

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 10th September, 2003**

Time: **2.00 p.m.**

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

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

For any further information please contact:

*Pete Martens, Members' Services,
Tel 01432 260248*

e-mail: pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P. G. Turpin (Vice-Chairman)

Councillors H. Bramer, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt, Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 16
To approve and sign the Minutes of the meeting held on 13th August, 2003.	
4. ITEM FOR INFORMATION - APPEALS	17 - 18
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
5. HEAD OF PLANNING SERVICES REPORT	19 - 82
To consider and Take any appropriate action on the attached reports of The Head of Planning Services in respect of the planning applications received for the southern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	
EXCLUSION OF THE PUBLIC AND PRESS	
In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.	
RECOMMENDATION:	
THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely	

disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. ITEM FOR INFORMATION - ENFORCEMENT

83 - 84

To note the Councils current position in respect of enforcement proceedings for the southern area.

(This item discloses information relating to possible legal proceedings by the Council.)

Your Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
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Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

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- Public transport access can be gained to Brockington via bus route 75.
- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on 13 August 2003 at 2:00 p.m.

Present: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice-Chairman)

Councillors: M.R. Cunningham, N.J.J. Davies, G.W. Davis, J.W. Edwards,
T.W. Hunt (Ex-officio) Mrs. J.A. Hyde, G.Lucas,
D.C. Taylor, J.B. Williams

In attendance: Councillor PJ Edwards

12. CHAIRMAN'S ANNOUNCEMENTS

The Chairman was pleased to announce that for the period April – June 2003 Planning Services had had continued to exceed the targets set by the Office for the Deputy Prime Minister in respect of processing planning applications. If this achievement continued, the Council would benefit from additional funding through the Planning Delivery Grant in 2004.

The Chairman said that last year a tour had been held of development that had taken place following planning permission and this had proved to be very successful. A similar tour was proposed in the autumn which would be of particular benefit for new Members. She asked Councillors to consider sites within their wards which they considered worth visiting and to let the Head of Planning Services know.

The Chairman expressed her disappointment that despite having warned the Sub-Committee at the time, planning permission had been refused in respect of the Haven, Hardwicke, Hay-on-Wye and the applicants had recently won an appeal with costs awarded against the Council. She emphasised that it was extremely important for the Sub-Committee to heed the recommendations of the officers when there were planning policy issues at stake.

13. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H. Bramer, Mrs. C.J. Davis and Mrs. A.E. Gray.

14. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Councillor Mrs RF Lincoln	2 (SW2003/1477/F – Portal Frame Building to house livestock, Brooklands Farm, Orcop, Hereford HR2 8ET)	prejudicial and left the meeting for the duration of the item.
Mrs JA Hyde	B (SE2003/1638/F - Two storey extension to rear and garage to side,	prejudicial and left the meeting for the duration

	Lea Croft, Archenfield Road, Ross-on-Wye, Herefordshire HR9 5BB)	of the item.
G Lucas	A (SE2003/1245/F – Conversion of and alterations to redundant traditional barn to create one residential dwelling, Barn at Sapness Farm, Sollers Hope, Herefordshire) and also Item B (SE2003/1638/F - Two storey extension to rear and garage to side, Lea Croft, Archenfield Road, Ross-on-Wye, Herefordshire)	prejudicial and left the meeting for the duration of the item.
DC Taylor	1 (SW2003/0761/F – Ground floor extension, various alterations, Shark House Barn, Clehonger, HR2 9TE)	prejudicial and left the meeting for the duration of the item.

15. MINUTES

RESOLVED: That the Minutes of the meeting held on 16 July 2003 be approved as a correct record and signed by the Chairman subject to the replacement of “personal” with “prejudicial” in Minute 7 (Declarations of Interest - Councillor Mrs JA Hyde).

16. PLANNING APPEALS

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

17. HEAD OF PLANNING SERVICES REPORT

The Southern Divisional Planning Officer presented the report of the Head of Planning Services in respect of the planning applications that had been received for the Southern area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

18. ITEM FOR INFORMATION - ENFORCEMENT

The Sub-Committee received an information report about planning enforcement activity within the Southern area of Herefordshire.

The meeting ended at 2:45 p.m.

CHAIRMAN

Document is Restricted

APPENDIX

SITE VISIT A
SOLLERS HOPE
SE2003/1245/F

Conversion of and alterations to a redundant traditional barn to create one residential dwelling. barn at

SAPNESS FARM, SOLLERS HOPE, HEREFORDSHIRE

For: **J Dereham per James Spreckley MRICS FAAV, Brinsop House, Brinsop, Herefordshire, HR4 7AS**

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

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

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

2 A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 The material to be used externally on the roof shall be natural Welsh slate unless otherwise first agreed in writing by the local planning authority.

