

AGENDA

Southern Area Planning Sub-Committee

Date: **Wednesday 25 November 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:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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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

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.

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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 28 October 2009.</p>	1 - 8
<p>4. ITEM FOR INFORMATION - APPEALS To be noted.</p>	9 - 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. DCSE09/1665/F - ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AG. Construction of temporary changing room and associated works.</p>	11 - 16
<p>6. DCSE0009/1902/F DCSE09/2350/F - TRE-ESSEY FARM, ST WEONARDS, HEREFORDSHIRE, HR2 8NA. Proposed new covered manure store.</p>	17 - 22
<p>7. DCSW0009/1982/F DMSW09/2150/F - DANESWOOD, LITTLE BIRCH, HEREFORDSHIRE, HR2 8AS. Proposed detached garage.</p>	23 - 26
<p>8. DCSW09/2133/O - LAND ADJACENT TO SUN COTTAGE, GARWAY HILL, HEREFORDSHIRE, HR2 8EZ. Outline planning application for construction of a three bedroom dwelling.</p>	27 - 32
<p>9. DCSE0009/1859/F DCSE09/1989/F - CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD. Refurbishment and conversion of existing derelict barn to restaurant and creation of new car parking facilities servicing existing hotel and new restaurant, together with associated junction improvement works. (Removal of conditions 13 and 16 on planning permission DCSE2005/2343/F).</p>	33 - 40

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- 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.
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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 28 October 2009 at 2.00 pm

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

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

In attendance: Councillors TW Hunt (ex-officio)

46. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Bramer, BA Durkin, and RVS Stockton.

47. DECLARATIONS OF INTEREST

7. DCSE0009/1734/F - THE NUTSHELL CARAVAN PARK, GOODRICH, ROSS-ON-WYE, HR9 6HG..
Councillor G Lucas; Personal and Prejudicial; Friend of the applicant.
8. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP..
Councillor JA Hyde; Personal and Prejudicial; Acquaintance of the objector.
8. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP..
Councillor JG Jarvis; Personal and Prejudicial; Acquaintance of the objector.
8. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP..
Councillor MJ Fishley; Personal and Prejudicial; Acquaintance of the objector.
8. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP..
Councillor PD Price; Personal and Prejudicial; Acquaintance of the objector.

48. MINUTES

RESOLVED: That the Minutes of the meeting held on 28 September 2009 be approved as a correct record and signed by the Chairman.

49. ITEM FOR INFORMATION - APPEALS

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

50. DCSE0009/1487/O - HILL CREST, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SW.

3 detached dwellings with new access and associated works.

The Principal Planning Officer reported the following:

The agent has confirmed that in the event of outline planning permission being granted the applicant would accept the imposition of a planning condition to restrict the height of the dwellings on plots 1 and 2 to no more than one and a half storeys, with no first floor windows to the northern elevation (i.e. facing Ivy House Estate).

Councillor MJ Fishley noted the concerns raised in respect of the access and was pleased that these concerns had been addressed by the applicant.

Councillor RH Smith felt that the condition proposed by the applicant should be added to the recommendation in order to address any concerns in respect of overlooking.

In response to a question in respect of the height of any development on the site, the Principal Planning Officer advised members that condition 14 required slab levels to be agreed with the planning department prior to the commencement of any building works on the site.

RESOLVED

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)**
- 17 The height of the dwellings on plots 1 and 2 to be no more than one and a half storeys high with no first floor windows to the northern elevation (i.e. facing Ivy House Estate).**

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

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

51. DCSE0009/1260/F - CUCKOO PATCH, HOPE MANSELL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TN.

Retention of residential caravan.

In accordance with the criteria for public speaking Mr Mummery, also speaking on behalf of Mr and Mrs Duberley and Mr and Mrs McAninly, spoke in objection to the application and Mr Smith, the applicant's agent, spoke in support.

Members noted the complex planning history of the site and requested clarification in respect of the possibility of a certificate of lawfulness and any previous enforcement action on the site.

The Senior Litigator confirmed that a certificate of lawfulness could not be granted as the current occupant had not resided at the site for 10 years. The Southern Team Leader confirmed that there had been periods on the site where the caravan had been used without planning consent but these had not been for a sufficient amount of time for enforcement action to be taken.

In response to a question raised by Councillor JG Jarvis, the Southern Team Leader confirmed that if the application was refused it would be possible for enforcement on the site to be delayed for a period of time in order for the residents to find alternative suitable accommodation. It was suggested that such a timescale could be discussed and agreed with the Ward Councillor.

RESOLVED

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.

52. DCSE0009/1734/F - THE NUTSHELL CARAVAN PARK, GOODRICH, ROSS-ON-WYE, HR9 6HG.

To use a mobile home for site warden accommodation – retrospective.

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

Councillor JG Jarvis, the local ward member, confirmed that at a recent meeting the Parish Council stated that they were happy to support the application subject to previous conditions on the site being enforced and complied with. He confirmed that sewerage issues on the site had been addressed and thanked the applicant for resolving the

matter. He added that in his opinion it would be difficult to approve an application for a full time warden on the site as caravans were only permitted for 8 months of the year.

Councillor JB Williams supported the application. He felt that a caravan site could not be supported properly without a full time warden to address concerns in respect of maintenance and security.

In response to a question from Councillor RH Smith, the Southern Team Leader confirmed that whilst security of the site was a material planning consideration it was not in itself justification for a full time presence on the site.

The Principal Planning Officer advised members that there was an existing dwelling on the site which was in the applicant's ownership.

RESOLVED

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.**

53. DCSW0009/1036/F - TOWN HOUSE, MADLEY, HEREFORDSHIRE, HR2 9LP.

Create two new detached dwelling units.

The Principal Planning Officer reported the following comments:

The issue of the appropriateness of Section 106 contributions in relation to this site under the current temporary suspension arrangements has been discussed further with the Planning Obligations Manager. She is satisfied that having regard to the overall environmental benefits (the preservation of the listed building and the removal of redundant agricultural buildings) that would be achieved through the development of this site together with the site immediately to the south, that contributions would not be appropriate in this particular case.

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

Councillor DC Taylor, the local ward member, noted that there were two applications on the site, seeking permission for 6 dwellings in total. He requested clarification as to why the application was not subject to a Section 106 agreement.

The Principal Planning Officer confirmed that the applicant already had permission for 2 dwellings which had been approved in 2004 and that the net increase on the site was 4 dwellings, which was below the number required for a section 106 contribution to be requested. In response to a second question from the local ward member, the Principal Planning Officer advised members that a mitigation condition could be added to the recommendation in respect of the possibility of Great Crested Newts in the site.

RESOLVED

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 Access, 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)**

54. **DCSW0009/1038/F & DCSW0009/1039/L - TOWN HOUSE FARM, MADLEY, HEREFORDSHIRE, HR2 9LP**

Conversion of barns and one new build to create 4 dwellings.

The Principal Planning Officer reported the following comments:

The issue of the appropriateness of Section 106 contributions in relation to this site under the current temporary suspension arrangements has been discussed further with the Planning Obligations Manager. She is satisfied that having regard to the overall environmental benefits (the preservation of the listed building and the removal of redundant agricultural buildings) that would be achieved through the development of this site together with the site immediately to the north, that contributions would not be appropriate in this particular case.

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

Councillor DC Taylor, the local ward member, noted the position of the access road and its close proximity to Mr Brookman's property. He requested clarification from the Principal Planning Officer as to how the existing dwelling could be protected.

In response to comments from the local ward member, the Principal Planning Officer confirmed that in theory the access could be moved as it only served units 3 and 4 of the application. He added that an alternative option would be the inclusion of a condition to protect the gas tank and the existing house. The Southern Team Leader added that Members may be minded to approve the application but delegate the final decision to officers subject to an amendment to the access road.

Councillor RH Smith was concerned that the 6 dwellings had been applied for under two applications and he felt that the section 106 process had been undermined. He felt that he could not support the application as he had concerns regarding access, amenity and archaeology.

RESOLVED

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

In respect of DCSW0009/1039/L:

That Listed Building Consent 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:

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

2 N19 Avoidance of doubt - Approved Plans

The meeting ended at 4.00 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. EN2009/0072/ZZ**

- The appeal was received on 16 October 2009
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr & Mrs Grundy
- The site is located at Little Trewen Farm, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6ER
- The breach of planning control alleged in this notice is:
Without planning permission the unauthorised change of use of building from agriculture to a mixed use of agriculture and B8 storage and distribution.
- The requirements of the notice are:
 - (i) *Permanently cease use of the building for secure storage and remove all storage crates from the building*
 - (ii) *Permanently cease use of the land around the building for parking of Lorries associated with the removal/storage business and remove any containers or crates associated with the business from the land.*
- The appeal is to be heard by Written Representations

Case Officer: Yvonne Coleman on 01432 383083

Application No. DCSE2009/1700/F

- The appeal was received on 16 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 J. White
- The site is located at Land Rear Of Greytree Lodge, Second Avenue, Greytree, Ross-On-Wye, Herefordshire, HR9 7HT
- The development proposed is Erection of one bungalow and access drive.
- The appeal is to be heard by Written Representations

Case Officer: Ed Thomas on 01432 260479

Application No. DCSW0009/1590/A

- The appeal was received on 29 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 Ms Juliette Allen
- The site is located at In Field Adjoining The South W, Near Poston Court, Vowchurch, Hereford
- The development proposed is Rectangular free standing sign for The Boughton Arms, Peterchurch
- The appeal is to be heard by Written Representations

