary

- 6.9 The proposal is acceptable in principle in that it represents residential development within the settlement boundary on the site of a pre-existing outline planning permission for two dwellings. Local opposition has focused upon the impact of the proposal upon visual amenity and neighbouring residential amenity and the expressed preference amongst survey respondents for smaller family dwellings. However, the case officer considers the proposal appropriate to the immediate context, and to use a design and palette of materials that responds positively to the character and appearance of the locality. The scale is not excessive in relation to the site and would not result in any undue loss of residential amenity to adjoining residents.

### **RECOMMENDATION**

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

- 1 A01 (Time limit for commencement (full permission) )**
- 2 Amended plans**
- 3 C01 (Samples of external materials )**
- 4 D05 (Details of external joinery finishes )**
- 5 F15 (No windows in side elevation of extension )**
- 6 F17 (Obscure glazing to windows )**
- 7 G02 (Retention of trees and hedgerows )**
- 8 G10 (Landscaping scheme )**
- 9 G11 (Landscaping scheme - implementation )**
- 10 H03 (Visibility splays )**

- 11 H05 (Access gates )
- 12 H06 (Vehicular access construction )
- 13 H13 (Access, turning area and parking )
- 14 H27 (Parking for site operatives )

**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

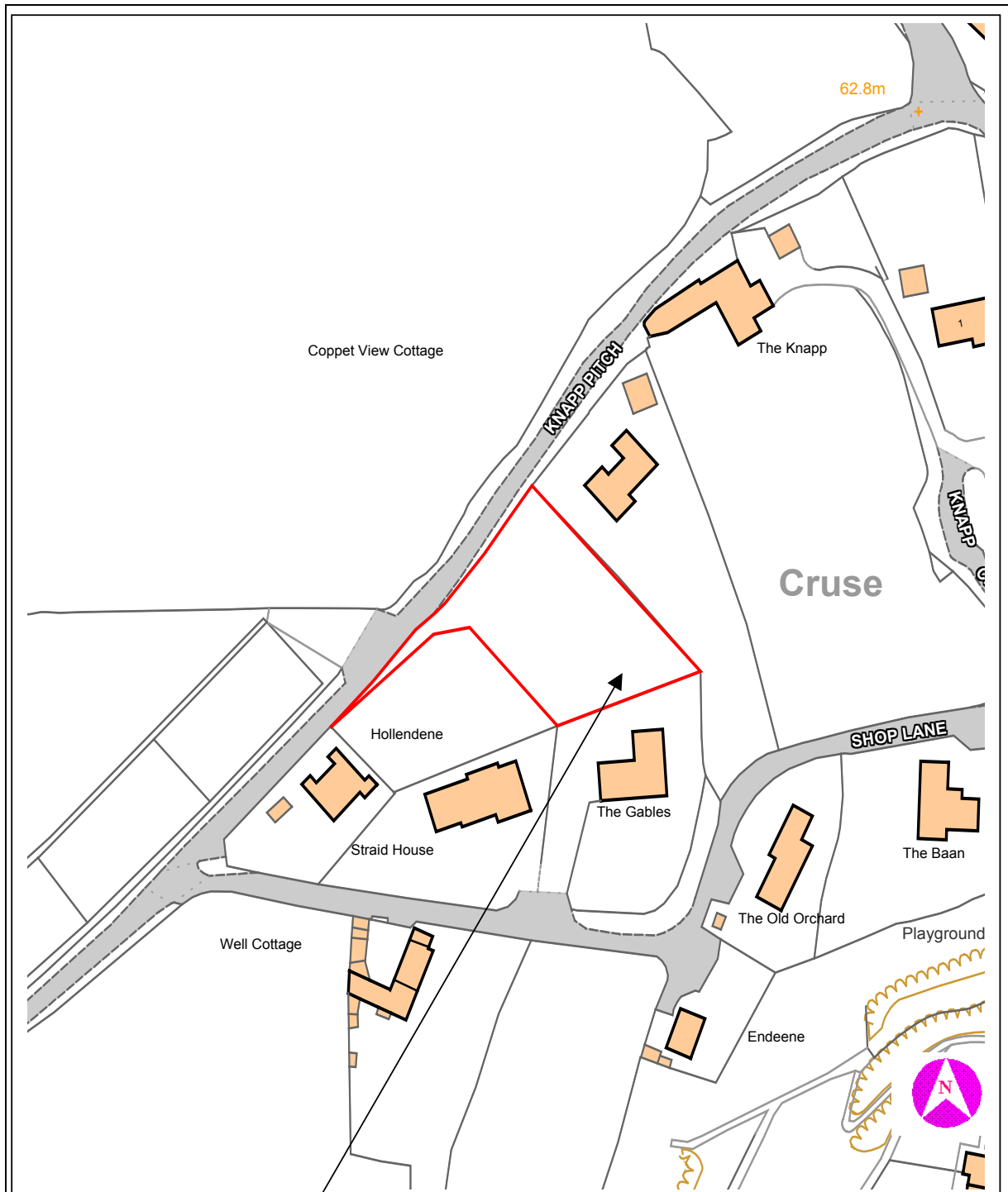
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE0009/1495/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Knapp Field, Goodrich, Ross-on-Wye, Herefordshire, HR9 6JA

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

**6 DCSE0009/1487/O - 3 DETACHED DWELLINGS WITH NEW ACCESS AND ASSOCIATED WORKS AT HILLCREST, GORSLEY, ROSS-ON-WYE, HR9 7SW.**