Reason: To protect the visual appearance and character of the original building.

4 Before any work commences on site full details of the extent of rebuilding/repair work to be undertaken on the walls of the barn building and the materials to be used shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To define the terms to which this planning permission relates and to protect the visual appearance and character of the original building.

5 Before any work commences on site detailed drawings (including materials and finishes) of all new external doors, windows, screens, rooflights, flues and vents shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To protect the visual appearance and character of the original building.

6 E16 (Removal of permitted development rights)

Reason: To ensure the character of the original conversion scheme is maintained..

- 7 Before any work commences on site a drawing showing the position of the existing vents on the right hand side on the south elevation of the barn building and also details of any ramp/stairs proposed to serve the doors in the wagonway screen on the same elevation shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To protect the visual appearance and character of the original building.

- 8 G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 9 G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 10 F18 (Scheme of foul drainage disposal)**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 11 H01 (Single access - not footway)**

Reason: In the interests of highway safety.

- 12 H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 13 H05 (Access gates)**

Reason: In the interests of highway safety.

- 14 H06 (Vehicular access construction)**

Reason: In the interests of highway safety.

- 15 H13 (Access, turning area and parking)**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 16 The whole of the works relating to means of access, including drainage, shall be completed before the development is brought into use.**

Reason: In the interests of highway safety.

INFORMATIVE NOTES

- 1 Full details of all surface and boundary treatments (proposed, retained and removed) shall be included in the landscaping details required by Condition No. 8 unless otherwise specified.**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 The Environment Agency advise:**

The porosity test results suggest that a suitable means of effluent disposal would be a septic tank/soakaway system. The applicant is reminded that the septic tank and soakaway system should meet the following requirements:

- (i) a site survey should be carried out to establish the location of any watercourse, ditch or land drainage system on the site,**
- (ii) the foul drainage system, particularly the foul soakaway, should be sited at least 10 metres from any watercourse, ditch or land drainage system to minimise pollution risk,**
- (iii) the foul drainage system, including the foul soakaway, should be situated so as not to cause pollution of any well, borehole, spring or groundwater used for potable water supply. A minimum separation of 100m should be kept from any source of potable water supply.**

The application should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS 6297 : 1983.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with section 34 of the Environment Protection Act 1990.

- 5 N11 – Wildlife and Countryside Act 1981**

The applicant's attention is drawn to the requirements of the Wildlife and Countryside Act 1981 (as amended) with regard to bats. It is advised that an inspection of roof spaces and any other voids is carried out prior to the commencement of development. If bats are discovered during the inspection or subsequently during the conversion work, the work must cease immediately and English Nature be informed. English Nature can be contacted at: Herefordshire and Worcestershire Team, Bronsil House, Eastnor, Ledbury, Herefordshire HR8 1EP or telephone number 01531 638500.

SITE VISIT B
ROSS-ON-WYE
SE2003/1638/F

Two storey extension to rear and garage to side.

**LEA CROFT, ARCHENFIELD ROAD, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 5BB**

For: **Mr & Mrs B. Thompson per Mr K Cooper, Fork House,
The Lonk, Joyford, Gloucester, GL16 7AJ**

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

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

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

2 A08 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

INFORMATIVE NOTES

1 N03 – Adjoining property rights

2 N14 – Party Wall Act 1996

DEFERRED
APPLICATION C
EATON BISHOP
SW2003/1416/RM

Demolition of redundant methodist chapel and erection of a detached two storey dwelling.

OLD METHODIST CHAPEL, EATON BISHOP, HEREFORD, HEREFORDSHIRE, HR2 9QD

For: **Mr A Clarke per Mr G Bacon, Brownings Acre, Whitehouse Lane, Alfrick, Worcester, WR6 5HE**

The receipt of further letters of objection from the Parish Council and from a neighbour was reported.

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

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

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

2. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. The foul drainage shall be taken from the site to a private sewage plant in accordance with the details submitted, prior to first occupation of the dwelling.

Reason: In order to define the terms to which the application relates

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed in the north and south elevations at the first floor level and above at the property.

Reason: In order to protect the residential amenity of adjacent properties.

Ref. 1
CLEHONGER
 SW2003/0761/F

Ground floor extension, various alterations.