Case Officer: Angela Tyler on 01432 260372

Application No. DCSE0009/1568/F

- The appeal was received on 6 November 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 Tom Maguire
- The site is located at Marsh Farm, Upton Bishop, Ross-On-Wye, Herefordshire, HR9 7UP
- The development proposed is Change of use of land and full planning, to retain existing 1 mobile
- The appeal is to be heard by Inquiry

Case Officer: Duncan Thomas on 01432 261974

Application No. EN2009/0023/ZZ

- The appeal was received on 6 November 2009
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr T Maguire
- The site is located at Marsh Farm, Upton Bishop, Ross-On-Wye, Herefordshire, HR9 7UP
- The breach of planning control alleged in this notice is:
The unauthorised material change of use of land from agricultural to a mixed use of agriculture and for the stationing of caravans, (some, maybe all of which are occupied in residential use) and associated hardstanding, and; the unauthorised material change of use of an agricultural building to a mixed use of agricultural and residential use.
- The requirements of the notice are:
 - (i) *Permanently cease the use of the land for the stationing of caravans for residential use and remove all caravans and any domestic paraphernalia from the land.*
 - (ii) *Remove from the land any hardstandings that have been created within the area shown on plan B. Restore the land to the condition it was in prior to the breach of planning control, including reseeding with grass seed where necessary.*
 - (iii) *Permanently cease the use of the building at the location marked with X on plan B for residential purposes, remove from the building any domestic items and restore to a solely agricultural use.*
 - (iv) *Remove from the land any materials that arise from the removal of the caravans and from the cessation of the use of the building for residential purposes.*
- The appeal is to be heard by Inquiry

Case Officer: Duncan Thomas 01432 261974

APPEALS DETERMINED

None to report.

5 DCSE09/1665/F - CONSTRUCTION OF TEMPORARY CHANGING ROOM AND ASSOCIATED WORKS AT ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AG.

For: Ross-on-Wye Rugby Football Club per Mr A Gray, 8 Station Street, Ross-on-Wye, Herefordshire, HR9 7AG.

Date Received: 18 September 2009 Ward: Ross-on-Wye (W) Grid Ref: 359423,225001

Expiry Date: 13 November 2009

Local Members: Councillors CM Bartrum and G Lucas

1. Site Description and Proposal

- 1.1 The site lies to the southwest of Greytree and to the northwest of the A40(T). The River Wye lies to the southwest of the site. The site is accessed via a spur from the 90-degree bend at the bottom of the Greytree Road and is visible from the bridge and elevated land around. The site is bounded to the northeast by the recently constructed housing development (Abbots Close/Bell Place) which is elevated above the pitches. Land to the northwest and southwest is in agricultural usage and falls gently to the river. Adjacent the access is an electricity substation. The site extends to 3.65ha and comprises two marked out rugby pitches with potential for a third.
- 1.2 It is proposed to site temporary changing rooms, construct a car park/cycle park and undertake improvements to the vehicular access within an area concentrated around the access. The proposed temporary changing rooms would be a re-used temporary classroom building, clad with timber to make them more visually acceptable. This would be located a short distance from the southeast corner of Pitch 1. Between the changing rooms and the eastern boundary are the access drive and 11 parking spaces, with the remaining 7 spaces (including 2 disabled spaces) located immediately to the north together with a turning area. The changing rooms would measure 22.04m x 8.53m in plan and 3.95m tall. It would be served by a sewage treatment plant and comprise 4 changing rooms, showers, WCs, a kitchen area and store. Adjacent the existing lockable gate/kissing gate it is proposed to widen the access drive which will be tarmaced.
- 1.3 The site is located within the Wye Valley Area of Outstanding Natural Beauty and also within Flood Zone 2. As such the application is accompanied by a Flood Risk Assessment and consultation with the Environment Agency has been undertaken.

2. Policies

2.1 Government Guidance

PPG17 - Planning for Open Space, Sport and Recreation

2.2 Herefordshire Unitary Development Plan

S1 - Sustainable Development
S2 - Development Requirements

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

DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR7	-	Flood Risk
LA1	-	Areas of Outstanding Natural Beauty
CF5	-	New Community Facilities
RST1	-	Criteria for Recreation, Sport and Tourism Development
RST2	-	Recreation, Sport and Tourism Development within Areas of Outstanding Natural Beauty

3. Planning History

3.1	SH95/0171PF	Change of use from grazing land to sports field.	-	Approved 25.4.95
	SH96/0617PF	Erection of temporary clubhouse and provision of temporary car park: Application by Ross 93 football club.	-	Approved 18.9.96
	SE2002/3096/F	Construction of changing rooms and shower facilities.	-	Withdrawn 22.11.02
	SE2002/3661/F	Construction of changing rooms and shower facilities with improved access and car parking.	-	Approved 26.2.03

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection subject to the imposition of conditions governing the floor levels of the changing rooms (in order to protect them from flooding) and that the remainder of development should be carried out in accordance with the submitted flood risk assessment.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to the imposition of conditions, including the submission of a Travel Plan to reinforce the proposed parking arrangements in relation to coaches and supporters.

In response to the specific concerns expressed by the objector the Traffic Manager has provided the following response:

“The car and cycle parking spaces have been agreed with the applicant and will be accompanied by a Travel Plan to support access to the site by sustainable modes of transport. Ross Rugby Club is also obliged to issue the Rugby Football Union (RFU) with information regarding the access arrangements for inclusion in the annual RFU handbook. Coaches visiting the site would utilise the nearby coach park whilst the carriageway fronting the site is subject to a Traffic Regulation Order preventing on-street parking. Visibility upon exiting the site is good in either direction.”

5. Representations

- 5.1 Ross Rural Parish Council: No objection

- 5.2 One letter of objection has been received from Mrs S. Roberts, 5 Bell Place, Greytrees, Ross-on-Wye, Herefordshire HR9 7GA. The content can be summarised as follows:
- There is concern that the adjoining Bell Place will be used as an overspill car park;
 - Too much traffic uses the Greytrees Road and several ‘near misses’ have been witnessed on the corner where the entrance is proposed;
 - Visibility is not good and intensified use of the access is an accident waiting to happen;
 - What happens if teams arrive by coach? What provision is made for coaches to turn within the site? It is difficult enough when two cars meet on the road, let alone coaches;
 - The temporary changing rooms should be located out of sight of the properties that overlook the playing fields.
- 5.3 The submitted design and access statement contains the following points:
- The site has been owned by the Rugby Club for the last 7 years but is limited in terms of practicality owing to the lack of changing facilities;
 - The Flood Risk Assessment confirms that the development would not, subject to appropriate construction, be unduly prone to flooding and would not increase the threat elsewhere;
 - Access onto the site will be limited to light vehicles, with coaches required to both offload passengers and park locally, an arrangement that will be reinforced by a Travel Plan, the Club’s website and the Rugby Football Union Annual Handbook;
 - Home and away supporters will also be asked to park locally and walk to the pitches;
 - The changing room will utilise timber cladding on all elevations under a shingle felt tiles so as to soften its appearance.
 - The changing rooms have been positioned to maximise contours of site with respect the flood plain and being overlooked by existing dwellings will discourage people from gathering on the site.
 - The site for the changing rooms is also described as the most efficient for maximising the main field for sporting activities whilst keeping the need for hard-standing to a minimum.

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 considerations in the determination of this application is the principle of development, the effect on highway safety, the impact of the proposal on the character and appearance of the area and the amenity of neighbouring uses.
- 6.2 Planning permission was granted in 1995 for the use of the application site as a sports playing field, with vehicular access gained from Homs Road/Greytrees Road. As such the principle of the use of the land for purposes bound up with this application has been established. In 2003 a planning permission was granted for a temporary changing rooms, showers, car parking and access in connection with Ross Rugby Club but was not implemented. It is worth noting that the 2003 planning permission granted approval for a 35-space car park, almost double that proposed now.
- 6.3 Unitary Development Plan policies support, promote and encourage the improvement of recreation facilities and PPG17 stresses the importance of retaining local sports facilities. New development on such areas should only be allowed where the proposal is ancillary to the use (e.g. changing rooms) and would adversely affect the quality or quantity of the site as a playing field.

- 6.4 It is acknowledged that the provision of a formal parking area upon the site will lead to an intensification of use of the access on Greytrees Road. However, the Traffic Manager has stated that visibility in either direction upon egress is good and further measures to prevent access by coaches and supporters have been described above. It was a condition of the 2003 planning permission that a barrier be put in place across the access to prevent coaches from entering the site and it is the case officer's belief that this would be an appropriate measure in this case, particularly as there is insufficient space within the site for large coaches to turn and leave the site in a forward gear. A height restriction barrier would prevent coaches entering the site and then having to reverse up the gradient onto the bend. This is an unusual but entirely reasonable measure that the Rugby Club has indicated a willingness to accept.
- 6.5 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. 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. Development 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.

Development should only be permitted when it meets these specific requirements.

