

AGENDA

Southern Area Planning Sub-Committee

Date: **Wednesday 28 October 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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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.

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AGENDA

	Pages
<p>1. APOLOGIES FOR ABSENCE To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES To approve and sign the Minutes of the meeting held on 30 September 2009.</p>	1 - 6
<p>4. ITEM FOR INFORMATION - APPEALS To be noted.</p>	7 - 10
<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. DCSE0009/1487/O - HILL CREST, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SW. 3 detached dwellings with new access and associated works.</p>	11 - 18
<p>6. DCSE0009/1260/F - CUCKOO PATCH, HOPE MANSELL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TN. Retention of residential caravan.</p>	19 - 24
<p>7. DCSE0009/1734/F - THE NUTSHELL CARAVAN PARK, GOODRICH, ROSS-ON-WYE, HR9 6HG. To use a mobile home for site warden accommodation – retrospective.</p>	25 - 30
<p>8. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP. Create two new detached dwelling units.</p>	31 - 36
<p>9. DCSW0009/1038/F & DCSW0009/1039/L - TOWN HOUSE FARM, MADLEY, HEREFORDSHIRE, HR2 9LP Conversion of barns and one new build to create 4 dwellings.</p>	37 - 44

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HEREFORDSHIRE COUNCIL

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 30 September 2009 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)

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

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

38. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Durkin, MJ Fishley, JG Jarvis, and JB Williams.

39. DECLARATIONS OF INTEREST

8. DCSE0009/1676/F - CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORDSHIRE, HR9 5QU.

Councillor JA Hyde; Personal; Cabinet Member for Children's Services.

40. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 September 2009 be approved as a correct record and signed by the Chairman.

41. ITEM FOR INFORMATION - APPEALS

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

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

Proposed dwelling with detached garage and associated works.

The Principal Planning Officer reported the following updates:

- The receipt of amended plans including a further reduction in slab level and a reduction in roof pitch resulting in a reduction in ridge height of over half a metre.
- The Parish Council had been re-consulted on the amended plans and reiterated its objection to the overall scale and prominence of the dwelling.
- Five local residents had also written in response to the amendments, again reiterating their objections to the scale and position of the building relative to the neighbours to the rear of the plot.
- The applicant had sought to justify the scale of the building on the basis that it was intended as their family home – the family comprising 4 children ranging in age from 4 to 19 years. Reference is also made to the Design and Access Statement submitted with the original outline planning permission, which suggested that the house intended

for plot 2 (the current application site) might measure 8.75 metres to the ridge, which was 750mm taller than the current proposal.

The Principal Planning Officer made the following comments as reported in the updates sheet circulated to Members at the start of the meeting:

The amendments act to reduce both the absolute height of the dwelling (through the reduction in roof pitch) and the height relative to the neighbouring properties. A further reduction in ground levels is not thought practical owing to the need to maintain the requisite fall in order that a connection can be made to the main sewer in the road.

Welsh Water has asked that foul and surface water drainage be drained separately from the site and request that surface water is not allowed to discharge into the public sewerage system unless prior approval is sought. In these circumstances an additional condition requiring details of sustainable surface water drainage techniques is recommended

Councillor H Bramer advised Members that Councillor JG Jarvis, the Local Ward Member, had concerns in respect of the height of the proposed dwelling. He added that in his opinion the ridge height could be reduced further through the use of dormer windows in the upper rooms.

Councillor RH Smith noted that the Parish Council had undertaken consultation in respect of a forthcoming village design statement. He welcomed the proposed reduction in height of the dwelling but felt that a 0.5m reduction was not enough. He therefore felt that that application should be refused due to overlooking and an unacceptable dwelling size in terms of height and mass.

Councillor PD Price noted that the application was purely for reserved matters and that the principal of planning on the site had already been established through the outline planning application, permitted in 2008

In response to the comments from members, the Principal Planning Officer confirmed that the original Design and Access statement proposed a dwelling of up to 8.75 metres and that the proposed dwelling was in fact lower than this. He also confirmed that the ground levels had not been raised on the site.

Councillor H Bramer reiterated his previous point regarding dormer windows and added that the issue of overlooking was a result of the position of the proposed dwelling on the site. He felt that the application should be refused due to the overall prominence of the dwelling over neighbouring properties.

A motion to refuse the application failed and the resolution below was agreed.

RESOLVED

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

43. DCSE0009/1487/O - HILLCREST, GORSLEY, ROSS-ON-WYE, HR9 7SW.

3 detached dwellings with new access and associated works.

The Principal Planning Officer reported the following:

- A 22 signatory petition from residents of Ivy House Estate was received on 28 September. This states opposition to the proposal on the basis of the perceived adverse impact suffered by the residents of Nos. 3 and 4 Ivy House Estate.

In accordance with the criteria for public speaking Mrs Reading, also speaking on behalf of Mr and Mrs Davies, spoke in objection to the application.

Councillor H Bramer, the Local Ward Member, advised members that he had attended a meeting at the nearby school recently and was therefore very familiar with the site. He noted the comments from the Parish Council and the Traffic Manager and agreed that the proposal would improve highway safety in the area.

In response to a question from Councillor AE Gray, the Area Engineer confirmed that the traffic survey had indicated an average speed of 37 mph in a westerly direction and 36 mph easterly.

Councillor RH Smith advised Members that he was a resident of Gorsley but that he lived some distance away from the application site. He felt that there were visibility issues in respect of the access to the site and therefore felt that a site visit would be beneficial

Members discussed the application and felt that the speed limit outside the school should be set at a maximum of 20 mph.

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.**

44. DCSW0009/1681/F - STONE HOUSE, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DL.

Proposed detached double garage, garden/mower store and first floor storage area.

The Senior Planning Officer reported the following:

- Further letters have been received relating to the amended plans from Hereford Waldorf School, Mr. Grubb of Almond House and Mrs Davies of The Forge.

They reiterate their concerns in terms of height and size of the garage.

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

Councillor CM Bartrum advised Members that the Local Ward Member felt that all of the concerns raised by local residents had been addressed through conditions recommended in the Officers report.

RESOLVED

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**
45. **DCSE0009/1676/F - CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORDSHIRE, HR9 5QU.**

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)

The Senior Planning Officer reported the following:

- Conservation Manager – Ecology has no objection.

In accordance with the criteria for public speaking, Mr Macrostie spoke in objection to the application, and Mr Frecknell, the applicants' agent, spoke in support.

Councillor H Bramer, advised Members that the Local Ward Member had concerns in respect of the issues raised in regarding traffic and that he also noted the objection received by the children's and young persons directorate.

Councillor JA Hyde felt that the two operations in question did not compliment each other. She added that the Council's primary concern should be the safeguarding of children and therefore she could not support the application.

The Southern Team Leader advised Members that licensing issues would be addressed through the relevant bodies and that Members should determine the application on its planning merits.

Members discussed the application and had concerns in respect of the site operating as a health spa and a nursery. The Southern Team Leader advised that the site currently operated as a gym and a nursery and that this relationship between the two uses was not being changed.

A motion to approve the application failed and the resolution as set out below was agreed.

RESOLVED

That:

(i) The Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:

- The application is contrary to policy DR2 of the Herefordshire Council Unitary Development Plan in respect of the incompatibility between the health and fitness facility and the children's nursery on the site.
- Concerns over the access onto the B4324.

(ii) If the Head of Planning and Transportation does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

[Note: Following the vote on this application, the Southern Team Leader advised that he would refer the decision to the Head of Planning and Transportation.]