SHARK HOUSE BARN, CLEHONGER, HEREFORD, HR2 9TE

For: **Mr & Mrs Flemming per Mr C Goldsworthy,
 85 St Owens Street, Hereford, HR1 2JW**

RESOLVED: That planning permission be refused for the following reason:

1. The proposed extension would detract from the original character of this traditional rural building and therefore the proposal is contrary to the provisions of Policies C.36, C.37 and GD.1 of the South Herefordshire District Local Plan, together with Supplementary Planning Guidance for the conversion of rural buildings.

Ref. 2
ORCOP
 SW2003/1477/F

PORTAL FRAMED BUILDING TO HOUSE LIVESTOCK

BROOKLANDS FARM, ORCOP, HEREFORD, HR2 8ET

For: **Mr A Havard per Collins Engineering Limited.
 Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, HR2 0EL**

The Principal Planning Officer recommended that arising on concerns expressed by a neighbour that a note be attached to any approval granted to control the potential discharge of any material onto the adjoining class 3 road.

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

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

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

2. **A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **Surface water drainage from the proposal site shall be constructed such that it drains down existing channels/gulleys alongside the driveway to Brooklands Farm and does not contain solid material.**

Reason: In order to ensure that satisfactory drainage

arrangements are provided and to control the discharge of any material on to the Class III road.

Ref. 3
LEA
SE2003/1785/F

Roof existing walls, erect conservatory & add a dormer and door to first floor with decking to raised garden at

BRONTE COTTAGE, LEA, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JZ

For: **Mr P.M. Besant, Bronte Cottage, Lea, Ross-on-Wye, Herefordshire, HR9 7JZ**

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

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

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

2. B01 – Samples of external materials

Reason: To ensure that the materials harmonise with the surroundings.

Ref. 4
WESTON-UNDER-PENYARD
SE2003/1777/F

Erection of 4 residential dwellings, detached garages and associated access. land adjoining

HUNSDON MANOR HOTEL, WESTON-UNDER-PENYARD, ROSS-ON-WYE.

For: **Mr B & T Morris per RPS Group Plc, Harbourside House, 4-5 The Grove, Bristol, BS1 4QZ**

In accordance with the criteria for public speaking, Katherine Perry, the agent acting on behalf of the applicant spoke in favour of the application.

It was noted that the agent was investigating the matter of connecting to the foul drainage to fulfil the requirements of the Environment Agency. The agent said that she would seek the approval of the officers and fully comply with any requirements of the planning permission in this respect.

RESOLVED: That subject to the Environment Agency withdrawing its objection to the foul drainage arrangements the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.
- 3 G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.
- 4 F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
- 5 F20 (Scheme of surface water drainage)**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 6 F44 (Investigation of contaminated land)**

Reason: To ensure that potential contamination of the site is satisfactorily assessed.
- 7 F45 (Contents of scheme to deal with contaminated land)**

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.
- 8 F46 (Implementation of measures to deal with contaminated land)**

Reason: To ensure contamination of the site is removed or contained.
- 9 H06 (Vehicular access construction)**

Reason: In the interests of highway safety.
- 10 H12 (Parking and turning - single house)**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

11 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

Ref. 5
MADLEY
SW2003/1450/F

Construction of stables and new site access, field at

SWINMOOR FARM, MADLEY, HEREFORDSHIRE

For: **Mr D Gurney, 17 The Hollies, Clehonger, Hereford, HR2 9SP**

Councillor DC Taylor, the local ward member requested that a condition be imposed on any planning permission to prevent windows being installed in the rear of the stable block because they would overlook the neighbouring property.

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

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

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

2. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4. E27 (Personal condition)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

5. E11 (Private use of stables only)

Reason: In order to safeguard the residential amenity of the area.

6. F30 (Restriction on storage of organic wastes)

Reason: To safeguard residential amenity.

7. There should be no openings in the rear or NW elevation of the stables.

Ref. 6
GARWAY
SW2002/3506/F

Extensions and alterations to provide loft conversion with dormer windows, garden store, entrance porch and oak framed carport and change of use of piece of land from agricultural to domestic use.

THE OAKS, GARWAY, HEREFORDSHIRE, HR2 8RQ

For: **Mr A Phillips, The Oaks, Garway, Hereford**

Councillor GW Davis, the local ward member expressed his concern about applications for retrospective planning permission and urged applicants to ensure that complied with the Council's development control statutory requirements and regulations before commencing development.

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

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

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

2. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

Ref. 7
PENGRAIG
SE2003/1316/F

Installation of one diesel pump and use of site as cafe and fuel filling station.