- 6.6 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 playing field and is located on the edge of the settlement, development of the scale proposed is considered to be acceptable and would constitute a limited change to the landscape character of the site. The building would not be unduly prominent from public vantage points and the local topography also assists in terms of reducing the impact upon the residential amenity of neighbouring properties to the immediate northeast. The playing fields are at a substantially lower level than the adjoining dwellings with the effect that views towards the changing form from the ground floor windows within these dwellings are likely to be over the roof of the building and mitigated by intervening planting. Views from the first floor windows will not be mitigated in the same way, but although the building is undeniably utilitarian in appearance, the visual harm to the wider area is not considered so significant as to warrant refusal, irrespective of the site's location within the AONB. In this case, and bearing in mind the backdrop provided by the 2003 permission, the proposal is not considered to have an undue effect on the rural quality and character of the AONB.

Summary and Conclusions

- 6.7 The proposal involves the provision of facilities ancillary to the existing land use. The parking provision is reduced compared to the 2003 planning permission and measures are intended to ensure that coaches and supporters either utilise local car parks or otherwise arrive at the site by alternative modes. The changing rooms are a temporary measure in the first instance and cladding is proposed to soften their appearance in the wider landscape. The fact that the changing rooms would be visible from adjoining dwellings does not of itself form the basis of a reason for refusal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 **A01 Time limit for commencement (full permission)**
- 2 **H07 Single access - outline consent**
- 3 **H13 Access, turning area and parking**
- 4 **H29 Secure covered cycle parking provision**
- 5 **H30 Travel plans**
- 6 **Prior to the first use of the changing rooms hereby approved a barrier shall be erected across the vehicular access in order to prevent access by coaches. The barrier shall be installed and retained thereafter in accordance with details to be submitted to and approved in writing by the local planning authority.**

Reason: In the interests of highway safety and the free flow of traffic so as to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

- 7 **The floor levels of the changing rooms hereby approved shall be set at 33.43m AOD, in accordance with the submitted Flood Risk Assessment (BMW266/FRA, dated 06/01/09).**

Reason: To protect the development from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan.

- 8 **The development permitted shall only be carried out in accordance with the submitted Flood Risk Assessment (BMW266/FRA, dated 06/01/09).**

Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal.

- 9 **C09 Details of cladding (agricultural and industrial buildings)**

INFORMATIVES:

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

Decision:

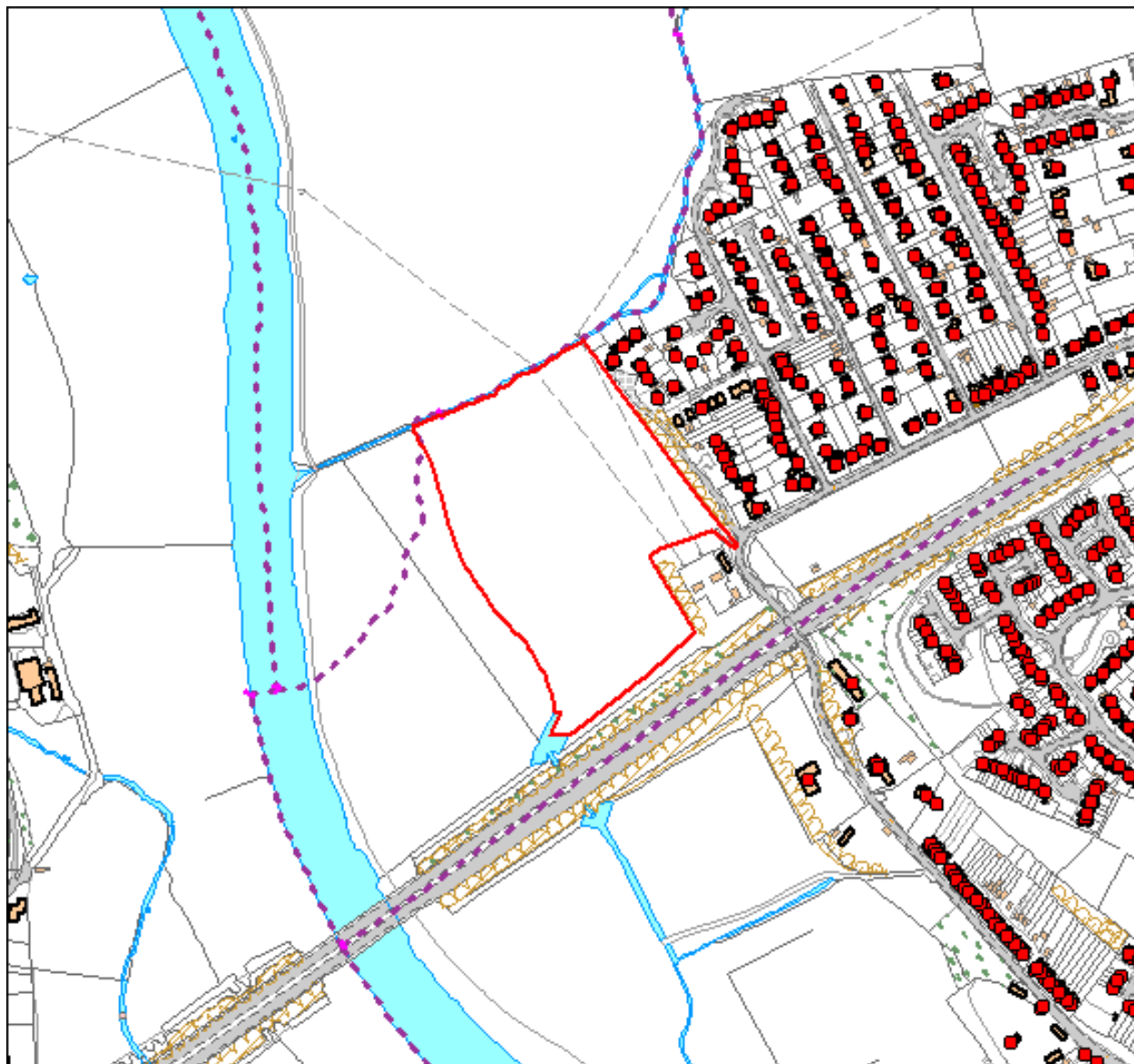
Notes:

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Background Papers

Internal departmental consultation replies.

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



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APPLICATION NO: DMSE/091665/F

SITE ADDRESS : ROSS ON WYE RUGBY CLUB, SIXTH AVENUE, GREYTREE, ROSS ON WYE, HEREFORDSHIRE, HR9 7AY

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

6 DCSE0009/1902/F DCSE/092350/F - PROPOSED NEW COVERED MANURE STORE AT TRE-ESSEY FARM, ST WEONARDS, HEREFORDSHIRE, HR2 8NA.

For: MT, R & GE Williams per Collins Design and Build, Unit 5 Westwood Ind.Est, Pontrilas, HR2 0EL.

Date Received: 25 August 2009

Ward: Llangarron

Grid Ref: 350422,221918

Expiry Date: 20 October 2009

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 Tre-Essey farm buildings are on the east side of the unclassified 71213 that leads from the B4521 to Llangarron. Tre-Essey Farm (the former farmhouse to this agricultural unit) is some 24metres north of the farm buildings that are used as cattle housing. Pikefields Farm is to the west and Old Shires Court is to the southeast, on the opposite side of the 71213. There is a watercourse that runs along the western boundary of the site that flows into Llantywan Brook which is to the north of the site. Adjacent to the watercourse and the existing farm buildings is a wetland area which drains into the watercourse.
- 1.2 This application proposes a portal frame agricultural building, 22.860 metres x 9 metres, 5.485 metres to eaves and 6.710 metres to ridge that will be used for the storage of manure. The north and south elevations will be open sided, and the east and western sides are to be constructed in "mass" concrete walls and profile fibre cement sheets are proposed for the roof. It is proposed to erect the building some 10 metres south of the farm group and some 14 metres from the edge of the adjoining 71213.

2. Policies

2.1 Planning Policy Statements

- PPS1 - Delivering Sustainable Development; and
PPS7 - Sustainable Development in Rural Areas.

2.2 Herefordshire Unitary Development Plan

- DR1 - Design;
DR2 - Land use and activity
LA2 - Landscape Character least Resilient to Change;
E13 - Agricultural and Forestry Development;
E16 - Intensive Livestock Units; and
LA2 - Landscape Character and Areas least Resilient to Change.

3. Planning History

- 3.1 There is no planning history.

4. Consultation Summary

- 4.1 None required.

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

Internal Council Advice

4.2 The Traffic Manager has no objection.

4.3 The Environmental Protection Manager: "I have my concerns regarding the close proximity of a residential property approximately 50 metres from the proposed development. Not only would I consider this as a potential problem with odour from the manure storage area, but I have also concerns regarding fly infestations that are now covered by statutory nuisance legislation under The Environmental Protection Act 1990.

I believe that if this development could be relocated away from the residential property, behind the existing farm buildings it would greatly reduce the risk of statutory nuisance to nearby the dwellings."

4.4 Comments on the revised siting are awaited and will be reported verbally.

5. Representations

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

- We have chosen to construct this building with a conventional portal steel frame which affords a clear span not impeded by intermediate posts;
- We propose to site the building to minimise the impact on surrounding land;
- In doing so access can be obtained from the site entrance and use adjacent water and electricity supplies;
- The site is reasonably level and has sufficient room for farm vehicles to enter from the adjacent farmyard; and
- We have selected Slate Blue steel sheeting for the side cladding and mass concrete walls to be sympathetic to the surrounding countryside and enable it to correspond with the adjacent buildings.