**For: Mr A Price per Mr T Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire, HR9 5TJ.**

**Date Received: 15 July 2009**

**Ward: Penyard**

**Grid Ref: 67520, 26173**

**Expiry Date: 9 September 2009**

Local Member: Councillor H Bramer

**1. Site Description and Proposal**

- 1.1 Hillcrest is a detached dwelling with annex located to the north of the B4221. The Ivy House estate is found further to the north. There is a detached stone garage a short distance to the west of the dwelling and a timber stable in the paddock (also in the applicant's ownership) to the east. The application site is within the settlement boundary and the principle of residential development is established. The proposal is made in outline with all matters reserved with the exception of access, and involves the erection of 2 detached dwellings in the existing garden to the west of Hillcrest, with a third dwelling sited on the footprint of the existing stable.
- 1.2 Provision is made for a singular point of vehicular access to serve the proposed and retained dwellings with a new access drive. The existing sub-standard and potentially hazardous access to Hillcrest together with the separate accesses to the paddock and garden would be closed.
- 1.3 The new access arrangement would necessitate removal of the existing roadside hedge with a replacement set back behind the 2.4 metres x 120 metres visibility splay. It is also proposed to improve the existing footpath across the site frontage by increasing its width to 1.8 metres.
- 1.4 The application site extends to 0.2 ha and the density of development would equate to 15 dwellings/hectare, which is below Government guidelines as expressed in PPS3, but more appropriate to a semi-rural context. The submitted layout, with the exception of the point of access, is indicative, but illustrative of how the dwellings might be accommodated on the site.
- 1.5 Indicative site sections have been submitted. These illustrate potential finished floor levels and demonstrate the degree of excavation that would be possible as a means of mitigating the impact of the dwellings relative to those in the Ivy House Estate to the immediate north. The relationship of the two dwellings proposed to the west of Hillcroft with the nearest neighbours to the north, is a key factor in the determination of this application.
- 1.6 The application is accompanied by the following reports:
- 1) A speed survey and access and visibility improvement report (FMW Consultancy Ltd):
 

This outlines the deficiencies with the existing accesses onto the B4221 and how the situation would be improved through the adoption of a single point of access onto the main road.
  - 2) An arboricultural survey and hedgerow survey (J Ross Arboricultural Consultancy and SLR Consulting).

These reports consider the impact of the removal of the existing roadside hedgerow upon visual amenity and ecological interests. Each report concludes that the removal of the hedgerow, provided it is undertaken at the appropriate time of year, would not constitute a 'significant planning constraint', with adverse short-term losses being offset by the long-term gains resulting from a re-invigorated, mixed-species hedge being planted nearby, together with associated orchard planting in the adjoining paddock.

- 1.7 In line with the temporary suspension of the SPD - Planning Obligations, the applicant has confirmed the intention to commence development within 12 months of obtaining planning permission.

## 2. Policies

### 2.1 National Guidance

PPS3 - Housing

### 2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Development  
 Policy S2 - Development Requirements  
 Policy S3 - Housing  
 Policy DR1 - Design  
 Policy DR2 - Land Use and Activity  
 Policy DR3 - Movement  
 Policy H4 - Main Villages: Settlement Boundaries  
 Policy H14 - Re-using Previously Developed Land and Buildings  
 Policy H15 - Density  
 Policy T6 - Walking  
 Policy LA5 - Protection of Trees, Woodlands and Hedgerows  
 Policy LA6 - Landscaping Schemes  
 Policy NC1 - Biodiversity and Development  
 Policy NC5 - European and Nationally Protected Species  
 Policy NC6 - Biodiversity Action Plan Priority Habitats and Species  
 Policy NC7 - Compensation for Loss of Biodiversity  
 Policy NC8 - Habitat Creation, Restoration and Enhancement  
 Policy NC9 - Management of Features of the Landscape Important for Fauna and Flora

## 3. Planning History

- 3.1 SH88/1993PO Erection of a bungalow on land at Hillcrest, Gorsley, Ross on Wye. - Refused. and dismissed on appeal 13.11.1989. The application was refused on highway safety grounds and the appeal was dismissed.
- DCSE2008/2225/F Conversion of attached outbuilding to an annex. - Approved 16.10.08
- DCSE2009/0147/O 3 detached dwellings with new access and associated works. - Withdrawn 31.03.09

#### 4. Consultation Summary

##### Statutory Consultations

4.1 Welsh Water – No objection.

##### Internal Council Advice

4.2 Traffic Manager: The issue of highway safety has been a key issue in the determination of the application. The existing access to serve Hillcrest is significantly below standard and the closure of this and the other accesses from the land in the applicant's ownership is seen as a benefit in highway safety terms.

It is acknowledged that the new point of access is still slightly deficient in terms of vertical visibility, although this is not so pronounced as to warrant refusal of the application.

The speed survey indicates 85 percentile speeds are below 41 mph, which confirms that a slight relaxation of the vertical visibility requirements in the easterly direction between 80 metres and 115 metres would not threaten highway safety.

The increased width of the footpath from 1 metre to 2 metres across the site frontage is also a major benefit to pedestrian connectivity through the village.

4.3 Conservation Manager (Ecology): awaited.

#### 5. Representations

5.1 Linton Parish Council: No objection.

5.2 3 letters of objection have been received. The content is summarised as follows:

- The erection of 2 dwellings on land to the immediate west of Hillcrest would reduce the available light to those properties to the north.
- Traffic often exceeds the 40mph limit, and vehicles heading towards Newent will only see vehicles emerging at the last moment.
- The findings of the speed survey are disputed. The presence of surveyors influences driver behaviour with the effect that people slow down. The average speed of traffic is nearer 50mph than the 40mph speed limit.
- The development appears cramped in relation to adjacent plots and overlooking would occur, particularly as the site is elevated above dwellings in Ivy House Estate.
- The additional vehicular movements would represent an unacceptable threat to highway safety.

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

#### 6. Officer's Appraisal

6.1 The application seeks to establish the principle of erecting 3 detached dwellings upon the site, with all matters surrounding detailed design and layout reserved for future consideration. The principle of erecting dwellings upon land within the settlement boundary is bound up with the requirement that development accords with other UDP policies. In this case the key issues are identified as:

- 1) The impact of the proposal upon highway safety.

- 2) The impact of the proposal upon adjoining residential amenity.