MARSTOW FILLING STATION, PENCRAIG, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HR

For: **Blasemere Ltd, Symonds Yat Services, A40 Whitchurch, Ross-on-Wye, Herefordshire, HR9 6DP**

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

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

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

2 Prior to its installation details of the exact size, design and colour of the fuel pump hereby granted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure that the development is appropriate in relation to the character and appearance of the surrounding area.

NOTES TO APPLICANT

1 The Petroleum and Explosives Officer advises that no petrol shall be stored within the application site.

4. ITEM FOR INFORMATION – APPEALS

APPEALS RECEIVED

Application No. SE2002/3889/F

- The appeal was received on 13th August 2003
- 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 Dr. W Green
- The site is located at Land adjacent to The Link, Weston Under Penyard, Ross-On-Wye, Herefordshire, HR9 7QA
- The development proposed is Proposed dwelling
- The appeal is to be heard by Hearing

Case Officer: Mr Steven Holder on 01432 260479

Application No. SW2002/3778/F

- The appeal was received on 30th July 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Johnson
- The site is located at Acontree House, Barrack Hill, Little Birch, Herefordshire, HR2 8BA
- The development proposed is Two storey extension
- The appeal is to be heard by Informal Hearing

Case Officer: Mr Andrew Prior on 01432 261932

APPEALS DETERMINED

Application No. SE2002/3890/O

- The appeal was received on 2nd April 2003
- 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 R. Waller
- The site is located at Land at Crockers Ash, Monmouth
- The application, dated 24th December 2002, was refused on 18th February 2003
- The development proposed was Outline application for the erection of a detached cottage style dwelling with ancillary works
- The main issues are:
 - i. the effect of the proposed development on the character and appearance of the Wye Valley Area of Outstanding Natural Beauty; and

- ii. whether the site is a suitable location for a new house having regard to local policy and national advice on the location of new development, which amongst other things seek to promote sustainability and reduce the need to travel, especially by private car.

Decision: The appeal was Dismissed on 14th August, 2003

Case Officer: Mr Steven Holder on 01432 260479

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

SOUTHERN AREA PLANNING SUB-COMMITTEE

10TH SEPTEMBER, 2003

APPLICATIONS RECEIVED

REF No.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1	Mr. S. D. Methven	Site for one dwelling, Lower Tomlins Field, St. Weonards	SW2003/1227/O	21 - 24
2	Perfection Homes	Proposed dwelling and garage, land adjacent to Blacksmiths Cottage, Kingsthorpe	SW2003/1823/RM	25 - 28
3	Mr. & Mrs. R. Craig	Double garage (retrospective application), Townsend Bungalow, Llanwarne	SW2003/1939/F	29 - 32
4	Ross-on-Wye Bowling Club	Part demolition, part rebuild and extension of Clubhouse, Ross-on-Wye Bowling Club, Crossfields, Walford Road, Ross-on-Wye	SE2002/3719/F	33 - 36
5	Ross-on-Wye Bowling Club	Part demolition of Clubhouse, Ross-on-Wye Bowling Club, Crossfields, Walford Road, Ross-on-Wye	SE2002/3721/C	33 - 36
6	H. E. Coombs & G. Owen	Change of use from general industrial (Class B2) to storage and distribution (Class B8), former Dayla Liquid Packaging, adjacent to Bill Mills, Ross-on-Wye	SE2003/1749/F	37 - 42
7	R. A. J. Pye	Proposed replacement garage and first storey extension over, Rosemary Cottage, Llangrove, Ross-on-Wye	SE2003/2136/F	43 - 46

8	Travis Perkins Plc.	Change of use to plumbing and general builders merchants, alterations to external elevations and yard, Storage Unit 7, Ashburton Road, Ashburton Industrial Estate, Ross-on-Wye	SE2003/2161/F	47 - 50
9	Mr. & Mrs. D. H. Phillips	Site for erection of bungalow, land adjacent Burmell, Bridstow, Ross-on-Wye	SE2003/1633/O	51 - 54
10	BS Group Plc	Variation of condition to extend period to commence development by a further 5 years (application no. SH971299PF), site fronting Broad Street, Brookend Street and Kyrle Street, Ross-on-Wye	SE2003/1848/F	55 - 70
11	Mr. & Mrs. J. C. Felices	Relocation of existing restaurant to redundant barn, construction of new car park and alterations to existing car park, site adjacent to Castle Lodge Hotel, Wilton, Ross-on-Wye	SE2003/2164/F	71 - 78
12	Mr. & Mrs. L. Duke	New timber balcony to side elevation, Snowdrop Cottage, 18 Wye Rapids Cottages, Symonds Yat West, Ross-on-Wye	SE2003/1937/F	79 - 82