5.2 Llangarron Parish Council has no objection.

5.3 An objection has been received from Mr WP Davies, Tre-Essey Farm, Three Ashes, St Weonards:

- The proposed development is too close in proximity to our residential development.
- The proposed development is too close in proximity to residential holiday cottages located at Tre-Essey Farm.
- There is sufficient land available to accommodate this proposition and it would allow Mr Williams to achieve his farming objectives and reduce potential nuisance.
- Our property is downwind of the proposed development. I believe a reasonable compromise would be for the covered manure store to be sited at a minimum of 30 metres away from the south building line of the barns and 20metres west of the corner of the building line near the entrance as per the diagram attached. The covered manure store would be located behind the existing farm buildings which would act as a barrier and the open space would create an area where odour could diffuse naturally into the open air.

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

- There would be a potential problem with odour, fly infestations and rats from the covered manure store and there is the potential for these issues to impact on Mrs Davies' holiday cottage business.
- A sensible compromise could be achieved between the health of my family and persons staying in residential holiday cottage accommodation at Tre-Essey Farm, and the farming needs of our neighbour Mr Williams of Trippen Kennet Farm, Three Ashes, Hereford who does not live in close proximity to the proposed covered manure store.
- The location that I have proposed takes into account the advice received from the Environment Agency advising that the Covered manure store is located at least 10metres away from any stream, river or wetland to comply with Environment Agency regulations.
- The location that I have proposed takes into account the advice received from Environmental Health as stated above.
- Due regard will be given to Article 8 of the European convention on Human Rights.

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 Policies E13 and E16 deal specifically with agricultural and forestry development subject to:
- In the case of new buildings, development is sited with existing groups of buildings where practicable, having regard to the functional relationship with other buildings and services;
 - Where new buildings cannot be located with existing buildings, that such development is sited so as to be readily assimilated into the landscape, avoiding isolated or skyline locations and taking advantage of natural land form;
 - Adverse impacts on residential amenity and the environment are avoided; and
 - Proposals are well related to existing development and the landscape in terms of scale, design, colour and materials.
- 6.2 This application proposes to site the manure store adjacent to an existing group of farm buildings that are used for the keeping of livestock. In terms of siting and functionality of the agricultural activities of the unit the siting of the building in this position is considered acceptable. Siting the building close to the existing buildings will assimilate the proposal into the landscape. Also, the siting of the building more than 10metres from the wetland area, will reduce the potential of contamination of the nearby watercourse which is a tributary to Llantywan Brook.
- 6.3 Although policy E16 deals specifically with intensive livestock units the policy also gives consideration to the storage of manure. The relationship of the proposal to Tre-Essey Farm is a material consideration in the determination of this application. The Environmental Protection Manager comments there are concerns regarding the close proximity of a residential property approximately 50 metres from the proposed development and considers if this development could be relocated away from the residential property, behind the existing farm buildings it would greatly reduce the risk of statutory nuisance to nearby the dwellings. Amended plans have been received that show the building is to be positioned behind the existing buildings when viewed from Tre-Essey Farm.
- 6.4 Given the occupants of the Tre-Essey Farm are accustomed to the keeping of livestock on this site, and that existing buildings are between the proposed manure store and the farmhouse, it is not considered there will be a significant increase in nuisance, smell and odour that would

adversely affect residential amenity. Accordingly, it is not considered the siting of the proposal will have a discernable affect on the amenity of the neighbour. However, should nuisance arise from odour and/or fly infestation the Environmental Protection Manager advises this will be a matter for the Environmental Protection Act 1990.

6.5 Consequently, it is considered the proposal complies with policies E13 and E16.

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 I51 Details of slab levels**

INFORMATIVES:

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

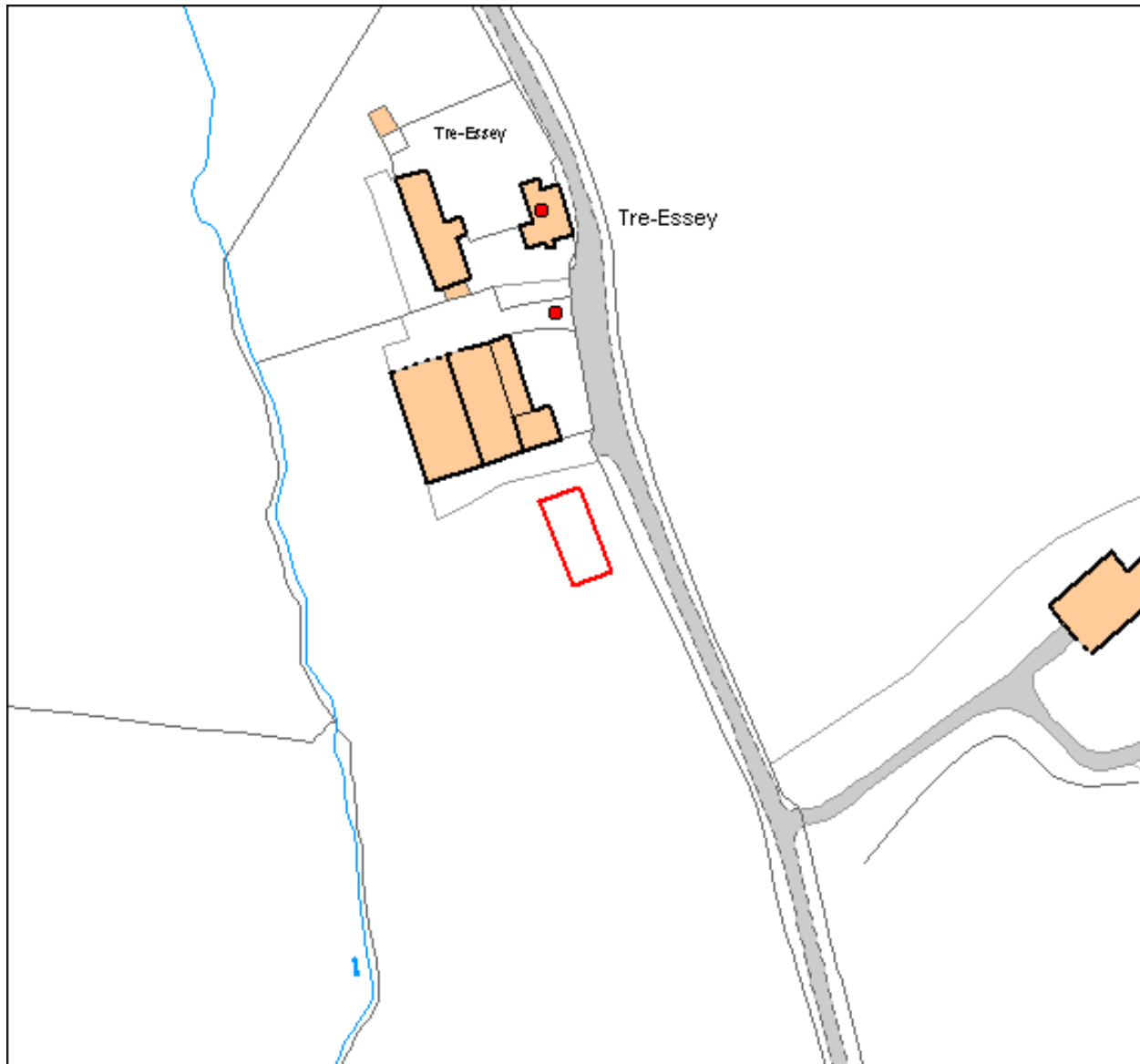
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1902/F

SITE ADDRESS : TRESSEY FARM, ST WEONARDS, HEREFORDSHIRE, HR2 8NA

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

**7 DCSW0009/1982/F DMSW/092150/F - PROPOSED
DETACHED GARAGE AT DANESWOOD, LITTLE BIRCH,
HEREFORDSHIRE, HR2 8AS.**

**For: Mr D Palfreman per Hook Mason Ltd, 41 Widemarsh
Street, Hereford, HR1 2ZB.**

Date Received: 9 September 2009 Ward: Pontrilas Grid Ref: 350665,231518

Expiry Date: 4 November 2009

Local Member: Councillor RH Smith

1. Site Description and Proposal

- 1.1 Daneswood is a two storey detached house which is on the unclassified road (u/c71403) which leads west to Little Birch and eastwards to Kingsthorpe. Daneswood is the eastern most dwelling of three modern red brick dwellings.
- 1.2 Daneswood is elevated above the unclassified road from which it gains access, as are the two detached dwellings to the west. The property has the benefit of planning permission for a two storey extension to the front and the eastern side. This planning permission granted earlier this year has been implemented. The original scheme included plans for a double garage and log store on the eastern side of the detached dwelling and 18 metres forward and down slope from it. It was 5.5 metres high, 6 metres wide and 5.8 metres deep. The walls would have been covered in weatherboarding. This element of the scheme was withdrawn, pending further negotiation.
- 1.3 The current proposal is for a double garage which is sited on the western side of the property in close proximity to the boundary hedge between Greenways and the application site. The building is 6.2 metres wide and 5.6 metres deep. The sides of the building will be weatherboarded and it will have a shallow pitch roof of profile metal sheeting, providing a ridge height of 2.9 metres in height. The roof colour is not specified. The northern gable end of the building will be cut into the sloping site by 700 mm. The turning area will be immediately to the east of the garage/log store.

2. Policies

2.1 Herefordshire Unitary Development Plan

DR1 - Design
H18 - Extension and Alterations

3. Planning History

- 3.1 DCSW2009/0250/F Proposed extension and alterations with additional parking and improved access. - Approved 06.05.09

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.