#### Highway Safety Implications

- 6.2 The application proposes the closure of 3 existing sub-standard access points, the removal and replacement of the roadside hedge and the provision of a single vehicular access to serve the resultant 4 dwellings. The B4221 is subject to a 40mph restriction through the village although objectors have questioned the veracity of the speed survey. The vertical alignment of the road is also relevant with an appreciable fall in the Newent direction with the effect that the new access fails to meet a strict interpretation of vertical visibility requirements.
- 6.3 In such a scenario a balanced assessment is required. Although the proposed access is slightly sub-standard, in terms of vertical visibility across part of the easterly splay, it would replace 3 more significantly deficient accesses onto the main road. Allied to this, the removal of the existing roadside hedgerow, which is currently tight against the narrow footpath (and impinging upon it), would enable the provision of a 1.8 metre wide footpath which would provide much improved pedestrian connectivity between the facilities in the western and eastern parts of the village.
- 6.4 In conclusion, although the deficiency of the proposed access is acknowledged, visibility is in other respects improved significantly above the current scenario and the Traffic Manager has no objection on the basis that the proposal represents an improvement on the current scenario.

#### Adjoining Residential Amenity

- 6.5 Representations have been received from the two nearest neighbours to the north, nos. 3 & 4 Ivy House Estate. No. 3 is a two-storey dwelling, No. 4 a bungalow. A mature, 3-metre tall conifer hedge stands on the common boundary, with the effect that only part of the roof of No. 4 is visible from within the site, whereas the first floor of No. 3 is visible. The hedgerow is within the ownership of the applicant.
- 6.6 The illustrative layout suggests how the dwellings might be set out on the existing garden, with the third dwelling on the site of the existing stable. This layout is not definitive and will be reviewed at the Reserved Matters stage. However, in the interests of securing the best re-use of previously developed land within a sustainable location, the erection of two dwellings on the existing garden, at a density equivalent to 15 dwellings per hectare is not unreasonable.
- 6.7 In determining the dismissed appeal in 1989, the Inspector found no reason to suppose that the erection of a bungalow on land to the west of Hillcrest would significantly affect the living conditions of the occupants of No. 3 Ivy House Estate. It is considered that this assessment holds true today and notwithstanding the fact that two dwellings are now proposed, with careful siting and design, the site is capable of satisfactorily accommodating the proposed dwellings without causing undue harm to the residential amenity of occupants of these dwellings to the north.
- 6.8 In order to provide the requisite certainty it is recommended that a condition be imposed requiring the submission of slab level details prior to the commencement of development. Although I would not advocate a condition placing limitations on the scale of the dwellings, it is a realistic expectation that the future detailed designs and layouts will take account of the concerns expressed as regards overlooking and involve internal layouts that obviate the requirement for large numbers of rearward facing first floor windows.

#### Summary and Conclusions



- 6.9 The application proposes the erection of 3 detached dwellings with a new vehicular access on land associated with Hillcrest, Gorsley. The application is made in outline, with all matters excepting access, reserved for future consideration.
- 6.10 The site is sustainable, and as part of an existing domestic curtilage is defined as previously developed land. Your officers are satisfied that the site can be developed so as not to significantly affect the residential amenity of near neighbours, although this will be dependent upon careful consideration of the layout presented at the Reserved Matters stage.
- 6.11 The singular point of access is considered to represent an improvement over the current situation and also enables substantial improvements, at the developer's cost, to the existing roadside footpath. The scheme will also provide for enhanced visual amenity in the form of a new roadside hedgerow and biodiversity and ecological enhancement in the form of orchard planting within the remainder of the paddock. The application is recommended for approval subject to conditions.

## RECOMMENDATION

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

- 1 A02 (Time limit for submission of reserved matters (outline permission) )**
- 2 A03 (Time limit for commencement (outline permission) )**
- 3 A04 (Approval of reserved matters )**
- 4 A05 (Plans and particulars of reserved matters )**
- 5 C01 (Samples of external materials )**
- 6 H03 (Visibility splays )**
- 7 H05 (Access gates )**
- 8 H06 (Vehicular access construction )**
- 9 H08 (Access closure )**
- 10 H13 (Access, turning area and parking )**
- 11 H27 (Parking for site operatives )**
- 12 H17 (Junction improvement/off site works )**
- 13 I16 (Restriction of hours during construction )**
- 14 I51 (Details of slab levels )**
- 15 G10 (Landscaping scheme)**
- 16 G11 (Landscaping scheme – implementation)**

## INFORMATIVES:

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

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

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

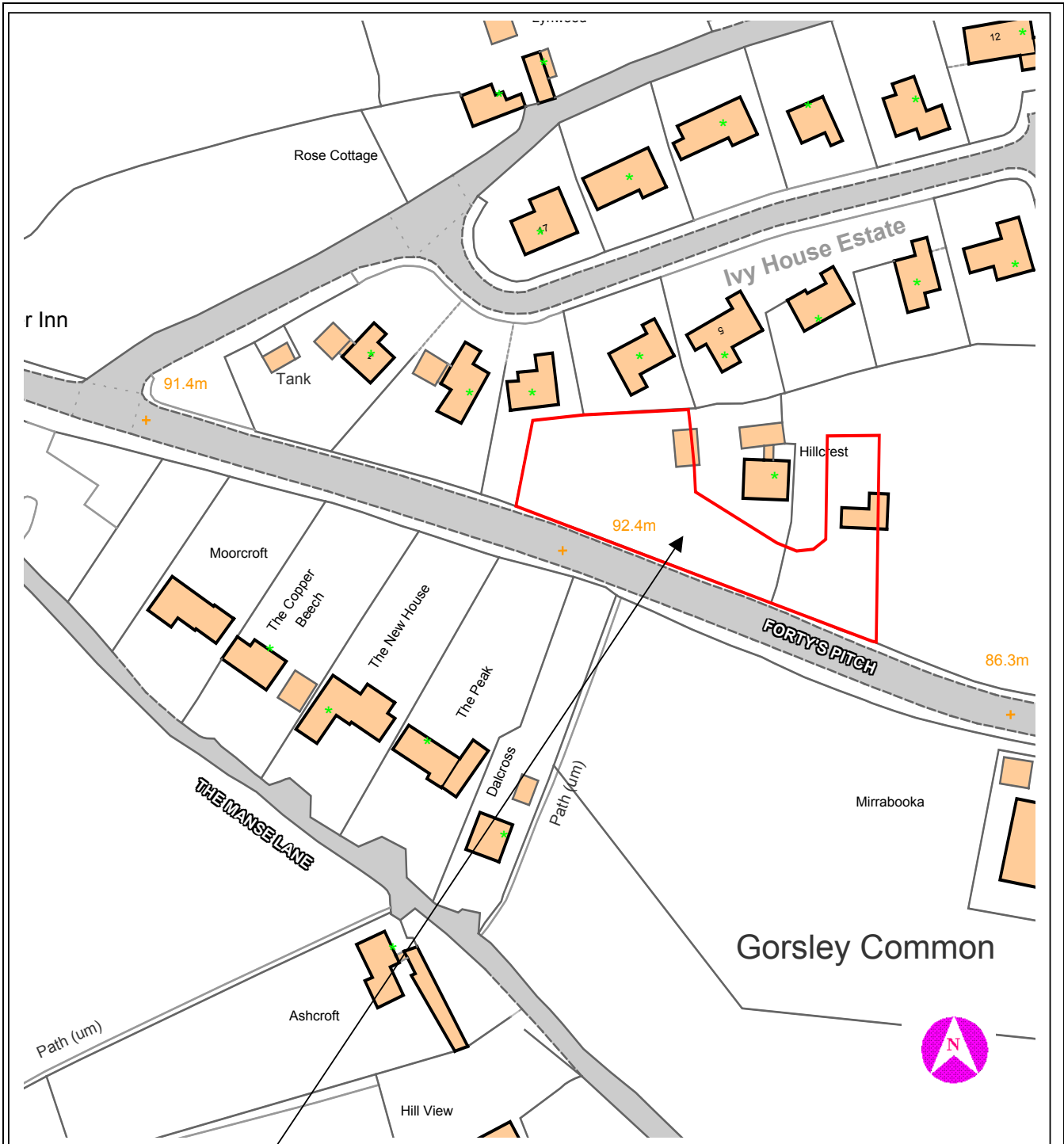
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE0009/1487/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Hillcrest, Gorsley, Ross-on-Wye, Herefordshire, HR9 7SW