The meeting ended at 3.38 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCSW0009/1252/F**

- The appeal was received on 22 September 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 Mrs S O'Neill
- The site is located at Caradoc, Kingstone, Hereford, Herefordshire, HR2 9EZ
- The development proposed is Cast iron balcony & small spiral staircase at the rear of the property, change landing window to a door.
- The appeal is to be heard by Written Representations

Case Officer: Angela Tyler on 01432 260372

Application No. DM2009/0715/F

- The appeal was received on 23 September 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 Kendricks
- The site is located at High House, St Owens Cross, Herefordshire, HR2 8LG
- The development proposed is Removal of condition 4 of DCSW2007/0708/F - This permission shall ensure for the benefit of Mr J. Kendrick only, and not for the benefit of the land or any other persons interested in the land. This is also given the means of access.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE0009/0959/F

- The appeal was received on 9 October 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 G Martin
- The site is located at Upper Cwyn Barn, Llanrothall, Welsh Newton, Herefordshire, NP25 5RD
- The development proposed is Conversion of ex barn to residential use
- The appeal is to be heard by Written Representations

Case Officer: Ed Thomas on 01432 260479

APPEALS DETERMINED

Application No. DCSW2008/1975/F

- The appeal was received on 1 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 Paul Kirk
- The site is located at Orchard Cottage, Hoarwithy, Hereford, Herefordshire, HR2 6QR
- The application dated 1 August 2008 was refused on 1 October 2008
- The development proposed was Replacement of existing two storey one bedroom dwelling, with a two storey and attic dwelling incorporating three bedrooms and integral garage
- The main issues are: the character or appearance of the Hoarwithy Conservation Area and the landscape of the Wye Valley Area of Outstanding Natural Beauty; and the safety of users of the public highway

Decision: The planning application was refused under Delegated Powers on 1 October 2008
The appeal was Dismissed on 16 July 2009.

Case Officer: Yvonne Coleman on 01432 383083

Application No.DCSE2009/0058/F

- The appeal was received on 9 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 Boultee Brooks
- The site is located at Little Canwood, Checkley, Herefordshire, HR1 4NF
- The application dated 19 December 2008 was refused on 4 March 2009
- The development proposed was construction of replacement dwelling
- The main issue is whether the proposed development would harmfully conflict with the intentions of relevant policy concerning the replacement of dwellings in the open countryside and the protection of the landscape of the Wye Valley Area of Outstanding Natural Beauty.

Decision: The planning application was refused under Delegated powers on 4 March 2009
The appeal was Dismissed on 11 September 2009.

Case Officer: Charlotte Atkins on 01432 260536

Application No. DCSW2009/0470/F

- The appeal was received on 20 May 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 Paul Kirk
- The site is located at Orchard Cottage, Hoarwithy, Herefordshire, HR2 6QR
- The application dated 3 March 2009 was refused on 7 May 2009
- The development proposed was Replacement of an existing 2-storey, one bedroom dwelling with a 2-storey and attic dwelling having 3 bedrooms

- The main issues are: whether the proposed development would preserve or enhance the character or appearance of the Hoarwithy Conservation Area; and the effects of the proposed development on highway safety.

Decision: The planning application was refused under Delegated powers on 7 May 2009.
The appeal was Allowed on 11 September 2009.

Case Officer: Angela Tyler on 01432 260372

Application No DCSE2009/0297/F

- The appeal was received on 11 May 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 David Gundy
- The site is located at Little Trewern Farm, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6ER
- The application dated 17 February was refused on 3 April 2009
- The development proposed was Change of use of 3 bays of an existing agricultural building (six bays in size) to use for storage and distribution
- The main issue is the effect of the proposal on the local road network in terms of highway safety.

Decision: The planning application was refused under Delegated Powers on 3 April 2009
The appeal was Dismissed on 14 September 2009.

Case Officer: Yvonne Coleman on 01432 383083

Application No. DCSE2009/0694/F

- The appeal was received on 1 July 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 Curtis
- The site is located at The Cider Barn, Howle Hill, Ross-On-Wye, Herefordshire, HR9 5SP
- The application was refused on 12 June 2009
- The development proposed was a Proposed extension
- The main issue is the effect of the proposed extension on the character and appearance of the existing dwelling.

Decision: The planning application was refused under Delegated Powers on 12 June 2009
The appeal was Allowed with new conditions on 7 October 2009.

Case Officer: Duncan Thomas on 01432 261974

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

5 DCSE0009/1487/O DCDS/091571/O - 3 DETACHED DWELLINGS WITH NEW ACCESS AND ASSOCIATED WORKS AT HILL CREST, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, 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: 367520,226173

Expiry Date: 9 September 2009

Local Member: Councillor H Bramer

This application was considered at the Southern Area Planning Sub-Committee on 30 September 2009, where Members deferred determining the application in order to carry out a site visit.

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

S1 - Sustainable Development
 S2 - Development Requirements
 S3 - Housing
 DR1 - Design
 DR2 - Land Use and Activity
 DR3 - Movement
 H4 - Main Villages: Settlement Boundaries
 H14 - Re-using Previously Developed Land and Buildings
 H15 - Density
 T6 - Walking
 LA5 - Protection of Trees, Woodlands and Hedgerows
 LA6 - Landscaping Schemes
 NC1 - Biodiversity and Development
 NC5 - European and Nationally Protected Species
 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 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) recommends the imposition of a condition requiring submission of a habitat and wildlife enhancement strategy.

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.

- 5.3 A 22 signatory petition has been received from residents of Ivy House Estate, confirming opposition to the proposal on the basis of the adverse impact suffered by residents of Nos 3 and 4 Ivy House Estate.

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

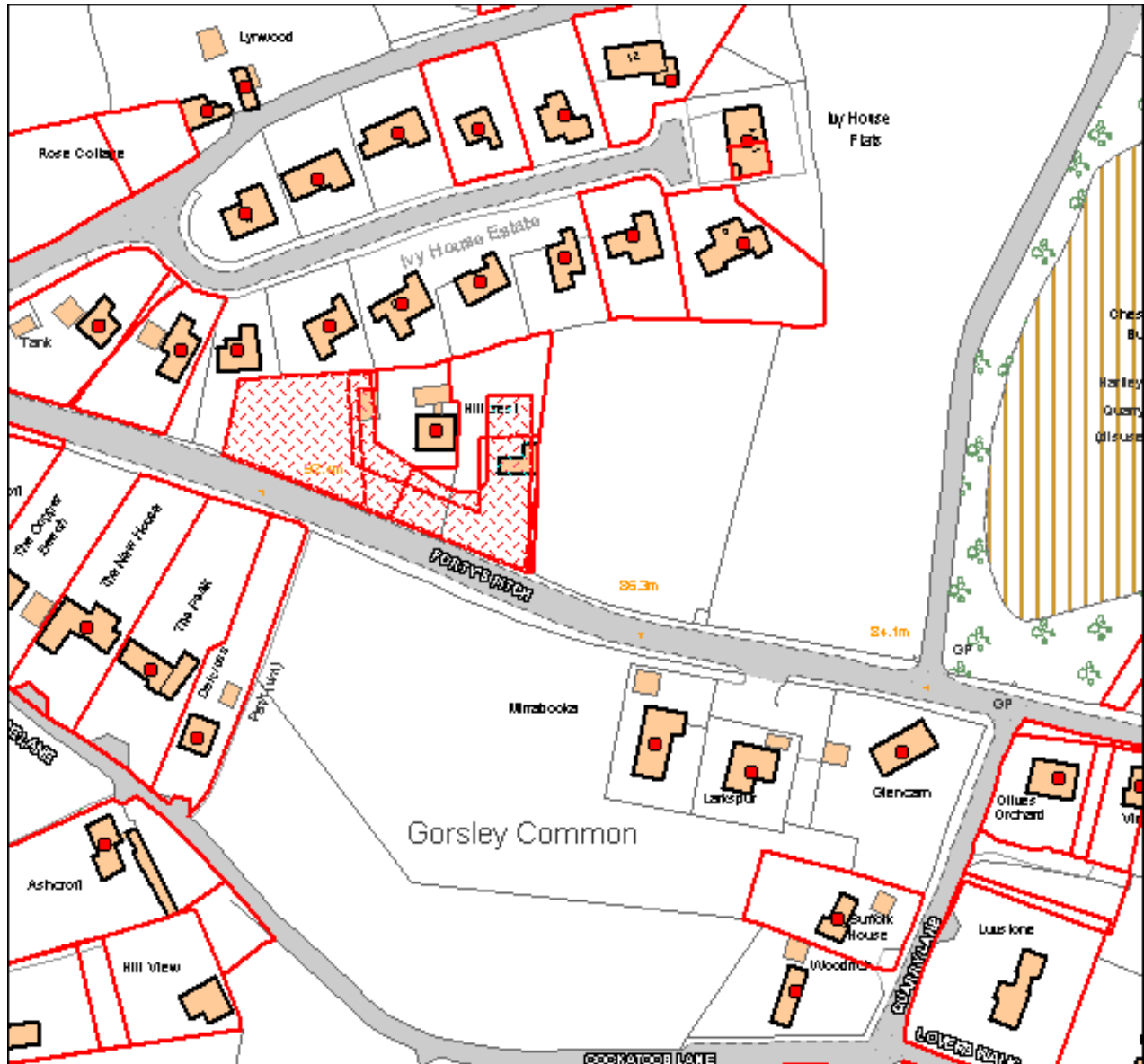
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1487/O DMD5/091571/O

SITE ADDRESS : HILL CREST, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SW

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6 DCSE0009/1260/F DCDSE/091292/F - RETENTION OF RESIDENTIAL CARAVAN AT CUCKOO PATCH, HOPE MANSELL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TN.