5. Representations

- 5.1 Little Birch Parish Council have no objections but state that consideration must be given to the views from the neighbours to this property.

- 5.2 Two letters of objection have been received from Mrs CA Garlick, Greenways, Little Birch, Hereford HR2 8AS and Mr R Allsebrook, Wyndrussell, Little Birch, Hereford HR2 8AS. The content is summarised as follows:

- same distance from road as abandoned garage
- out of keeping. No garages to front of properties west of site to bottom of Barrack Hill
- use of profile metal sheeting, colour not specified akin to a small industrial unit particularly given area of hardstanding
- huge size
- easily visible from my property, despite my hedge being the same height
- ample room to site garage next to house i.e to east of it
- proximity will cause disturbance from proposed workshop
- no Cypress trees on boundary, they were cut down months ago. Only trees and shrubs
- boundary between site and my property is straight

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 design, siting and impact upon the amenities of the site and properties in the vicinity of the site.
- 6.2 The proposed building has what is considered to be a standard footprint for what is a double garage of 6.2 metres and 5.6 metres in area. The ridge height is unusually low at 2.9 metres in order to reduce the impact of the building particularly when viewed from the west of the application site and from the adjoining property. This produces a building which will not be dominant when viewed from the east and west. The building will also not be prominent when viewed from the south from the direction of the A49(T) road. The colour of the profile metal-sheeted roof is not specified, however this is a matter which could be made the subject of a planning application.
- 6.3 The building has been sited to the front of the property, which although not a form of development common in the immediate locality, is not one which in itself is inappropriate. The application is for a relatively modest building which will be cut into the site and utilises existing boundaries both to the east and west for screening. It will have no adverse impact on the neighbouring property or the wider area.
- 6.4 The garage would, in the event that planning permission is granted be conditioned for use for garaging vehicles and other ancillary purposes.
- 6.5 It is considered that the building has been sensitively sited and can be supported subject to conditions relating to use of materials and use of the building. It is not considered that the building would impinge upon the amenities of residents nor detract from the wider landscape.

The conditions recommended by the Traffic Manager will be implemented with the planning permission granted earlier this year.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B02 Development in accordance with approved plans and materials**
- 3 F07 Domestic use only of garage**

INFORMATIVES:

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

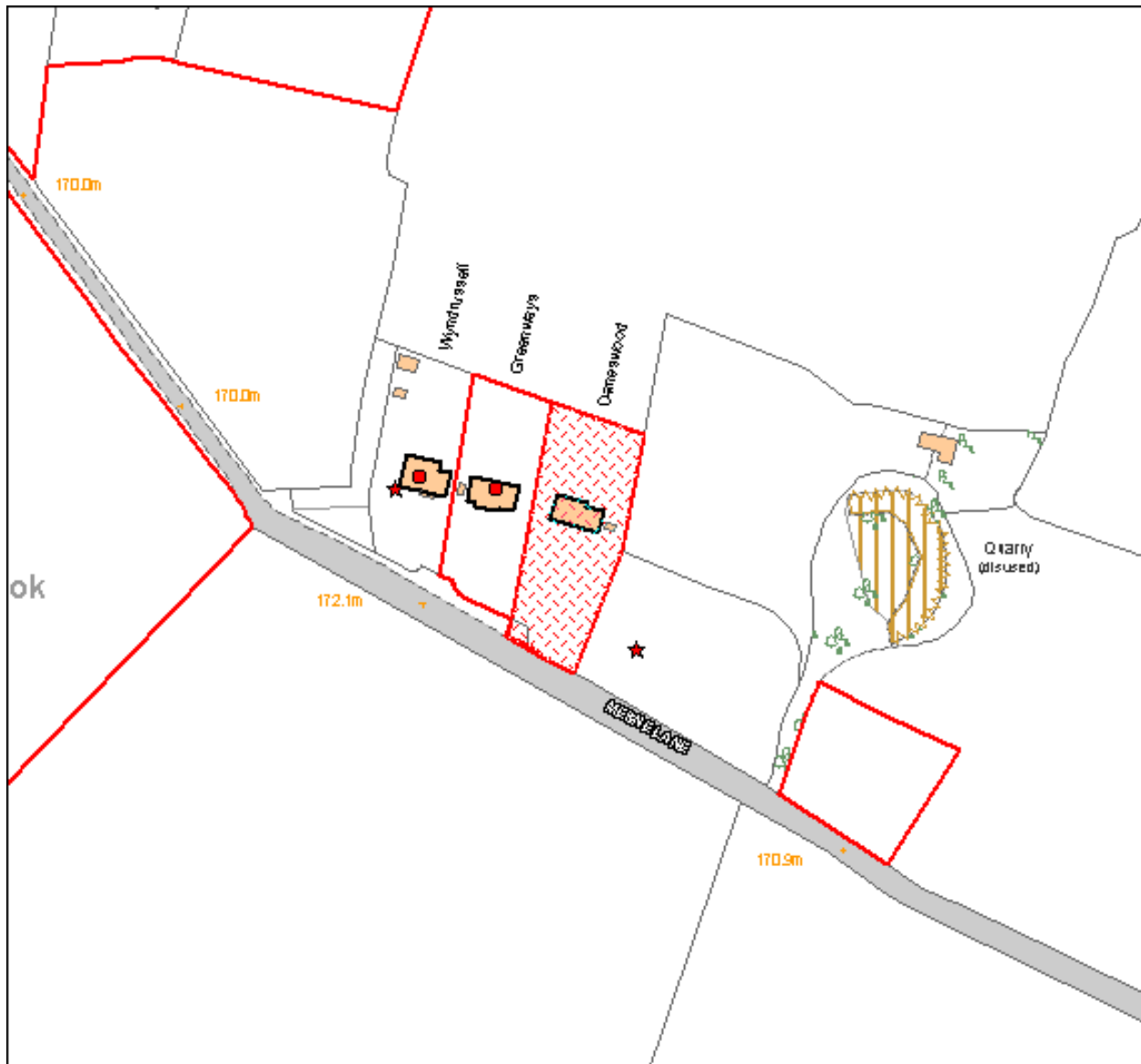
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW0009/1982/F DMSW/092150/F

SITE ADDRESS : DANESWOOD, LITTLE BIRCH, HEREFORD, HEREFORDSHIRE, HR2 8AS

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

8 DCSW/092133/O - OUTLINE PLANNING APPLICATION FOR CONSTRUCTION OF A THREE BEDROOM DWELLING AT LAND ADJACENT TO SUN COTTAGE, GARWAY HILL, HEREFORDSHIRE, HR2 8EZ.

For: Mr Heath, Turpins, St Weonards, Herefordshire, HR2 8QG.

Date Received: 29 September 2009 Ward: Pontrilas Grid Ref: 344740,224877

Expiry Date: 24 November 2009

Local Member: Councillor RH Smith

1. Site Description and Proposal

- 1.1 The application site is on the southern side of the C1238 road and is opposite Upper Sun Cottage to the north. The area of ground is roughly triangular in shape which adjoins the C1234 road on the eastern side and on the northern side an unadopted track which inclines steeply towards the entrance to Garway Common and further up slope to Garway Hill. This site is elevated in the landscape enjoying views to the east and north east and is described as having been used for rough sheep grazing. Access into the site is via a gateway off the unadopted track leading to Garway Common and two other detached dwellings further south and uphill.
- 1.2 This outline planning application is made with all matters reserved. An indicative block plan submitted with the application positions the dwelling in the north west corner of the site with the means of access via an existing gateway at the most southerly point of the site, where it adjoins the C1234 road.
- 1.3 The applicant has a blacksmith enterprise at Oldfield Farm just over one kilometre to the south. The local planning authority is currently considering an application for a new detached workshop building at Oldfield Farm. This farm comprising traditional stone rubble barns and modern farm buildings which belongs to the applicant's grandfather. The proposed dwelling is submitted on the basis of the applicant's desire to live close to his blacksmiths enterprise.

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 S6 - Transport
Policy DR3 - Movement
Policy H7 - Housing in the Countryside Outside Settlements
Policy H8 - Agricultural and Forestry Dwellings Associated with Rural Businesses

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

Policy H13	-	Sustainable Residential Design
Policy LA2	-	Landscape Character and Areas Least Resilient to Change

3. Planning History

3.1	DCSW2009/1030/O	Proposed construction of a dwelling	-	Withdrawn 24.6.09
	DCSW2009/0019/F	Construction of new bungalow (On adjoining site in different ownership)	-	Refused 11.02.09
	DCSW2009/1524/F	Erection of new bungalow and garage (On adjoining site in different ownership)	-	Refused 24.8.09

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager states that the access location is substandard, visibility a lot better to the south than to the north west. A lot of hedgerow would need to be removed.

5. Representations

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

- New three bedroom detached house on small piece of approximately 1.5 acres.
- Conveniently located for my place of business.
- Solely for my occupation; considered to be no impact on neighbours.
- House would be of conventional design (brick/stone). Garage would be detached.
- House approximately 15 metres in length, 6 metres wide and 7.5 metres to the ridge. Garage would be 6 metres long and 3 metres wide.
- Access would be taken from southerly point of field via an existing gateway. Road visibility good in both directions.
- Position of dwelling in field probably on south west boundary of site. Electricity and water available. Drainage will be in area sloping to east of proposed site.