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**7 DCSW0009/1681/F - PROPOSED DETACHED DOUBLE GARAGE, GARDEN/MOWER STORE AND FIRST FLOOR STORAGE AREA, STONE HOUSE, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DL.**

**For: Mr J Taylor, Stone House, Much Dewchurch, Hereford, HR2 8DL.**

**Date Received: 13 August 2009**

**Ward: Valletts**

**Grid Ref: 48202, 31171**

**Expiry Date: 8 October 2009**

Local Member: Councillor MJ Fishley

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

- 1.1 Stone House is situated within the village of Much Dewchurch to the south of the B4348. The dwelling is a Grade II Listed Building prominently situated fronting the main road. Access slightly inclines directly off the road onto a gravelled parking area to the west. The land beyond the parking area is at a higher level bounded by a picket fence with high mature hedging and trees abutting the roadside. The garden area is predominately south of the dwelling, sloping west to east and bounded by high mature hedging and various trees, dividing the residential properties known as Almond House, Symons, Fair View and Hybab View. The roadside boundary in front of the dwelling has a stone wall and hedgerow, and past the access point is a lower stone wall with mature higher hedging and trees. There are properties on the opposite side of the road known as The Forge, Smithy and Myrtle Cottage.
- 1.2 The proposal seeks to construct a detached building to the west of the dwelling forming a double garage and garden store with storage over and attached to the rear a mower and log store. The garage and store area measures 10 metres long x 6 metres wide x 5 metres to ridge with a lean-to roof to the roadside to incorporate the roof over the mower and log store and gable section to the south where external steps are provided to access the storage area over. The mower and log store is on the west elevation and measures 6.5 metres long x 2.5 metres wide.
- 1.3 The originally submitted plans raised concerns regarding the roofline over the part serving the mower and log store. Through negotiations, amended plans were received August 2009, which has formed a separate lean-to roof over the mower and log store moving this section closer to the southern elevation. The building is to be constructed using oak framing, wavey edged timber boarding and roof tiles subject to approval.

### **2. Policies**

#### **2.1 Planning Policy Statements**

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

#### **2.2 Herefordshire Unitary Development Plan**

Policy S1	-	Sustainable Development
Policy DR1	-	Design
Policy H4	-	Main Villages – Settlement Boundaries

- Policy H18 - Extensions and Alterations  
 Policy HBA4 - Setting of Listed Buildings

### 3. Planning History

- 3.1 SH951090LA Alterations/restoration of windows and new lead flashing - Approved 24.11.95  
 SH960246LA Internal and external alterations - Approved 04.07.96  
 SW1999/2554/L Internal alterations, new chimney stack, altered and new window openings - Approved 29.11.99

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

#### Internal Council Advice

- 4.2 Traffic Manager has no objection and recommends conditions.

- 4.3 Conservation Manager's observations:

"The proposed garage is of the well-established 'shelter shed' type, which fits a wide variety of contexts and although it was initially a rather awkward configuration, the amendments to the lean-to log store have reduced considerably its impact in public views. The revised scheme is considered acceptable subject to conditions."

### 5. Representations

- 5.1 A Design and Access statement was submitted by the applicant in support of the application. In summary this states:

- Access to the garages will be via the existing entrance off the B4348.
- On site parking is provided by the existing large gravel drive area at the side of the property.
- Movement within and around the dwelling will not be affected by the proposal.
- The proposed location is to the opposite side of the existing drive area set into the existing bank to ensure the proposed building is far enough away and at a level to be subservient to the existing - ie. No higher than the existing dwelling ridgeline thereby minimising the impact on the dwelling and neighbouring properties.
- Oak framed garage with walls clad with horizontally fixed to wavey edged boarding.
- The external staircase overlooks the rear garden and would be stained to match the building.

- 5.2 Much Dewchurch Parish Council raised no objection to the submitted scheme. Further comments were received regarding the amended plans stating:

"This amended plan has raised concerns from residents at adjoining and adjacent properties regarding the height and size of the proposed garages and store. Much Dewchurch Parish Council are of the opinion that the proposed building does not contravene planning policies and as the Stone House is a listed building the Planning Officers may request some conditions when making their decision on the application."