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

Date Received: 12 June 2009 Ward: Penyard Grid Ref: 363247, 218569

Expiry Date: 7 August 2009

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the retention of the existing residential caravan situated at Cuckoo's Patch, Hope Mansell near Ross-on-Wye. Cuckoo's Patch is a triangular parcel of land found adjacent the U70200 to the south of Hope Mansell. It lies within open countryside. The site currently comprises a residential caravan with a curtilage and paddock beyond. There are parking and lawned areas with the typical domestic paraphernalia such as garden sheds, garden furniture and children's play equipment.
- 1.2 The current application is made in the context that the use of land for the stationing of a residential caravan is unlawful, the last of the temporary planning permissions having expired on 30 April 2008. As such, full planning permission is now sought to continue the siting of a residential caravan upon the land.

2. Policies

- 2.1 S1 - Sustainable Development
 S2 - Development Requirements
 DR2 - Land Use and Activity
 DR3 - Movement
 H7 - Housing in the Countryside Outside Settlements
 H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
 H11 - Residential Caravans
 LA2 - Landscape Character and Areas Least Resilient to Change
- 2.2 Planning Policy Statement 7: Sustainable Development in Rural Areas
- 2.3 Circular 11/95 – The Use of Conditions in Planning Permissions

3. Planning History

- 3.1 SH34676 Use of land as a site for a residential caravan at Cuckoo's Patch, Hope Mansell: Approved with conditions 30.6.1976.

The first planning permission that sanctioned the siting of a residential caravan upon the site was SH34676. Prior to that, and since 1967, it would appear that a touring caravan had been continuously occupied by Mr L Puddles.

It is the interpretation of this planning permission that is central to subsequent applications that have sought to establish that the siting of a residential caravan on the land has become lawful. Counsel's opinion confirms that the permission allowed Mr Puddles to reside upon the site indefinitely i.e. a personal permission, which expired upon his passing in 1990.

- 3.2 SH951158PO Proposed low profile three bedroom bungalow at The Purlieu Patch, Hope Mansell, Ross-on-Wye: Refused 10.1.1996.
- 3.3 SH960451PF Retention of caravans for farm workers at The Purlieu Patch, Hope Mansell, Ross-on-Wye: Approved 23.12.1996.

This application expired on 29 May 1998 and was subject to conditions restricting the number of residential caravans on site to one and occupation to a person or persons working for the applicant upon his farm i.e. it would appear that an agricultural justification for continued occupation was accepted.

- 3.4 SE2001/1558/U Continuing use of land for siting of residential caravan on land at Cuckoo Patch, Hope Mansell, Ross-on-Wye: Refused 4 October 2002.

The application was refused as a breach of planning control had not subsisted for the requisite 10 year period. Continued siting of the caravan only became unlawful at the expiration of the earlier temporary permission some 3 years earlier.

- 3.5 SE2002/3418/F Continuation of use of land for siting of caravan at Cuckoo's Patch, Hope Mansell, Ross-on-Wye: Approved 23 April 2003.

This was a temporary planning permission made personal to the current applicants, which expired on 30 April 2008.

- 3.6 SE2006/1362/U Continuation of use of land for siting of caravan at Cuckoo's Patch, Hope Mansell, Ross-on-Wye: Refused 6.9.2006.

Again, the grant of an earlier temporary planning permission meant that the continued siting of a residential caravan had not been in breach of planning control for the requisite 10 years. At the time of the application the earlier temporary permission still had 2 years to run.

- 3.7 SE2008/1574/U Lawful use of land for the stationing of a residential caravan in excess of 10 years in breach of condition 3 of planning permission SH760346/PF: Refused 17.3.2009

Once more a Certificate of Lawfulness application was refused on the basis that the temporary permission granted in April 2003 was valid until 2008 and as such, no breach of planning control had occurred.

4. Consultation Summary

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Public Rights of Way Manager: No objection.

5. Representations

5.1 Hope Mansell Parish Council: The Parish Council defers from making a comment as “it has mixed feelings on this application.”

5.2 Sixty seven letters of support have been received. The content is summarised as follows:

- A caravan has been situated upon the land since the late 1960s;
- The site is well maintained and does not cause visual harm to the landscape;
- The applicants have lived upon the site for 8 years and are an integral part of the local community. The children have attended local schools and Mrs Haile was born and has lived her entire life in the village;
- Affordable housing is in short supply and this is the most affordable type of housing that the family will have access to;
- To refuse the application would create great distress and result in the loss of a family that make a great contribution to village life;
- Comparisons are made to the recent decision to grant planning permission for a seasonal workers’ caravan site at Coleraine Farm, Coughton.

Some of the letters refer to plans to replace the caravan with a bungalow and voice the opinion that this would be preferable by comparison.

5.3 Four letters have objection have been received from Mr R E Duberley, Twizling Farm, Hope Mansell, Mr & Mrs McAninly, Perlieu Barn, Hope Mansell and Mr & Mrs Mummery, Hom Rough Cottage, Hope Mansell. Their content is summarised as follows:

- The site is highly visible from across the valley and locally, particularly from the bridleway;
- There is no evidence to substantiate the claims that Mr Haile is engaged in agriculture upon his father-in-law’s farm. The application is not accompanied by an independent agricultural appraisal to demonstrate the justification for an agricultural workers dwelling;
- Even if the case were made, surely it would make more sense for the accommodation to be located adjacent the existing farm buildings;
- Mrs Haile’s father-in-law has obtained planning permission for dwellings within the village that could have met his daughter’s family need;
- The Hailes chose to move onto the site without the benefit of planning permission, leaving more suitable family accommodation in the process;
- The eventual aim appears to be to secure planning permission for a permanent dwelling – an idea to which many of the letters of support refer;
- The site is unsustainable and has been significantly enlarged since Mr Puddles’ time on site.

5.4 In response to an explanation of Mr Haile’s involvement upon his father-in-law’s farm, the agent has referred to the personal circumstances advanced in support of the 2002 application (SE2002/3418/F). It is stated that both Mr & Mrs Haile work upon the farm and the involvement will increase as Mr Jones’ input decreases. Two of the three children continue to attend local schools and it is the Haile’s belief that their personal circumstances have not changed significantly since the grant of temporary approval in 2003.

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

6. Officer’s Appraisal

- 6.1 The site has a somewhat complicated history but in essence, the residential use of the caravan has not become lawful by reason of the specific terms and construction of the original permission (SH34676) and the subsequent granting of two temporary permissions (SH960451PF and SE2002/3418/F). More specifically, it is the granting of the two temporary planning permissions together with the fact that the first permission was personal to Mr Puddles that explains why there has never been the requisite 10 year breach of planning control which would bring about immunity from enforcement action under S171B of the Town and Country Planning Act 1990. Consequently full planning permission must now be sought for the continued residential use of the land by Mr & Mrs Haile and their children. The Hailes have lived on the site since 2001.
- 6.2 The site is in the open countryside, and is not therefore a location where Council policy would support residential development. Policy H11 of the Unitary Development Plan states that proposals for the use of caravans or mobile homes for permanent residential use will be subject to the same locational requirements as permanent residential development. Temporary planning permissions may, however, be permitted to meet special identified short-term needs under policy H8. The caravan at Cuckoo's Patch is isolated from any other dwelling, with the exception of a bungalow to the immediate north, and in this prominent location is harmful to the character of this attractive rural area contrary to Policy LA2.
- 6.3 Policy H8 refers to dwellings (or caravans) that may be needed for agricultural purposes. Limited details have been submitted of the applicants' involvement in an agricultural enterprise at Upper End Farm. These circumstances do not, however, amount to a genuine agricultural need and even so, there is no cogent reason given as to why such a caravan needs to be sited at Cuckoo's Patch rather than in closer proximity to the holding which is 1km away by road.
- 6.4 The case for continuing the use therefore depends upon whether there are material considerations which indicate that an exception to policies should be made. If permission is refused it would be necessary to consider the expediency of taking enforcement action to remove the caravan, although it is now clear that the ability to take enforcement action remains intact.
- 6.5 The decision to grant the applicants temporary planning permission in April 2003 was based upon their special circumstances and it is the applicants' perspective that these circumstances continue to exist. It is clear that officers did not accept that agricultural need was justification for the retention of the caravan at that time and reference was made in the committee report to the earlier temporary planning permission and the continued and lengthy residential occupation of a caravan on site since the late 1960s. In this context, the reasonableness of taking enforcement action to secure the removal of the caravan was questioned.
- 6.6 Notwithstanding this, officers have revisited the guidance contained within Circular 11/95 – The Use of Conditions in Planning Permissions which cautions against the granting of second temporary permissions and have assessed this proposal in relation to whether it would be acceptable on a permanent basis.
- 6.7 In this case the retention of the caravan was last justified on the basis of the personal circumstances of the Hailes family and whilst their circumstances have not changed since the granting of the 2002 application, it is not considered that there is sufficient justification to permit their permanent occupation of the site.
- 6.8 Accordingly whilst the overwhelming support for the Haile family is appreciated, the recommendation is one of refusal. There are clearly likely to be enforcement implications relating to this recommendation and it would through this process be important for the local planning authority to act reasonably in relation to the family. If it were deemed to be expedient