5.2 In a letter that accompanied the application, the applicant makes the following main points:

- I am a 26 year old full-time working, self-employed blacksmith. I trained at Holme Lacy College. Started business from scratch over 3½ years.
- Live within a mile of the business. Need to live close to workshop in the interests of the business.
- Marrying next year. Housing projects at Orcop and Garway have not taken off.
- Need to live closeby for emergencies during busier times of the farming year.
- Access will be either off the track to Garway Hill Common or at southermost point of field directly onto highway.
- I need a new workshop as I have outgrown my existing facilities.
- Need an extra pair of hands, already have a couple of part-time workers.
- Now reasonably profitable, after struggling initially. See confidential finalised accounts, please note upward trend in business and see my turnover.
- Also included an inventory of my equipment paid for from profits or savings.

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

- Following concerted marketing my business profile is rising. I produce curtain poles, gates, railings, door and window furniture, household items i.e fire irons. Undertaken work for Hereford Cathedral and Chepstow Castle.
- I have demonstrated at Monmouth Show, Llagattack Ploughing Match and the Hereford Cider Museum and in local magazines.
- There are no suitable buildings on the farm, I do not own them and they are still used for storage of hay and grain.
- I enclose a statement from Merrivale Accounting Services. They demonstrate my financial viability and my need to live in close proximity to the business, in order for it to function properly.

5.3 Financial accounts were also submitted covering the three years up to 5 April 2009. These relate to Oldfield Forge, which is located at the applicant's grandfather's property Oldfield Farm further to the south along the C1234 road. A full profit and loss account was not provided but the Chartered Accountant states that taking into account invoices raised from 6 April 2009 to 31 July 2009, and extrapolating at this rate the annual turnover and net profit is good.

5.4 The papers which accompanied the headline figures set out the applicants case, which can be summarised as follows :

- Business growing with more rigorous promotion at agricultural shows and publicity in magazines.
- It is a soundly based rural enterprise.
- No need for external funding.
- Next step crucial i.e taking on extra pair of hands.
- Needs to be close to workshop and be based in locality in order to carry out emergency repairs to farm machinery. Time factor is crucial.
- Needs to be able to provide supervision/advice to new apprentice.
- Often customers find it convenient to visit workshop out of hours. Better if located nearby.
- Security for new building, subject to approval. Security system would be linked to house.
- Business cannot function efficiently if applicant lives some distance away from premises.

5.6 Two letters of objection have been received from :

Mr & Mrs C Phillips, Sun Farm, Garway Hill, Herefordshire HR2 8EZ

The following main points are made:

- Site outside designated area in open countryside
- Application site only purchased a couple of years ago.
- Have been refused twice on adjacent site for genuine health reason.
- Owned our site for over 30 years

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 It is considered that the main issues relate to the principle of development, the visual impact of the site and the means of access off the C1234 road.

6.2 The applicant has made an application for a new workshop at Oldfield Farm which is just over a kilometre away. However, at the time of drafting this report this planning application had not been determined. This application should therefore be approached as being for an enterprise

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

which does not have the benefit of planning permission. It is considered that the erection of a dwelling on this elevated site divorced from the enterprise which it will potentially serve, does not satisfy the functional criteria in Government advice in PPS7 or UDP Policy H8. This criteria establishes that, for agricultural enterprises and those rural enterprises which need to be located in the countryside, the new dwelling needs to be well related to the enterprise and that it is the needs of the enterprise which are the determining factor and, not the particular circumstances of the applicant. It is considered that when applying the criteria for new dwellings in the open countryside, a case has not been substantiated for a dwelling on the site as applied for. It would be convenient but would not assist with future security, since the enterprise is located on a farm lived in by the applicant's grandfather and some distance from the site. However these are not reasons for setting aside established planning policy and Government advice contained in PPS7, for dwellings serving established rural businesses. It is also considered that in the absence of full profit and loss accounts, the financial case for a new dwelling has not been substantiated at this time. The application does not satisfy the criteria of Policies H7 and H8 of the Unitary Development Plan and supporting Government advice contained in PPS7. It is also the case that the rural enterprise which the dwelling is proposed to serve does not have the benefit of planning permission and therefore it would be premature to approve the principle of a new dwelling at this time.

- 6.3 The application site is an elevated one which would be prominently viewed on what is a sensitive hillside which is publicly accessible by locals and tourists alike and visible from the adjacent track and footpath on the northern side of the application site which serves Garway Common. The erection of a dwelling would therefore in the absence of an overriding justification result in a dwelling being erected which would detract from the openness of the hillside. Government advice in PPS7 indicates that the countryside should be protected for its own sake from unwarranted development, which would be the case in this instance. There is also the need for development to reduce reliance of use of the motor vehicle. This too would not be the case for this isolated site in the open countryside and therefore the proposal is contrary to Policies S1 and S6 of the Unitary Development Plan. An issue made more concerning by the desire to provide a house in a location away from the business operation.
- 6.4 The final issue relates to the means of access. It is evident from the advice submitted by the Traffic Manager that the means of access at the southern most point of the site is severely deficient in providing visibility to the north west. It would also result in a loss of at least 40 metres of hedgerow. The applicant has indicated that alternative access could be taken onto the unadopted track serving Garway Common and two other dwellings on the northern side of the property. This is a matter which cannot be ascertained without firm details and in the absence of such details it is considered that the means of access is of sufficient concern given the limited visibility on the C1234 road, to warrant the refusal of planning permission.
- 6.5 It is not considered that a compelling case has been advanced for the erection of a dwelling on this hillside location. There is no functional reason which has been made for this dwelling given that if justified it should be sited where practical as close as possible to the enterprise it serves. This is also for an enterprise which does not currently have the benefit of planning permission and therefore it would be premature to even consider such a proposal for this reason also. The erection of a dwelling would therefore also not be sustainable. The means of access is unsatisfactory and for these reasons my recommendation is for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal is contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan and the guidance contained in PPS7 : Sustainable Development in Rural Areas. It is not considered that a justification for a permanent new dwelling has been made either in**

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

terms of a functional need to serve the rural enterprise or on the basis of its long-term financial viability.

- 2. The development of the site would not be sustainable and would place reliance on the use of the motor vehicle. Therefore the proposal is contrary to Policies S1 and S6 of the Herefordshire Unitary Development Plan.
- 3. The erection of a dwelling on this elevated and prominent site in close proximity Garway Hill would detract from the character and appearance of the landscape. The proposal is therefore contrary to Policy LA2 of the Herefordshire Unitary Development Plan.
- 4. The proposed means of access does not demonstrate that an appropriate level of visibility can be achieved and accordingly it would be contrary to Policies DR3 and T8 of the Herefordshire Unitary Development Plan.

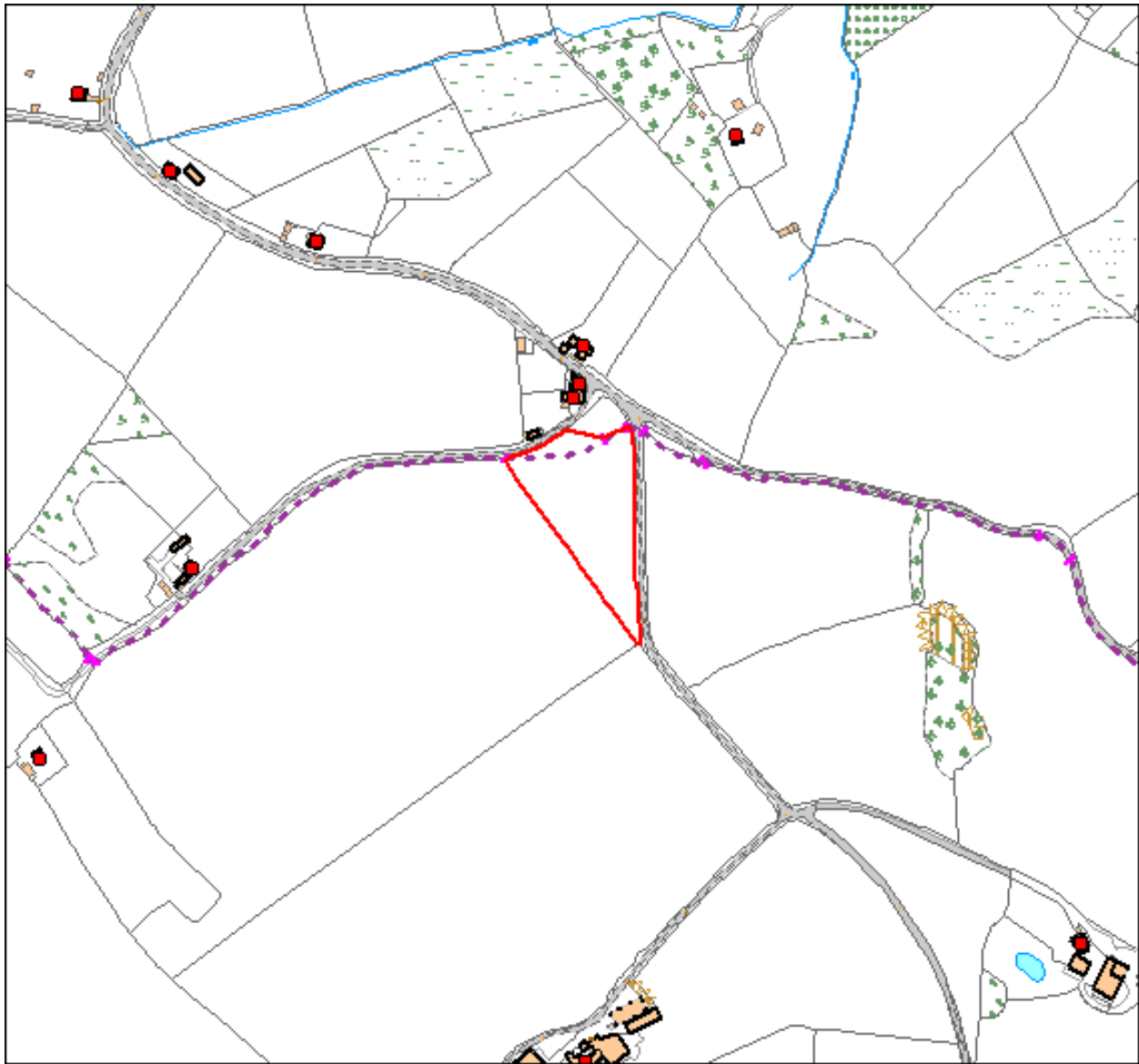
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMSW/092133/O