5.3 Two letters of objection have been received from Mr. P.L.C. Grubb, Almond House, Much Dewchurch, Hereford HR2 8DL and O.T. Davies, A.F. Davies and K.F. Davies of The Forge, Much Dewchurch, Hereford. HR2 8DL. The main points raised are:-

- Point out the disparity in the stated description compared with what the plans actually reveal. It appears more than it suggests.
- Concerned about size of the proposed structure in relation to stated purpose.
- Overall dimensions are disproportionate.
- Without actual height and size dimensions, difficult to be fully aware of the actual size and impact it would have on my property.
- Ensure the roadside bank and hedge is retained.

5.4 A further letter relating to the amended plans has been received from Mr PLC Grubb, Almond House, Much Dewchurch, Hereford, HR2 8DL:

“Given the degree of error with the amended plans, the import of my letter which you acknowledged remains unchanged.

The construction appears disproportionately large and its height obtrusive.

The stated description in the application is at variance with what appears in the plan. Notably a single mower cannot occupy two stores simultaneously.”

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

## 6. Officer's Appraisal

6.1 The main considerations in the determination of this application are whether the proposal would have an adverse impact upon the setting of the listed building and residential amenity.

6.2 Stone House is a Grade II Listed Building situated within the centre of the main village. New development within the curtilage of the Grade II Listed Building is considered under Policy HBA4 of the Herefordshire Unitary Development Plan where special regard is paid to the desirability or preserving the building and its settings.

6.3 The proposal is situated 10.6 metres from the west elevation of the dwelling beyond the existing parking and turning area. The picket fencing would be removed and the building set within the bank forming two open bays and an enclosed garden store to the front west (front) elevation. The north section forms a gable roof to be situated behind the roadside hedgerow. The rear mower and log store is a separate section; however, it is attached to the rear with a simple lean-to roof. The storage area over has access to the south elevation looking into the garden area. The mower store is at a higher level to enable the sit on mower to access straight onto the garden area. The Conservation Manager supports the proposal and considers that the amendment altering the roof to form a lean-to element over the mower and log store has reduced its impact in public views.

6.4 The concerns of the neighbours are noted in terms of the description and size of the building. Policy H18 seeks to ensure that outbuildings remain subservient to the main dwellinghouse, are not cramped on the plot and would not adversely impact on the privacy and amenity of occupiers of neighbouring residential property and provide adequate off street parking provision. The building is 10 metres long x 6 metres wide x 5 metres to the ridge. It has been positioned to sit within the smaller garden area to the west to take account of the high hedgerow and trees to its west and north boundaries. The building would not be viewed from the westerly direction, however, the front elevation would be viewed from the east and part of the roof would be viewed

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Further information on the subject of this report is available from Mrs A Tyler on 01432 260372

from the north. Having regard to residential properties to the south west and east, it would be difficult to view the building beyond the boundaries, given the mature high hedgerow and trees. It is therefore concluded that the building would not be cramped within its plot and is of a size and design that does not adversely affect the setting of the listed building or the residential amenity of the properties to the north, south, west and east. The building is considered to be appropriate within the garden curtilage, however, to ensure that it is used for ancillary residential purposes it is reasonable to consider a restrictive condition to control its use.

6.5 The proposal satisfies the above planning policy requirements and it is considered that the proposal is acceptable.

**RECOMMENDATION**

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

- 1. **A01 (Time limit for commencement (full permission) )**
- 2. **B03 (Amended plans )**
- 3. **C01 (Samples of external materials )**
- 4. **D09 (Details of rooflights )**
- 5. **F07 (Domestic use only of garage )**
- 6. **F08 (No conversion of garage to habitable accommodation )**
- 7. **G02 (Retention of trees and hedgerows )**
- 8. **H27 (Parking for site operatives )**

**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: .....

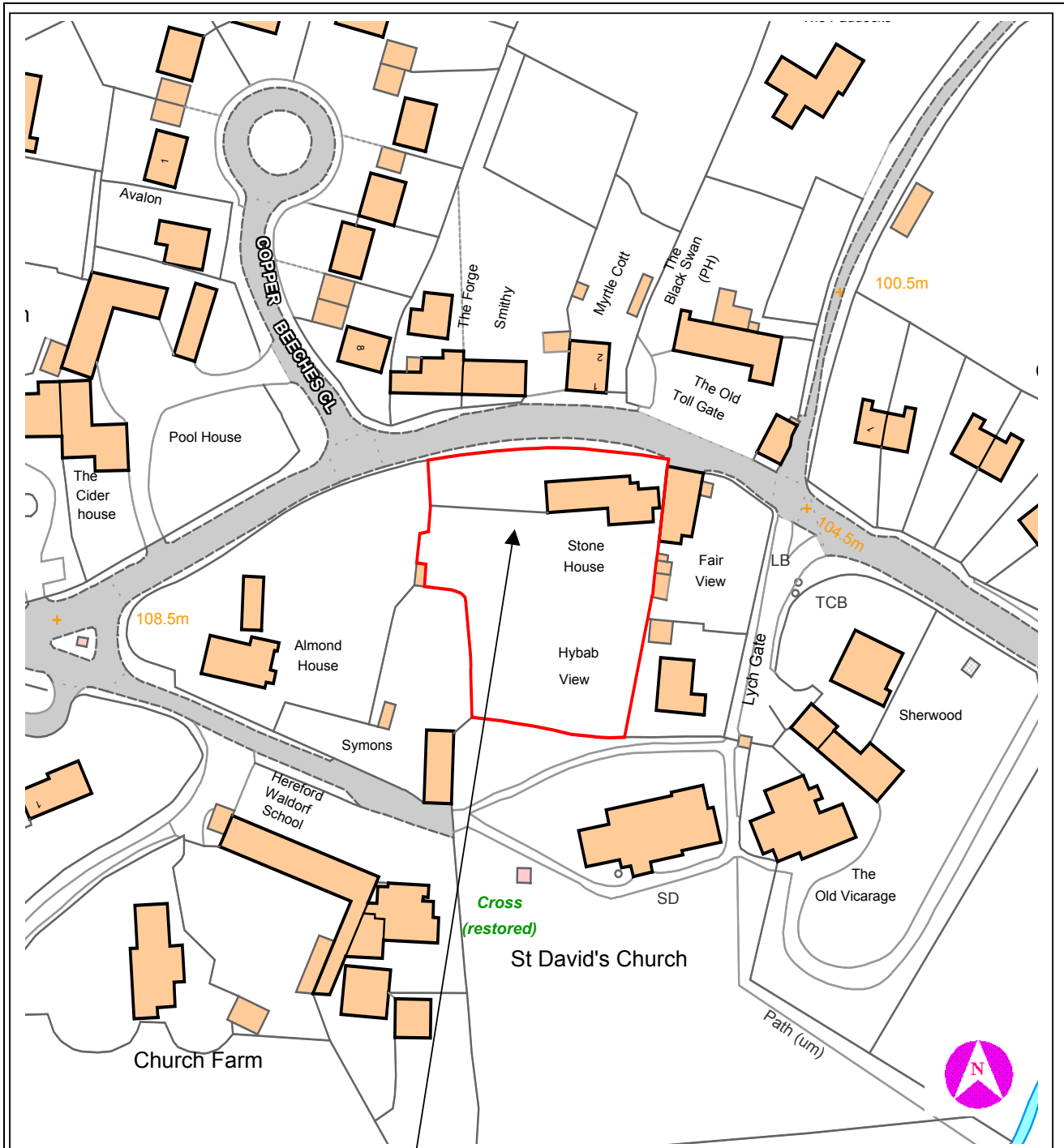
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCSW0009/1681/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Stone House, Much Dewchurch, Hereford, Herefordshire, HR2 8DL