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

to take enforcement action to secure the cessation of the residential use and the removal of the caravan as originally intended, it would be envisaged that a reasonable timescale would need to be provided.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 **The application site is within the open countryside in a location where residential development is not normally permitted. The continued use of the land for the siting of a residential caravan does not, in this specific case, meet any of the defined exceptions criteria. The caravan and associated domestic paraphernalia are considered to harm the character and appearance of the rural landscape and the development is thus contrary to Policies H7, H8, H11 and LA2 of the Herefordshire Unitary Development Plan 2007.**

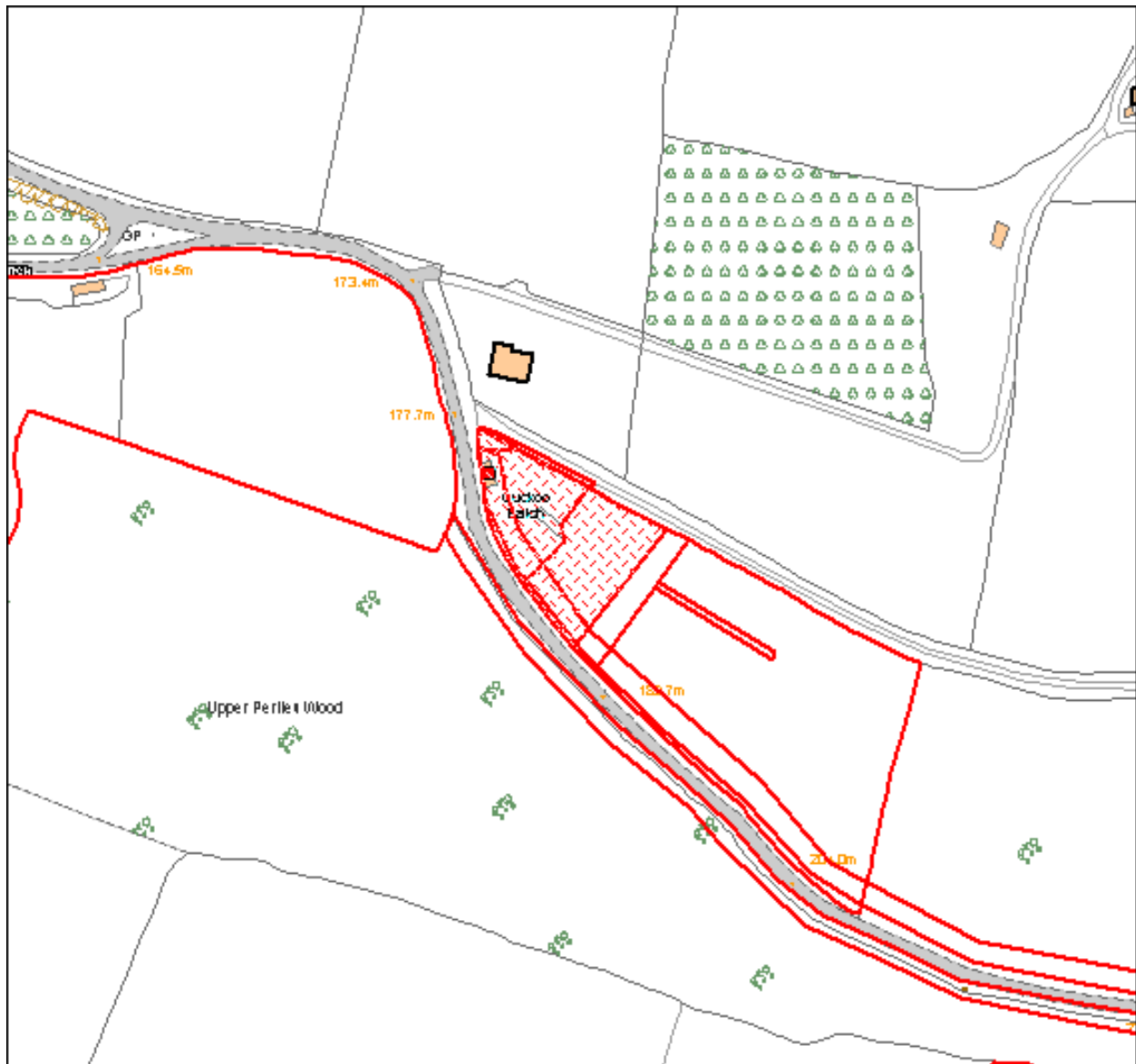
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1260/F DMDSE/091292/F

SITE ADDRESS : CUCKOO PATCH, HOPE MANSELL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TN

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7 DCSE0009/1734/F DCSE/091461/F - TO USE A MOBILE HOME FOR SITE WARDEN ACCOMMODATION - RETROSPECTIVE - AT THE NUTSHELL CARAVAN PARK, GOODRICH, ROSS-ON-WYE, HR9 6HG.

For: Mr H Danter, The Doward Hotel, Crockers Ash, Ross-on-Wye, Herefordshire, HR9 6DW.

Date Received: 10 August 2009 Ward: Kerne Bridge Grid Ref: 356600,219113

Expiry Date: 5 October 2009

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 The application seeks retrospective planning permission for the use of a mobile home for site warden accommodation at The Nutshell Caravan Park, Goodrich.
- 1.2 The Nutshell Caravan park is a touring caravan site located adjacent the A40(T) at Goodrich. The site is within the open countryside and the Wye Valley Area of Outstanding Natural Beauty. Under planning permission SH88/0757/F up to a maximum of 15 touring caravans are permitted on site between 1st March and 31st October.
- 1.3 At the time of the site visit there was one mobile home (static caravan) and 7 touring caravans on site, although it was confirmed by the site warden that not all of these were connected with tourist use. It is intended to site the mobile home to the immediate northeast of a large storage shed located to the west of the drive.

2. Planning Policy

- 2.1 Planning Policy Statement 7: Sustainable Development in Rural Areas
- 2.2 **Herefordshire Unitary Development Plan 2007**

S1	-	Sustainable Development
S2	-	Development Requirements
LA1	-	Areas of Outstanding Natural Beauty
H7	-	Housing in the Open Countryside Outside Settlements
H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
H11	-	Residential caravans

3. Planning History

- 3.1 SH88/0757/F Change of use from paddock of dwelling house to site for touring caravans (maximum of 15 caravans) - Approved 29/06/88
- SH94/1532/PF Replacement storage building, shower and WCs - Approved 25.01.95

SH94/1567/PF	Showman's winter quarters	- Refused 10.02.95
SH97/1468/PF	Site warden's caravan for reinstatement of existing Caravan Park: Application	- Withdrawn 17.03.98
SE2000/1251/F	To site mobile home for site warden/security during refurbishment of camp site and building of amenity block, and for landscaping of site with earth for levelling	- Refused 30.08.00
SE2009/0604/F	To use a mobile home for site warden accommodation – retrospective	- Refused 19.05.09

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency: No objection

Internal Council Advice

4.2 Traffic Manager: No objection subject to the imposition of a condition restricting permanent residential occupation to a site warden only.