SITE ADDRESS : LAND ADJACENT TO SUN COTTAGE, GARWAY HILL, HEREFORDSHIRE, HR2 8EZ

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9 DCSE0009/1859/F DCSE/091989/F - REFURBISHMENT AND CONVERSION OF EXISTING DERELICT BARN TO RESTAURANT AND CREATION OF NEW CAR PARKING FACILITIES SERVICING EXISTING HOTEL AND NEW RESTAURANT, TOGETHER WITH ASSOCIATED JUNCTION IMPROVEMENTS WORKS. (REMOVAL OF CONDITIONS 13 & 16 ON PLANNING PERMISSION DCSE2005/2343/F) AT CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD.

For: Mr S Hubber per Bernard Eacock Ltd, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN.

Date Received: 26 August 2009

Ward: Llangarron

Grid Ref: 358877,224388

Expiry Date: 21 October 2009

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 The application site comprises a substantial stone barn and adjoining land, situated in the angle between the A40 trunk road, the B4260 leading to Ross-on-Wye and the unclassified village road (Benhall Lane) leading to Wilton Castle. The site is a short distance from the Castle Lodge Hotel, which was until recently in the same ownership. The site is within the Wilton Conservation Area and the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 On 17 March 2006 planning permission was granted for the conversion of the barn to a restaurant and formation of associated car parking subject to a number of planning conditions (SE2005/2343/F). The planning permission expires on 17 March 2011.
- 1.3 This application is made under the provisions of S.73 of the Town and Country Planning Act 1990 (As Amended) and proposes the removal of conditions 13 and 16 attached to the extant permission. The conditions are as follows:

Condition 13

The restaurant hereby approved shall only be used for purposes ancillary to the hotel known as Castle Lodge Hotel and within Class C1 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without amendment) and shall not be used as a separate restaurant or for any other purpose within Class A3 of that Order.

Reason: To define the terms of the permission and in the interests of safe and free flow of traffic on the highway and the amenities of neighbours.

Condition 16

The restaurant and car park hereby permitted and the Castle Lodge Hotel shall not be sold, let or leased separately from each other, and the car parking shall be permanently available for use by both the restaurant and the Castle Lodge Hotel.

Reason: To ensure that car parking facilities are readily available for both premises and to protect the amenities of neighbouring dwellings.

- 1.4 The reasons for the imposition of the conditions relate to residential amenity, highway safety and the provision of adequate parking facilities for both the hotel and the restaurant.
- 1.5 The effect of permitting the removal of the conditions would be to enable the hotel and barn restaurant to operate as two separate businesses i.e. the restaurant would no longer have to be used for purposes ancillary to the Castle Lodge Hotel. Removal of condition 16 would also allow for separate ownership of the two sites and sever the joint car parking arrangements. In this respect the application also involves a re-evaluation of the car parking requirements for the barn site and the retained hotel.

2. Policies

2.1 National Planning Policy

Planning Policy Statement 1 - Delivering Sustainable Development
 Planning Policy Statement 7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

S1 - Sustainable Development
 S2 - Development Requirements
 S7 - Natural and Historic Heritage
 DR1 - Design
 DR2 - Land Use and Activity
 DR3 - Movement
 T11 - Parking Provision
 LA1 - Areas of Outstanding Natural Beauty
 HBA6 - New Development within Conservation Areas
 NC1 - Biodiversity and Development
 HBA12 - Re-use of Rural Buildings
 E11 - Employment in the Smaller Settlements and Open Countryside

2.3 Government Circular 11/95: The Use of Conditions in Planning Permissions

3. Planning History

3.1	SH910820PF	Conversion of existing barn to a dwelling.	-	Approved 07.01.92
	SH951204PF	Change of use of land and barn (with extension) to vehicle hire centre with offices with valleting room.	-	Refused 05.02.96
	SH960935PF	Change of use of land and barn (with extension) to vehicle hire centre with offices with valleting room.	-	Refused 05.02.96
	SH961463PF	Conversion of existing barn to a dwelling.	-	Approved 02.06.97
	SE2002/1765/F	Change of use to redundant barn into conference centre and construction of new car park.	-	Approved 25.9.02
	SE2003/2164/F	Relocation of restaurant to barn and construction of new car park and alterations to existing car park	-	Approved 15.10.03

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

SE2004/3888/F	Refurbishment and conversion of existing derelict barn to restaurant and creation of new car parking facilities serving existing hotel and new restaurant, together with associated junction improvement works	-	Withdrawn 28.02.05
SE2005/2343/F	Refurbishment and conversion of existing derelict barn to restaurant and creation of new car parking facilities serving existing hotel and new restaurant, together with associated junction improvement works	-	Approved 17.3.06

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objection: The traffic analysis undertaken in association with this application showed that the traffic impact of the development would not have a material impact upon the functioning of the truck road as the removal of conditions 13 and 16 would not result in any intensity of use above that previously tested and agreed. Notwithstanding this, the Highways Agency recognises that the intention of this application is to allow the barn restaurant and hotel to be able to operate independently. With this in mind the Highways Agency requires sufficient parking is provided in association with each development to allow for independent operation without causing safety issues on the surrounding highway network. The agent has provided a plan (BEL09-002-03) identifying car park provision for both uses which is acceptable to the Highways Agency. Provided that the car parking is laid out in accordance with this plan and thereafter retained, the Highways Agency is satisfied that sufficient car parking will be provided.

Internal Council Advice

- 4.2 Traffic Manager: Objection: Concern is expressed at the potential for parking on Benhall Lane as a result of inadequate parking provision being made for the existing hotel. 32 spaces would be required within the hotel grounds to meet design guide specification and this cannot be achieved. The submitted plan demonstrates 24 spaces within the hotel grounds and it does not appear that this can be increased. The Traffic Manager is concerned that as a consequence hotel guests may resort to parking on the lane which could cause congestion at the junction with the B4260.
- 4.3 Conservation Manager (Building Conservation): No objection. The specific conditions on which variations are sought have no conservation dimension.

5. Representations

- 5.1 Bridstow Parish Council: Objection
- 5.2 Eight letters of objection have been received from local residents. The content is summarised as follows:
- Removal of the two conditions would result in two separate businesses operating, with an associated increase in the volume of traffic using the junction of the lane and the B4260, which is in very close proximity to the A40/A49 Wilton Roundabout and the junction to the BP service centre;

- The increase in vehicular movements to and from the site will have an adverse impact upon the safety of highway users and will affect the residential amenity of local residents;
- The conditions were imposed to safeguard the amenity of local residents and there is no basis upon which to remove them now;
- There is no need for a further, separately owned restaurant at the site as there are four existing in Wilton already;
- The Highways Agency has previously expressed concern at the capacity of the Wilton Roundabout;
- Concern is expressed that the restaurant, if permitted to operate separately from the Castle Lodge Hotel, may become a fast food outlet.

5.3 The application is accompanied by a Planning Statement and a supporting Transport Statement which aim to justify the removal of the conditions. The Planning Statement questions the legitimacy of Condition 13 on the basis that in order for the barn restaurant to be ancillary it should be subservient to the dominant use i.e. the hotel. Given that the hotel is already served by its own restaurant it is argued that the effect of condition 13 is to grant planning permission for an additional restaurant for sole use by patrons of the hotel. Given that the hotel only has 11 bedrooms (a total of 19 guests) it is reasoned that the provision of an ancillary restaurant for up to 60 diners is clearly not commensurate with the hotel's requirements, which are already catered for. In addition it is noted that the barn stands on its own site, divorced from the hotel and also comprises all of the requisite facilities to enable it to operate as a separate business. The Planning Statement argues that the effect of the conditions in question is unduly onerous to the extent that they effectively nullify the grant of planning permission.

5.4 The Transport Statement concludes that the Highways Agency considered the trip generation in relation to the 2005 application as if the barn restaurant and hotel were trading as two separate entities. As such, it is argued that in terms of trip generation and consideration of the suitability of the junction, the removal of the two conditions does not make any material difference.

5.5 The agent has provided a response to the Traffic Manager's concerns regarding the parking provision at the hotel. It states that the 32 space parking requirement is based upon maximum and not minimum parking requirements and that given the site is within close proximity to Ross, there is justification for applying a relaxation of these standards. It is also stated that no changes to the existing hotel operation are proposed as part of this application and it is therefore unreasonable for the highway authority to retrospectively apply modern parking standards to an existing use and substantiate a refusal of planning permission if those standards cannot be achieved.