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**8 DCSE0009/1676/F - PROPOSED DORMITORY ACCOMMODATION WITH DINING AND RECREATIONAL UNIT IN ASSOCIATION WITH CONTINUED USE OF LAND AS A CHILDREN'S NURSERY SCHOOL AND KIDS CLUB, TOGETHER WITH APPROVED LEISURE, RECREATIONAL, EDUCATIONAL AND CULTURAL USE (DIVERSIFICATION OF EXISTING USE), CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORDSHIRE, HR9 5QU.**

**For: Mr G Mitchell per Graham Frecknell Architects, 9 Agincourt Street, Monmouth, NP5 3DZ.**

**Date Received: 31 July 2009**

**Ward: Kerne Bridge**

**Grid Ref: 58663, 18813**

**Expiry Date: 25 September 2009**

Local Member: Councillor JG Jarvis

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

- 1.1 The site is located in an elevated position on the steep south-west facing slope of Leys Hill, Ross-on-Wye. It is accessed from the U70408 road that climbs from Kerne Bridge onto Leys Hill. The site is located in the open countryside and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 The site comprises a broad strip of land that follows the contours around Leys Hill, to the south-east of the U70408 road. The main driveway runs along the lower edge of the site, serving an existing children's nursery, gym and swimming pool building, which are grouped with the applicant's house towards the rear of the site. There is a tarmac parking area to the front of the buildings and a hard surfaced tennis court lies on terraced ground in the central part of the site. The remainder of the site comprises open grassed areas, which contain scattered, predominantly semi-mature trees. The site is fairly well screened by surrounding woodland and trees but there are long distance views into the site from the hills to the south-east.
- 1.3 This application proposes a single storey stand-alone dormitory building 19.8 metres x 10 metres, 2.7 metres to eaves, with an enclosed roof terrace that will be positioned between the main group of established buildings and a multi purpose sports area and to the rear of a car parking area. The two dormitories will provide accommodation with en-suite bathrooms, each providing 6 beds and a shared living room, dining area and kitchen. An external performance area to the side of the dormitory building is also proposed. It is proposed to cut the building into the slope with the ground floor slab level set at 97.30AOD to tie in with the existing level of the parking area.

## **2. Policies**

### **2.1 Planning Policy Statements**

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

## 2.2 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy S8	-	Recreation, Sport and Tourism
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST2	-	Recreation, Sport and Tourism Development within Areas of Outstanding Natural Beauty
Policy RST13	-	Visitor Accommodation

## 3. Planning History

3.1	SH871537PF	Change of use into children's nursery school and extension to form playroom	-	Approved 16.12.87
	SH870168PF	Extension to provide additional living accommodation	-	Approved 25.01.88
	SH881381PF	Extension to form leisure and recreation room for pre-school age children	-	Approved 05.10.88
	SH940484PF	Relaxation of conditions to allow for use of premises for recreational and cultural purposes	-	Approved 07.09.94
	SH960425PF	Extension to provide additional space for recreational and cultural activities	-	Approved 01.11.96
	SH960841PF	Permanent provision of kids club	-	Approved 11.12.96
	SE1999/3239/F	To apply for permanent kids club use and to consolidate all extant planning consents for educational leisure, recreational and cultural facilities for children and adults	-	Approved 17.09.00
	DCSE2006/3912/F	9 timber lodges, tourist reception building and covered extension to fitness suite	-	Refused 24.01.07
	DCSE2007/0479/F	6 timber lodges and covered extension to fitness suite	-	Withdrawn
	DCSE2007/2263/F	4 timber lodges for holiday use – in association with continued use of land as children's nursery school and kids club together with approved leisure, recreational, educational and cultural use. Proposed covered extension to fitness suite	-	Refused 11.09.07
	DCSE2007/3491/F	Aqualand proprietary cover over terrace to additional space for fitness suite	-	Approved 09.01.07

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

##### Internal Council Advice

- 4.2 Traffic Manager initially recommended refusal, commenting that: "It has not been demonstrated how there will not be an increase in vehicular traffic movements from the site. I am concerned about the access onto the unclassified 70408 as well as the junction onto the B4324. Traffic movements are critical to assessing highway safety."

Subsequently the applicant has agreed in principle to a condition limiting the number of children attending the nursery to off-set any traffic generated by the proposed dormitory accommodation. Subject to conditional control and the formalisation of a Travel Plan, no objection is raised.