5. Representations

5.1 Goodrich Parish Council: Councillors have no objection to the use of this mobile home for site warden accommodation as long as the applicant has fully complied with all existing planning obligations as outlined previously regarding this site.

5.2 A letter of objection has been received from Mr & Mrs Watson, Saddle Bridge Farm, Marstow. The content of the letter is summarised as follows:

- A much larger site in Ross does not have permanent warden accommodation;
- The Nutshell is a touring caravan site, with a restricted 'open period'. The site is not well used by visiting touring caravans. There is no belief that 'need', even for a limited period, during the licensed period is demonstrated;
- Management of such a site could be undertaken quite readily without the need for the full-time presence of a warden;
- Mr Danter owns the Nutshell (residential property adjacent). Should a warden be deemed essential, then the adjoining property would be available;
- There has been a past failure to abide by planning conditions, as evidenced by the presence of mobile homes on site during the winter months.

5.3 The application is accompanied by a statement justifying the presence of a full-time warden. It is stated that the site has been subject to vandalism in the past, with facilities being destroyed and illegal squatting on the site. It is contended that the house adjacent the site is not close enough to offer the requisite supervision and is let to a family who has no connection to the touring caravan park. It is argued that additional use of the caravan park would benefit local businesses, including the Cross Keys Public House and village stores.

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

6. Officer's Appraisal

- 6.1 The application is for the retention of a mobile home on site for use as site warden's accommodation. In effect permission is being sought for the introduction of residential accommodation, albeit in a mobile home, in an open countryside location. Policy H7 is considered of direct relevance as it states that housing in the countryside outside settlements will not be permitted unless it accords with one of the identified exceptions. The exceptions include where development is a necessary accompaniment to the establishment or growth of a rural enterprise and complies with policy H8. Policy H11 states that proposals for the use of caravans or mobile homes for permanent residential use will be subject to the same locational requirements as permanent residential development i.e. will be directed to established settlements.
- 6.2 Permission was granted for use of the site as a touring caravan park in 1988. Despite this, the local planning authority is unaware of any concerted attempt to utilise the site as such. Therefore, although planning permission exists for the use, it is not clear that the proposal would necessarily enable the growth of a rural enterprise in accordance with H7 and therefore justify a permanent residential presence.
- 6.3 Policy H8 requires that any dwellings required for use in association with rural businesses should only be permitted where it can be demonstrated that long term genuine need exists for the dwelling as an essential part of a financially viable business and that such need cannot be met in existing accommodation. Although it is accepted that this application promotes a change of use of land for the siting of a mobile home, rather than operational development, the proposal should demonstrate that the accommodation is required in connection with a viable, established business. In this case the officer is not convinced that the full-time presence of a warden in relation to a relatively small, seasonal touring caravan site can be justified. In reaching this conclusion, weight has been given to Annexe A of PPS7 which states that the security of a site will not in its own right be sufficient to justify a permanent residential presence.
- 6.4 Furthermore, the applicant retains control of the dwelling adjoining the site (The Nutshell) and even if a need were to be proven, the accommodation requirements of a warden could be met by the use of this existing dwelling.
- 6.5 The application is recommended for refusal on the basis that it represents the unwarranted provision of residential accommodation in the open countryside, representing an unsustainable and visually harmful development in an Area of Outstanding Natural Beauty.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The local planning authority is not satisfied that the application demonstrates that there is a long-term genuine need for the provision of warden accommodation on this seasonal touring caravan site. Even were need to be demonstrated, the applicant currently retains control of the adjacent dwelling, 'The Nutshell'. Accordingly the Council considers that the need for accommodation, if justified, is capable of being met in existing accommodation within the applicant's control. The proposal is considered contrary to policies H7, H8, H11 and LA1 of the Herefordshire Unitary Development Plan 2007.**

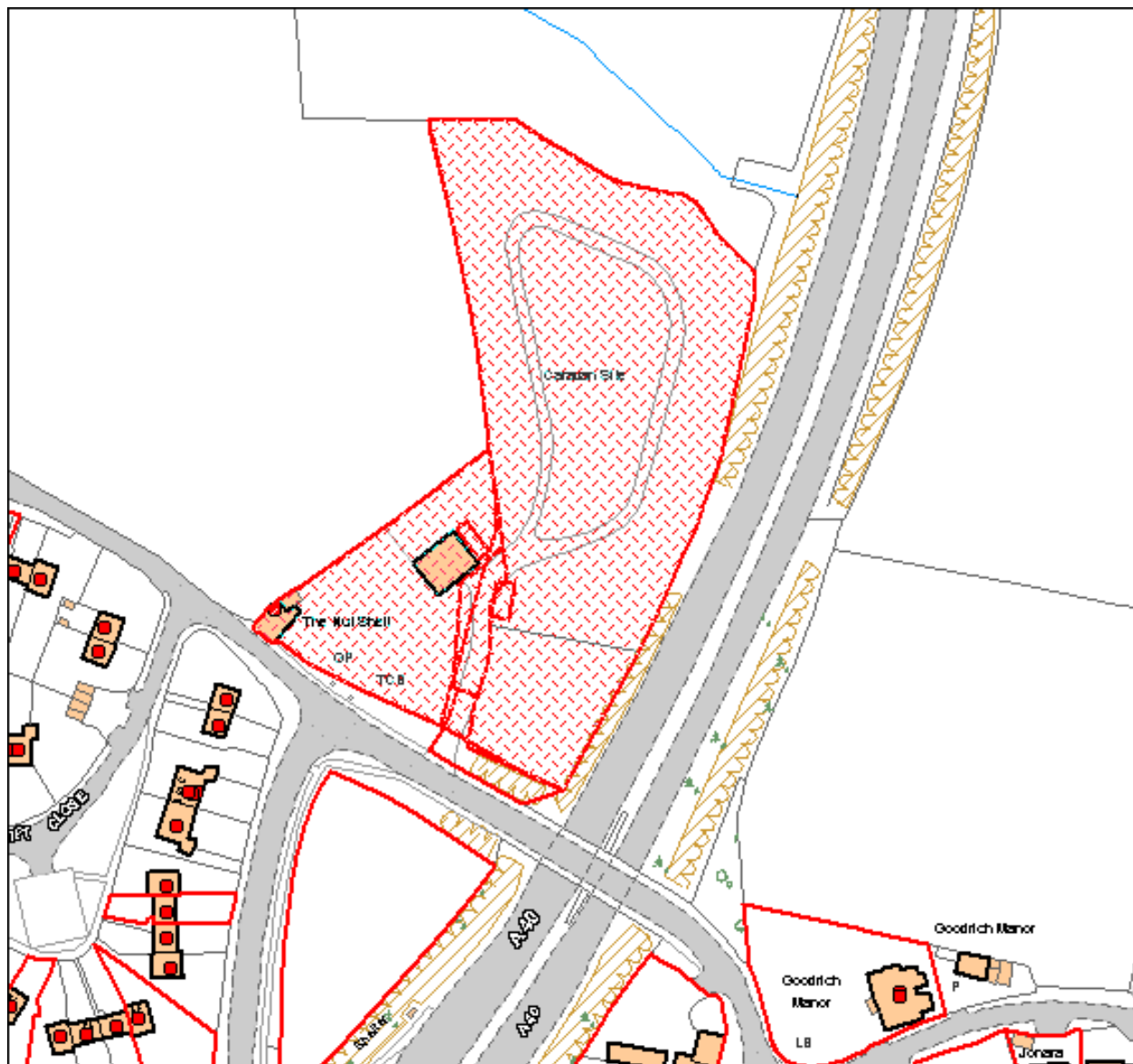
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCSE0009/1734/F DMSE/091461/F

SITE ADDRESS : THE NUTSHELL CARAVAN PARK, GOODRICH, ROSS-ON-WYE, HR9 6HG

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8 DCSW0009/1036/F DCSW/091187/F - CREATE TWO NEW DETACHED DWELLING UNITS AT TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP.

For: Mr M Coleman per Mr A Clive, 8a High Street, Ledbury, Herefordshire, HR8 1DS.