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 proposes the removal of two conditions attached to planning permission DCSE2005/2343/F. The effect would be to allow for the separate disposal of the barn site from the hotel and the operation of the hotel and barn restaurant as two separate businesses. It should be borne in mind that this application does not affect any of the other conditions attached to the extant permission. As such, it would still be a requirement that no more than 60 seats be laid out for dining within the barn restaurant and that there should be no takeaway service. As such measures would continue to exist that control the end use of the building. Likewise the developer would still have to comply with condition 26 of the extant planning permission, which requires works of mitigation to the lane and the junction with the B4260, including carriageway widening and the provision of a footpath along the site frontage.

6.2 As such the key issues in the determination of this application are as follows:

- The impact of the removal of the conditions upon the safety and free flow of traffic upon the strategic and local highway network;
 - An assessment of the parking arrangements for the existing hotel and the proposed restaurant;
 - An assessment of the impact of the removal of the conditions upon the living conditions of nearby residents.
- 6.3 The Highways Agency has confirmed that the removal of conditions 13 and 16 would not result in any intensification of use of the Wilton Roundabout and junction of the B4260 and access lane than previously tested and agreed. The Highways Agency assessment of the 2005 application was undertaken on the basis that the barn restaurant and hotel would operate as independent businesses as it was on that basis that the application was made. The control imposed by conditions 13 and 16 was not put in place at the recommendation of the Highways Agency and the prospect of removing the conditions has, in the Agency's view, no material impact over and above what has already been tested and approved.
- 6.4 The above notwithstanding, the Highways Agency comment also alludes to the necessity to ensure that sufficient parking provision is put in place for each of the resultant businesses. The original scheme made provision across the two sites for a total of 64 spaces, with 55 provided upon the barn site and 9 at the hotel. Condition 16 requires that the car parking shall be permanently available for us by both the restaurant and the Castle Lodge Hotel. This arrangement was workable whilst a condition was in place restricting the separate disposal of the barn restaurant and hotel. Now that it is proposed to remove this condition it is essential that each business has adequate on-site provision to prevent indiscriminate parking on the lane and the concomitant effect that congestion would have upon the junction of the lane and the flow of traffic on the B4260 and the Wilton Roundabout.
- 6.5 The car park at the existing hotel is capable of accommodating 24 spaces, a number that has been agreed by the Highways Agency as appropriate. The barn site has 43 allocated spaces, which is in line with adopted Highways Design Guidance. This is a total of 67 across the two sites, an increase of 3 spaces overall. The decision to reduce the number of spaces associated with the barn site from 55 to 43 has been taken in response to concerns expressed about the impact of the approved parking layout upon the conservation area, the desirability of enhancing the landscaping at the south-western tip of the site and also to address local concern that greater parking provision would support a high volume fast food/takeaway use. Again it is reiterated that the existing permission does not allow for any takeaway from the site and also imposes an upper limit on the number of seats for dining. A condition is recommended to ensure that the parking at the hotel is laid out and available for use prior to the first use of the barn restaurant.
- 6.6 The Council's Traffic Manager has expressed concern with the proposed level of parking at the hotel. This concern is based upon the fact that the provision at the hotel would fall below design guide standards and so increase the propensity for on-street parking on Benhall Lane. However, in determining the appropriate level of parking for the hotel it is pertinent to consider the existing parking arrangements and those approved under the extant planning permission. As discussed above, the proposal would provide 24 spaces on the hotel site, which is 15 more than under the extant permission. In addition, the hotel parking is not currently laid out formally, with ad hoc arrangements and no disabled parking provision. The lack of demarked parking spaces leads to inefficient parking, which will be remedied by this proposal. Furthermore, 24 spaces for an 11 bedroom hotel would seem a reasonable provision in an edge of town location, notwithstanding the fact that the hotel restaurant is open to the public. On balance, and mindful of the Highways Agency advice, your officers consider the parking provision across the two sites to be acceptable.

6.7 As referred to above, this application has no implications for the remaining conditions attached to the extant permission. Accordingly the developer will have to fulfil the requirements of the outstanding conditions which include local highway improvements, restricted opening hours, no takeaway service and a limitation on the number of seats available for dining. Likewise any external lighting must be agreed prior to the first use of the restaurant as would lighting for the car park. As such, it is considered that measures remain in place to ensure that the residential amenity of nearby properties could be preserved against the existing scenario.

Summary and Conclusions

6.8 The concern expressed by local residents focuses principally upon the implications for highway safety. Whereas the barn restaurant is currently tied to the hotel, the application if approved would effectively create a separate business utilising a junction opposite the service station entrance and in close proximity to the Wilton Roundabout. However, the Highways Agency has no objection to the removal of conditions 13 and 16 on the grounds that their assessment of the 2005 application was always based upon the barn restaurant operating separately from the hotel. As such, this application has no consequence for their original assessment. Although mindful of the local concern, the Highways Agency response is based upon technical and empirical evidence. In the face of this advice a refusal reason would, in your officer's assessment, be difficult to sustain.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 B04 Amendment to existing permission**
- 2 Prior to the first use of the restaurant approved under reference DCSE2005/2343/F a scheme for the provision of parking within the curtilage of the existing Castle Lodge Hotel and the restaurant shall be submitted to and approved in writing by the local planning authority. The restaurant shall not be brought into use until the access, turning and parking areas have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the approved details. These areas shall thereafter be retained and kept available for those uses at all times.**

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

INFORMATIVES:

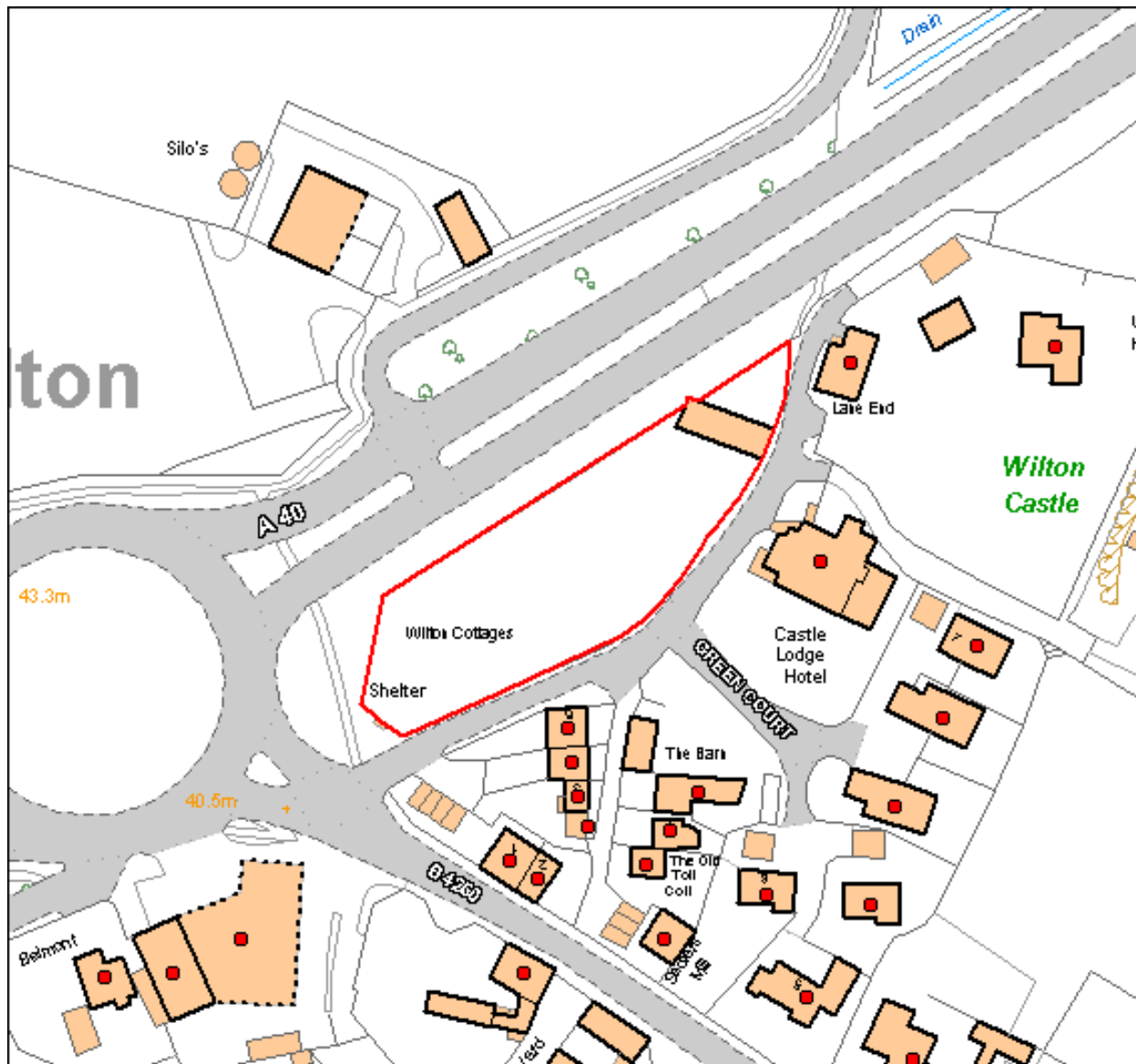
- 1 N15 Reason(s) for the Grant of Planning Permission**
- 2 N19 Avoidance of doubt - Approved Plans**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1859/F DMSE/091989/F

SITE ADDRESS : CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AD

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