- 4.3 Conservation Manager: Landscape: considers the visual impact of the proposal would be fairly minimal.
- 4.4 Ecologist: Comments awaited.
- 4.5 Children and Young Persons Directorate: "It is felt that the safety of the nursery children could be compromised should this application be approved and the dormitory accommodation built on the same site as the nursery provision. Holidaymakers and other personnel using these additional areas may have access to areas designated for the provision of Early Years Education and childcare at the Children's Adventure Training School (CAT'S). The provider is required to inform OFSTED of this change to the use of the site and would probably therefore be visited to re-inspect the premise. We would expect OFSTED to share the same concerns."

#### 5. Representations

- 5.1 A Design and Access Statement has been submitted with the application:

- CATS was conceived in 1986 as a nursery school, but with the benefit of subsequent planning permissions has developed as a family centre providing a range of educational, leisure, recreational and cultural facilities;
- The centre has operated for 52 weeks of the year since 1987;
- Diversification is necessary as a reaction to Government initiatives (EYES and Sure Start);
- It is envisaged that the diversified use will result in a reduction in traffic with consequential reductions on residential and local amenity impacts;
- The existing buildings, together with natural and man made features are a part of the existing landscape;
- The applicants live and work on the site and are well placed to understand the site's constraints and opportunities;
- The applicant have a vested interest in ensuring that the tranquil qualities of the site and the quality of the landscape remains unharmed;
- The proposal has been formulated having regard to the AONB;
- The proposal may be seen as a mixed use. Mixed uses bring opportunities for sustainable development. The plan is that the people occupying the accommodation do so in association with the provision of some child care;
- The proposed unit is comparatively small in scale with a total floor space of 200 square metres;
- The building has a eaves height of 2.7 metres and a maximum height of 3.4 metres;

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

- The site cannot be seen because of very mature planting;
- Due to the maturity of the existing landscaped grounds the impact of the proposal on the AONB is considered to be minimal;
- The use, construction and finishes of the building is considered most appropriate for the site, set against a backcloth of wooded slopes to the east;
- The proposal will not result in an increase in traffic. The nursery is to be reduced from 30 children to 10 only.

5.2 Walford Parish Council comment that “after a long debate with representatives from the public, the Parish Council decided, after a large majority vote, to ask that planning consent should not be given to the application. The chief concerns of both the council and the public were:

1. The use to which the proposed building would be put.
2. Planning creep that may lead to activities that would not fit in with the stated use.
3. The increase of unwary traffic on a very difficult access road.
4. It was noted that concerns had been expressed over the status of licensing in relation to site activities. It was asked that these are evaluated and reported back on to the Walford Parish Council.”

5.3 27 letters of objection have been received

- This is a commercial development within a quiet residential area in the Wye Valley Area of Outstanding Natural Beauty (AONB) inappropriate to the local area.
- It will have a detrimental visual impact on the AONB.
- Any increase in business must represent an increase in traffic.
- The road is narrow and dangerous.
- There have been numerous crashes at the junction with the B4234.
- The development represents further unsustainable expansion of the site.
- The existing site is out of place, out of character and does not represent or serve the local community.
- This is a hotel development in all but name.
- Noise pollution and disturbance is inevitable.
- Increase light pollution.
- CATS was originally a traditional small stone cottage and has grown enormously over the past 22 years.
- Adverse impact on ecology.
- Children and unknown adults being at the same location is surely dangerous.

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

## 6. Officer’s Appraisal

6.1 The main considerations in this application are whether there is an adverse impact on the Wye Valley Area of Outstanding Natural Beauty, whether the proposal is in keeping with the character of the existing building and its surroundings in terms of scale, mass, siting, design and materials and whether there is an adverse impact on the highway.

6.2 The site is located within the Wye Valley Area of Outstanding Natural Beauty. The primary purpose of designation of these areas is to conserve and enhance their natural beauty. The most relevant policy with regard to the AONB is Unitary Development Plan Policy LA1.

6.3 In addition, the pressure for recreation related development within the AONB merits a specific policy within the Herefordshire Unitary Development Plan – Policy RST2. Whilst AONB designation allows recreation proposals to be accommodated where such developments do not

compromise the landscape quality, it is important that precedence is given to the principal aim of conserving and enhancing the natural beauty of the area.

Policy RST2 reads as follows:

Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, the conservation of the unique character and qualities of the landscape and of biodiversity and geological interests will have precedence over the development of facilities for recreation, sport and tourism. In particular such developments must:

- respect and be in keeping with the inherent distinctiveness of the local landscape;
- be small-scale and constructed from appropriate materials; and
- make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB.

- 6.4 Council policy therefore places paramount importance on the protection of the natural beauty of the AONB, which is of national importance. For this reason the policy is particularly restrictive and development should only be permitted when it meets the specific requirements of the policy. I will examine the proposal against Policy RST2.
- 6.5 The first policy issue is whether the development respects and is in keeping with the inherent distinctiveness of the local landscape. Given that the site is already used as a leisure facility and the existing landscape character is that of amenity land associated with the leisure facilities, development of the scale proposed, is considered to be acceptable. There is very limited change to the landscape character of the site. The proposal is not considered to have an undue effect on the rural quality and character of the AONB.
- 6.6 The second policy issue is whether the development is small scale and constructed from appropriate materials. The proposed is for a small-scale low building that is positioned on the west side of the CATS complex, aligned along the contour and set into an existing bank.
- 6.7 Insofar as the visual impact of the proposed building is concerned, the building will be read against the background of the existing bank and screened by large mature trees to the south of the site. It is considered cutting the building into the bank will assimilate the building into to the site. The eaves height of the dormitory will be no higher than the eaves height of the existing CATS buildings, and on a similar contour. In this respect it is considered the dormitory building will be viewed as a low-key structure that will not have a discernable impact on the acknowledged visual qualities of the area. Accordingly, it is not considered the proposal will cause harm to the character or quality of the landscape and the proposal is considered acceptable having regard to policy LA1. No objection, subject to conditions, is raised by the Conservation Manager in relation to the impact of this proposal on the landscape quality of the AONB.
- 6.8 The third issue is whether the development makes a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB. There is an existing commercial use on site. This proposal is for additional facilities that will be used in connection with the established leisure activities of the site and in this respect the policy requirement is met.
- 6.9 Representations have been received in respect of the suitability of the highway network to accommodate the proposed building. While, the Traffic Manager has requested further information the applicant has said traffic movements from the site will decrease. This is in reaction to the change in Government policy concerning childcare, which takes effect from 2010 requiring schools to be open from 8.00am until 6.00pm. As a consequence to this change the applicant intends to reduce the nursery registration from 30 children to 10 children only thereby reducing the amount of traffic visiting the site. Notwithstanding the comments of the Traffic

Manager it is understood that subject to a condition that limits the number of children attending the nursery to 10, together with the level of traffic that will be generated by this proposal, the level of traffic visiting the site will be lower than existing. Consequently it is not considered the proposal will lead intensification in use and therefore there is no additional impact on the highway network.