Date Received: 2 June 2009

Ward: Stoney Street

Grid Ref: 342106,238869

Expiry Date: 28 July 2009

Local Member: Councillor DC Taylor

1. Site Description and Proposal

- 1.1 The application site is some 100 metres to the north of the main crossroads in Madley, between the B4349 road and C1196 road. The site gains access via the existing farm entrance which also serves a bungalow (Court View), immediately to the north.
- 1.2 The scheme has been revised from the original submission such that the weather boarded garages now form a block of buildings on the southern boundary of the site and each of the proposed units adjoins a corner of the garage block. This creates a courtyard and a boundary wall to the site adjoining immediately to the south, complimenting the existing farm buildings to the south (which are the subject of a separate agenda item). The design for each of the two units on this site remains as originally proposed. The dwellings will comprise a combination of brick and stone elevations with slate roof coverings that have been designed to reflect those that might be found in traditional farm buildings. The dwellings will be 8 and 8.1 metres to the ridge, lower than the listed barn to the south which is 8.8 metres to the ridge.
- 1.3 The boundary treatment will comprise hedges, estate fencing (as presently used on the site), brick walling and post and rail fencing. The steel framed barns on the site would be removed in order to make way for the new dwellings and garaging.
- 1.4 The site is within the settlement boundary of Madley and accordingly the principle of residential development is acceptable. The acceptability of this proposal, therefore, primarily relies on the detailed design, form and layout in relation to the existing farm buildings immediately to the south.
- 1.5 The revised scheme has been the subject of re-consultation with previous consultees, including the Parish Council and local residents.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

Policy S2	-	Development Requirements
Policy DR1	-	Design

Further information on the subject of this report is available from Mr A Prior on 01432 261932

Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Designs
Policy HBA4	-	Setting of Listed Buildings

3. Planning History

- | | | | | |
|-----|-----------------|--|---|----------------------|
| 3.1 | DCSW2004/2484/F | Conversion of barns to two dwellings and demolition of steel framed barns. | - | Approved
20.09.04 |
| | DCSW2004/2485/L | Conversion of barns to two dwellings and demolition of steel framed barns. | - | Granted 20.09.04 |

- 3.2 These applications relate to the barns to the south of the application site, which are the subject of a separate agenda item.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends that conditions be attached to any grant of planning permission.

Internal Council Advice

- 4.2 The Traffic Manager recommends conditions for the visibility splay and advises on position of detached garages proposed.
- 4.3 The Conservation Manager states that the originally submitted scheme had a poor layout, as the garages were too prominent and that the designs needed further consideration. The revised layout is important in relation to existing buildings. The materials used are crucial and need to be conditional. It is also recommended that completion be attached as regards wildlife protection and enhancement strategy.
- 4.4 The Conservation Manager states, in response to the revised plans, that the scheme creates a small self contained courtyard and that the relationship between new and existing building nearby is much better. The site will need good landscaping and materials.

5. Representations

- 5.1 In the Design and Access Statement that accompanied the application, the following main points were made;
- Site adjacent to group of buildings north again of Town House.
 - Site falls within settlement boundaries for Madley.
 - Dwellings are for contemporary living. They sit well in position relative to listed barn.
 - Combination of stone and brick alone found in barns across Herefordshire.
 - Full height glazed screens reflect barn forms, dwellings are not pretending to be barns or barns.
 - New dwellings should sit well in this specific environment.
 - High quality materials will be used.
 - Not an over-development of the site.
 - Access has been widened.

Further information on the subject of this report is available from Mr A Prior on 01432 261932

5.2 Madley Parish Council makes the following observations:

Offer general support. Request that provision be made for public parking spaces. This view is re-iterated in the response to the additional consultation on the revised plans.

5.3 Three letters of objection have been received from:

Mr H B Brookman, Town House, Madley, HR2 9LP
Mr & Mrs B W Thomas, Courtfields, Madley, HR2 9LP
Mr R Marchant & Miss E Cwilich, 1 Cwm Cottage, Madley, HR2 9LP

The following main points are raised.

- Lack of parking in village, difficult to leave or enter highway at school times and for Church services.
- Units will affect solitude and noise pollution.
- Has possibility of great crested newts on site been explored (on my property).
- Recommend Council should take account of adjacent paddock for use as a village car park, thus reducing congestion.
- Effect on Town House - two new dwellings are not appropriate.

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

6. Officer's Appraisal

- 6.1 It is considered that the main issues for consideration in determination of this application are the principle of development, the impact on the setting of listed buildings, the ecological implications of development, residential amenity and the need for financial contributions.
- 6.2 This site is wholly within the defined settlement boundary for Madley and as such the broad principle of the proposal is acceptable. Therefore, any new development needs to address the general detailed requirements such as the means of access and the form the development takes, given the particular context of the site. It is evident that the existing access which already serves Court View and agricultural land to the east enjoys satisfactory visibility onto what is a very straight stretch of highway. The items raised locally relate to the parking of vehicles on the road at certain times and particularly in connection with the school and Church which are both within walking distance of the site. This is not a matter which has a direct bearing on the application submitted, given that on-site parking is provided to serve the development at an appropriate specification and as such will not exacerbate the situation that currently exists.
- 6.3 The design of the dwellings is an important factor given the proximity to the Grade II listed barn to the south of this site. The design is intended to provide a range of buildings which will, with good materials and detailing, provide modern dwellings which will compliment the setting of the barn. The two dwellings are 8 metres in length, however, they will not dominate the listed barn, in view of its much larger scale.
- 6.4 The revised site for the new houses and garages will provide a courtyard of single and two storey buildings which will relate well to the listed barns and the existing brick and stone faced buildings to the south which also have single and two storey elements. Therefore, it is not considered that the new dwellings will detract from the setting of either the listed barn, or Town House.
- 6.5 This application was accompanied by an ecology report, which primarily relates to the existing buildings to the south of the application site, which are the subject of a separate planning

application reported on this agenda. It is considered that the conditions prepared by the Conversation Manager requiring a wildlife protection and enhancement strategy will provide the necessary mitigation for this site.

- 6.6 This site is considered to be a sufficient distance away from existing dwellings, so as to avoid any adverse impact on residential amenity. This is due also to the fact that there are buildings between Town House and the site, and that the access is already used in association with the existing agricultural enterprise and Court View.
- 6.7 The issue of whether this proposal in its own right, and when taken together with the new build scheme for two dwellings, would reasonably attract Section 106 contributions has been given detailed consideration.
- 6.8 Notwithstanding the benefits of securing an appropriate residential development on the edge of the village, this proposal falls below the threshold of five dwellings that has been set under the current temporary suspension arrangement. Furthermore, when taking account of the extant 2004 permission for two dwellings and the conversion and new build proposal currently under consideration to the south (DCSW0009/1038/F), the net increase in dwellings over the extant permission would be four, which remains below the current threshold.
- 6.9 In the light of this it is not considered that this proposal, either in its own right or taken cumulatively with the separate site to the south, would attract the need for contributions under the current Section 106 arrangements.
- 6.10 Therefore, the application can be supported on the basis of revised plans and in accordance with conditions recommended by the Conservation Manager, Traffic Manager and Welsh Water as set out in the recommendation below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with approved plans**
3. **C01 Samples of external materials**
4. **G10 Landscaping scheme**
5. **G11 Landscaping scheme - implementation**
6. **H13 Access, turning area and parking**
7. **L01 Foul/surface water drainage**
8. **L02 No surface water to connect to public system**
9. **L03 No drainage run-off to public system**
10. **L04 Comprehensive & Integrated draining of site**

- 11. Prior to development, a wildlife protection and enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with Herefordshire Council’s Unitary Development Plan Policies NC6, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006

- 12. H03 Visibility Splays
- 13. H06 Vehicular access construction
- 14. H13 Acces, turning area and parking
- 15. H27 Parking for site operatives

INFORMATIVES:

- 1 N15 Reason(s) for the Grant of Planning Permission
- 2 N19 Avoidance of doubt - Approved Plans
- 3 N11B Wildlife & Countryside Act 1981 (as amended) & Cons (Nat. HaB Bat)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCSW0009/1036/F DMSW/091187/F

SITE ADDRESS : TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP

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9A DCSW0009/1038/F DCSW/090887/F - CONVERSION OF BARN AND ONE NEW BUILD TO CREATE 4 DWELLINGS AT TOWN HOUSE FARM, MADLEY, HEREFORDSHIRE, HR2 9LP

9B DCSW0009/1039/L DCDS/091308/L - CONVERSION OF BARN AND ONE NEW BUILD TO CREATE 4 DWELLINGS AT TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP

For: Coleman Developments per Mr A Clive, 8a High Street, Ledbury, Herefordshire, HR8 1DS

Date Received: 2 June 2009 Ward: Stoney Street Grid Ref: 342100,238854
Expiry Date: 28 July 2009

Local Member: Cllr D C Taylor

1. Site Description and Proposal

- 1.1 The application is some 70 metres to the north of the crossroads of the B.4349 and the C1196. The site gains access off the C1196. The site is immediately to the north of Town House, a Grade II listed dwelling. The application site comprises a Grade II timber-clad barn approximately 21 metres to the north of the listed farmhouse. This horizontal timber-clad building has a concrete tiled roof and has been approved for conversion together with a stone rubble and red brick building into two dwellings (DCSW20042484/F and DCSW2004/2485/L refer).
- 1.2 This planning permission and listed building consent granted in September 2004 has been implemented with the creation of a new driveway off the C1196 to the south-west of the two detached barns. This driveway will also serve the currently proposed scheme.
- 1.3 The new proposal entails sub-dividing the timber-clad building into two, 4 bedroom units. The Grade II listed barn will provide two units of accommodation, together with associated garages. These dwellings are units 1 and 2. Unit 1 which is the westernmost dwelling will have a detached garage to the south west of it. Unit 2 will have a clay tiled roof garage and storage building erected on the eastern gable end. The garage for unit 2 was originally proposed to be erected to the front of the listed barn, but has been re-sited following discussion with the Conservation Manager. The second element is the conversion of an existing red brick barn to the east of the listed barn, this dwelling is unit 3 which, together with the erection of a new weather boarded and brick faced dwelling to the east of it (unit 4), complete the proposed development. Units 3 and 4 will also have associated garages. The garages will be weather boarded and will have slate roof tiles to reflect the existing red brick faced barn (unit 3).
- 1.4 The four units will each have rear gardens and amenity areas and parking for at least two vehicles for each of the proposed dwellings. There will be more trees planted to the east of Unit 1 i.e. between it and the C1196 road.
- 1.5 The plans have been amended such that the windows are treated with louvers on both north and south elevation of units 1 and 2. This reduces the virtual impact of the new windows and complements the weather boarding used to clad the outside of the barn.

Further information on the subject of this report is available from Mr A Prior on 01432 261932

1.6 This site is within defined settlement boundary for Madley.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS9	-	Companion Guide to Good Practice
PPG15	-	Planning in the Historic Environment

2.2 Herefordshire Unitary Development Plan

S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
H4	-	Main Villages : Settlements
H13	-	Sustainable Residential Design
HBA3	-	Change of Use of Listed Buildings
HBA4	-	Setting of Listed Buildings
HBA12	-	Re-use of Rural Buildings
HBA13	-	Re-use of Rural Buildings for Residential Purposes
NC1	-	Biodiversity and Development
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC5	-	European and Nationally Protected Species
NC7	-	Compensation for Loss of Biodiversity

3. Planning History

- | | | | | |
|-----|-----------------|--|---|-------------------|
| 3.1 | DCSW2004/2484/F | Conversion of barns to two dwellings and demolition of steel framed buildings. | - | Approved 20.09.04 |
| | DCSW2004/2485/L | Conversion of barns to two dwellings and demolition of steel framed buildings. | - | Approved 20.9.04 |

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends that conditions be attached relating to the discharge of foul water and surface water discharges.
- 4.2 English Heritage has no objections.

Internal Council Advice

- 4.3 The Traffic Manager recommends conditions relating to visibility for new access.
- 4.4 The Conservation Manager recommends use of louvers in order to reduce impact of windows. Fully detailed landscaping scheme required, and a schedule of repairs and conditions should also be attached relating to the need for a method statement relating to mitigation for wildlife.

5. Representations

5.1 In the Design and Access Statement that accompanied the application the following main points are made:

- large timber framed barn is Grade II listed
- there is existing planning permission and listed building consent on the site for two units
- proposed to enable the units from listed barn, one from brick barn and create an additional one
- process entails protecting listed building and environment. Agreed that listed barn is overly large for one unit
- sought to use existing openings in listed barn; extra windows and within framework
- headroom at first floor is below trusses
- black painted lapped boarding area is usual
- existing openings used in brick barn. The new unit (Unit 4 has materials which will harmonise with existing brick barn
- well stepped back between new and existing barn to accentuate point of change

Access

- need for garages important, it also provides outside storage
- discussion pre-application as regards the new access

Summary

- variety of residential spaces are complimentary
- listed building protected for the future

5.2 Madley Parish Council makes the following observations:

Not unanimous, but supported. Need for further parking spaces in the village.

5.3 3 letters of objection have been received from:

Mr H Brookman, Town House, Madley HR2 9LP

Mr and Mrs B W Thomas, Courtfields, Madley HR2 9LP

Mr R Marchant and Miss E Civilick, 1 Cross Cottage, Madley, HR2 9LP

The following main points are made:

- overlooked by Units 2 and 4
- turning and parking close to my property (inches) possible damage
- could be overspill onto highway
- how can unit 4 garage be screened? Who is responsible for further maintenance?
- additional traffic
- impact on traffic, already parking along the highway in connection with school and church
- loss of amenity from passing vehicles
- some of our drains are under proposed roadway. Who will be accountable?
- Provision for bats : but what about amphibians, including great crested newts?
- Recommend monies be levied for additional car parking for village on adjacent paddock or for use on behalf of local community
- Impact on setting of listed building
- Older stonework of barns should be examined

5.4 In response to the revised plans, the Parish Council make the following observations:

- reiterate concern of close proximity to a listed building

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- Section 106 agreement should be considered as preciously stood

5.5 Two letters were received from:

Mr H Brookman, Town House, Madley HR2 8LP
Mr and Mrs B W Thomas, Courtfields, Madley HR2 8LP

The following main points are made:

- extension to unit 4 would overlook my property
- road too close to our oil tank, it is over sewage and drainage pipes and to our listed building
- easy to use roadway into site
- Great Crested Newts in our pond. Has this been investigated by Environment Agency and it's bio-diversity team?
- sites should be considered for purposes of Section 106, possibly affordable housing provision
- request that all windows facing my property have obscure glass fitted
- garage position for unit 2 definite improvement. Unit 1 garage should be aligned also as Unit 2 , so that the garage is out of audible and visual range

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

6. Officer's Appraisal

- 6.1 The main issues are considered to be the principle of development, the setting of the listed buildings, the impact of the development on the ecology of the site, loss of amenity and an assessment of the justification for financial contributions.
- 6.2 This site is wholly within the settlement boundary of Madley, therefore the principle of both conversion and new build is supported in broad policy terms. The developer however has concentrated on the two main buildings on the site. The aforementioned listed barn and the predominantly brick barn to the east of it. The listed barn (Units 1 and 2) has an extant permission for a 7 bedroom dwelling together with the conversion of the smaller brick faced barn(Unit 3) into a 5 bedroom dwelling. The current proposal is to split what is a very large barn into two, 4 bedroom dwellings (Units 1and 2) and create a 5 bedroom dwelling out of the brick barn (Unit 3). Therefore, the scheme proposed for the two existing barns provides the same number of bedrooms albeit a new dwelling would be created. The new element is Unit 4 which is partly on the footprint of an existing covered yard area on the eastern end of the existing two-storey red brick and rubble stone building.
- 6.3 It is considered that the new dwelling will, with the use of slate tiles on the roof and red brick and weather boarding, complement the existing adjoining red brick barn it immediately adjoins and in turn preserve the setting of the listed barn and Town House farm to the south. The erection of garages at the eastern end of the existing brick barn and the proposed new dwelling also helps unify the two elements of the scheme both physically and visually providing what is considered to be a successful combination of conversion and new build. The use of louvers on windows in the listed barn as requested by the Conservation Manager has reduced the impact of new openings. It is considered that the scheme sensitively considers the existing buildings and their setting. The site also benefits from a belt of trees between the listed barn (units 1 and 2) and the C1196 road to the west. The integrity of the listed barn would be protected by the imposition of a condition controlling the repairs to the building. This is as recommended by the Conservation Manager.