6.10 Representation has also been raised concerning noise. The dormitory is to be located adjacent to a multi-purpose sports area which is not subject to conditions that limits hours of use or activities. Given this situation it is not considered the proposal would cause significant loss of amenity of the area through noise nuisance.

6.11 So far as the comments from the Childrens and Young Persons Directorate are concerned, whilst the safety of children is a concern it is for the owner/operator of the site to manage and regulate visitors. The site already attracts children to the site, attending the nursery, and adults visiting the site’s leisure facilities without apparent conflict or complaint.

**RECOMMENDATION**

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

- 1. **A01 (Time limit for commencement (full permission) )**
- 2. **C01 (Samples of external materials )**
- 3. **G04 (Protection of trees/hedgerows that are to be retained)**
- 4. **I51 (Details of slab levels )**
- 5. **H30 (Travel plans )**
- 6. **I33 (External lighting )**
- 7. **Prior to the first use of the dormitory accommodation hereby approved, the applicant shall provide registration details of the nursery limiting the number of children attending to no more than 10 at any one time and it shall thereafter be restricted in accordance with these details.**

**Reason: To maintain appropriate control over the trips generated by the use and ensuring the safe and free flow of traffic on the highway so as to conform with Policy DR3 of the Herefordshire Unitary Development Plan.**

**Informatives:**

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

Decision: .....

Notes: .....

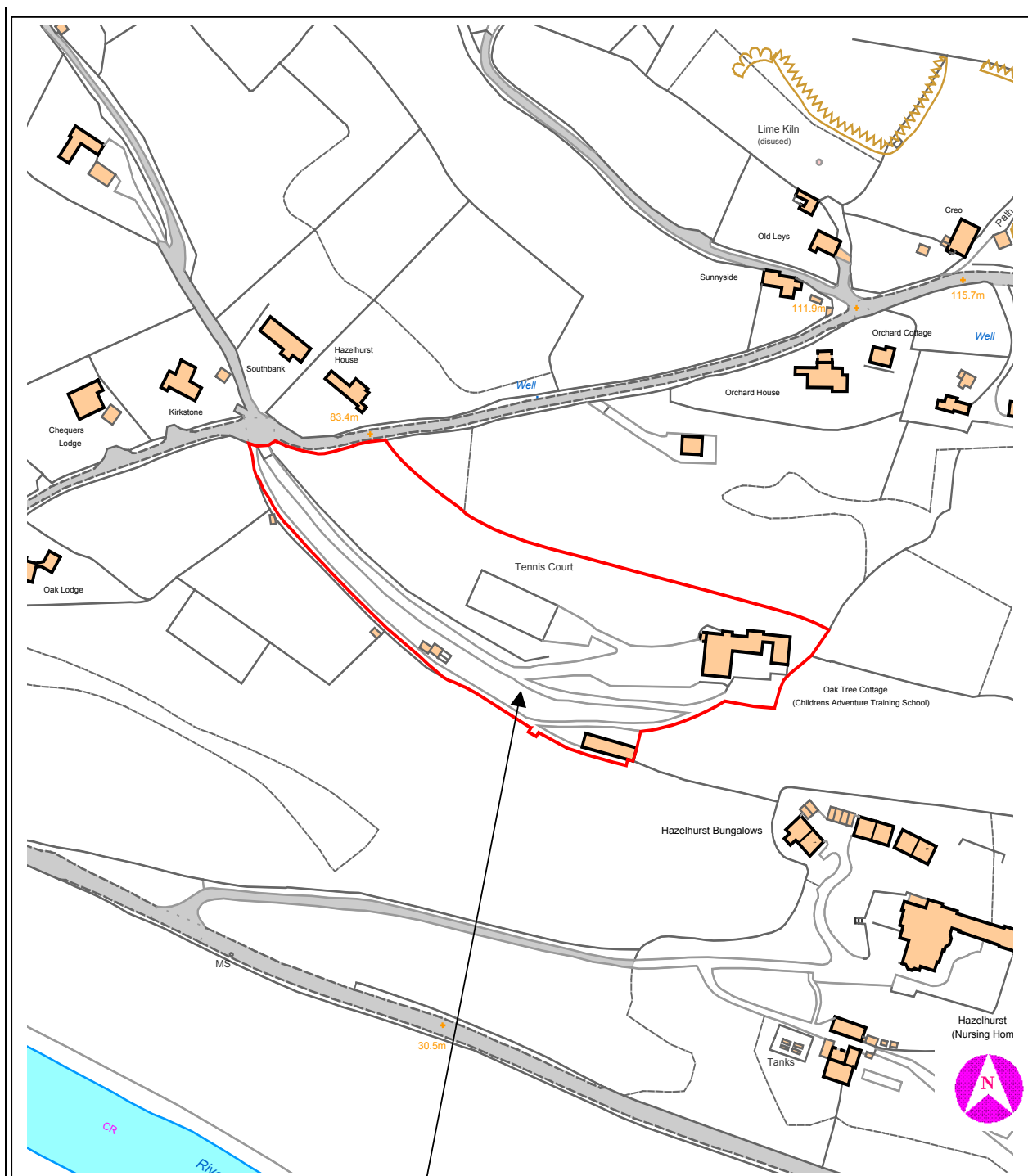
**Background Papers**

Internal departmental consultation replies.

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





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**APPLICATION NO:** DCSE0009/1676/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Cats Nursery School, Leys Hill, Walford, Ross on Wye, Herefordshire HR9 5QU

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