- 6.4 The biodiversity of the site has been addressed by the submission of an ecological appraisal. Representations received refer to the presence of Great Crested Newts on an adjoining property. However, whilst the appraisal submitted acknowledges that there is a pond some 250 metres away on an adjoining property; the application site would not provide a good habitat for amphibians given the extent of concrete surfacing most of which is covered by large modern farm buildings. It should also be noted that mitigation for bats is provided in the existing buildings and two of the proposed garages. Therefore, subject to receipt of a method working statement, as recommended by the Conservation Manager, it is considered that appropriate measures have been incorporated within the proposal.
- 6.5 The issue of amenity has been raised in representations received. It is considered that there is sufficient distance between the new dwelling (Unit 4) which has first floor south-facing windows, (one of which is a bedroom window). The 16 metre distance to the boundary with Town House is considered to be sufficient distance away so as to avoid undue loss of privacy. The other issue raised relates to the driveway which passes the boundary of Town House and is in close proximity to an oil tank. The roadway is approximately 4 metres wide which is considered to be of sufficient width for vehicles travelling to or from units 3 and 4 at the eastern end of the site. It is considered that the alignment and width of the access road is acceptable. A further issue has been raised relating to drainage on the site belonging to a third party. This is a legal matter between the two parties and is not material to the consideration of this application.
- 6.6 The issue of whether this proposal in its own right and when taken together with the new build scheme for two dwellings would reasonably attract Section 106 contributions has been given detailed consideration.
- 6.7 Notwithstanding the benefits of securing the re-use of the existing barns and providing what is considered to be an improvement in the character and appearance of this part of the village, it is also considered that, under the current temporary suspension arrangements for Section 106 contributions, that this proposal falls below the threshold of 5 dwellings that has been set. Indeed, when taking account of the extant 2004 permission for 2 dwellings, this scheme in its own right produces only 2 new dwellings. Furthermore, when considered in relation to the separate application for two dwellings to the north (DCSW0009/1036/F), the net increase in dwellings over the extant permission would be 4 which remains below the current threshold.
- 6.8 In the light of this it is not considered that this proposal either in its own right or taken cumulatively with the separate site to the north, would attract the need for contributions under the current S106 arrangements.
- 6.9 This scheme whilst clearly different from that approved in 2004 is considered to make better use of the site and the existing buildings and provides good levels of accommodation and amenity. The new unit (unit 4) which adjoins the eastern end of unit 3 is complimentary to the existing building and is a sufficient distance away from Town House in respect of overlooking. The details of boundaries and curtilages will need to be carefully considered as will the choice of materials including brick, weather boarding and fenestration, a matter which will be controlled by conditions. There are considered to be no reasonable grounds for withholding planning permission and listed building consent and as such the recommendation is for approval.

RECOMMENDATION

In respect of DCSW2009/1038/F:

That planning permission be granted subject to the following conditions:

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

- 2 **B01 Development in accordance with the approved plans**
- 3 **D02 Approval of details**
- 4 **D04 Details of window sections, eaves, verges and barge boards**
- 5 **D10 Specification of guttering and downpipes**
- 6 **D11 Repairs to match existing**
- 7 **D12 Repairs in situ**
- 8 **F14 Removal of permitted development rights**
- 9 **G10 Landscaping scheme**
- 10 **G11 Landscaping scheme - implementation**
- 11 **H05 Access gates**
- 12 **H12 Parking and turning - single house**
- 13 **H04 Visibility over frontage**
- 14 **I16 Restriction of hours during construction**
- 15 **K4 Nature Conservation - Implementation**
- 16 **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

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 Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.
- 17 **L01 Foul/surface water drainage**
- 18 **L02 No surface water to connect to public system**
- 19 **L03 No drainage run-off to public system**
- 20 **L04 Comprehensive & Integrated draining of site**

INFORMATIVES:

- 1 **N15 Reason(s) for the Grant of Planning Permission**
- 2 **N19 Avoidance of doubt - Approved Plans**
- 3 **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**

4 NC02 Warning against demolition

5 N04 Rights of way

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

In respect of DCSW0009/1039/L:

That Listed Building Consent be granted subject to the following conditions:

That planning permission be granted subject to the following conditions:

- 1. D01 Time limit for commencement (Listed Building Consent)
- 2. B01 Development in accordance with the approved plans
- 3. D02 Approval of details
- 4. D04 Details of window sections, eaves, verges and barge boards
- 5. D10 Specification of guttering and downpipes

INFORMATIVES:

N15 Reason(s) for the Grant of Listed Building Consent

N19 Avoidance of doubt - Approved Plans

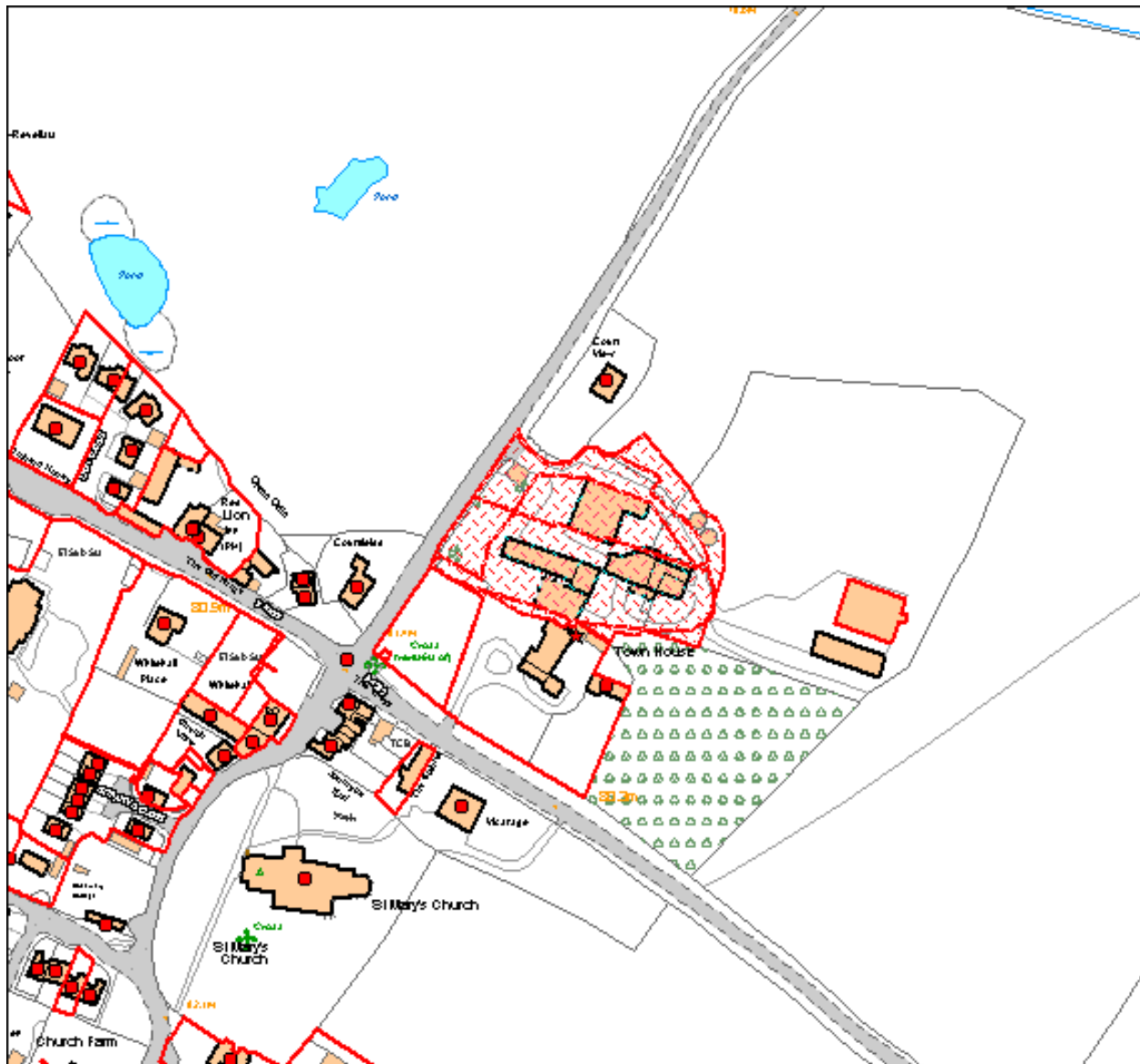
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW0009/1038/F DMSW/090887/F

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