1 SW2003/1227/O - SITE FOR ONE DWELLING, LOWER TOMLINS FIELD, ST. WEONARDS, HEREFORD, HR2 8QE

For: Mr S.D. Methven per Mr Griffin ADAS, The Patch, Elton Newnham, Gloucester GL14 1JN

Date Received: 24th April 2003 Ward: Pontrilas Grid Ref: 4740 2517

Expiry Date: 19th June, 2003

Local Member: Councillor G. W. Davis

1. Site Description and Proposal

- 1.1 The proposal site is an area of farmland immediately adjacent to the western side of the unclassified road (u/c 71418) that joins the C1234 road to the north and the C1236 road to the south, close to Treferanon Farm. The site is approximately one mile south of the junction of the unclassified 71418 and the C1234 road, also known as Ross Road.
- 1.2 This is an outline application but with the only matter to be determined at this stage being siting, which is identified with a cross as being 10 metres west of the metalled edge of the unclassified 71418 road, and 30 metres north of the existing track that divides Lower Tomlins Field and the application site. The other matters are reserved for subsequent approval.
- 1.3 The site has roadside frontage of 44 metres along the line of existing established hedgerow and trees that screen the site from the unclassified road. The site is 16 metres wide where it adjoins the aforementioned track serving the farm and dwelling at Lower Tomlins Field, widening to 20 metres on the northern boundary.

2. Policies

2.1 Planning Policy Guidance

PPG.7 - The Countryside: Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2 - Area of Great Landscape Value
 Policy CTC.9 - Development Criteria
 Policy H.16A - Housing in Rural Areas
 Policy H.20 - Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy C.1 - Development within Open Countryside
 Policy C.8 - Development within Area of Great Landscape Value
 Policy SH.11 - Housing in the Countryside

2.4 Unitary Development Plan

- Policy H.7 - Housing in the Countryside outside Settlements
Policy H.8 - Agricultural and Forestry Dwellings and Dwellings
Associated with Rural Businesses

3. Planning History

- 3.1 SW2002/1327/O Site for single dwelling - Refused 24.06.02

4. Consultation Summary

- 4.1 The Environment Agency has no objections in principle, but would recommend that conditions be attached in the event of planning permission being granted.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 In a supporting statement that accompanied the application, the applicant's agent makes the following main points:

- following refusal (SW2002/1327/O) applicant is re-submitting with a justification based upon the needs of a rural service business
- client is now the owner of the site
- Lower Tomlins Field is a small holding comprising 2 hectares of land, dwelling and group of buildings. Small scale agricultural enterprise exists, but does not justify an agricultural dwelling
- for over 10 years my client has undertaken an agricultural engineering and emergency call-out and repair service to local agricultural businesses and other rural businesses in locality
- work includes repair to hydraulic hoses, welding, work to electrical circuits, modifying machines to improve performance, maintenance of specialist machinery and carrying essential spare parts and materials to fabricate repairs
- work undertaken on site and on location
- repair works often late in day, and machinery repairs after working day, i.e. late, over a third to half of such work is after 6pm in planting and harvesting season
- repairs at weekend common
- list of recent customers set out
- my client plus two part-time workers for busy times
- my client and his wife have lived in a number of local rented properties, currently at Northgate Lodge, St. Weonards until they have to vacate the property
- have lived in three different addresses in last 5 years
- my client is the owner occupier of the proposal site and has a life-long lease of the building which is the base for his business
- remainder owned by Mrs. Tomlins senior, client will inherit the remaining buildings and land, but not his mother's dwelling
- the Deposit Draft (September 2002) recognises the changing rural economy given it allows for in Policy H.7, dwellings that are a necessary accompaniment to the growth of rural enterprise, including tourism and farm diversification schemes and complies with Policy H.8

- justification for a dwelling is given "where a worker is required day and night for supervision, inspection or emergency responses. Security is not in itself sufficient to justify a dwelling, but it may be a contributing factor"
- UDP Policy H.8 provides criteria to be satisfied, that are very similar to the criteria to justify agricultural/forestry dwellings
- my client works in excess of 60 hours per week
- business is viable (accounts for 1998, 1999 and 2000 can be forwarded). Income exceeds agricultural workers wage
- need for dwelling is due to out of hours service for clients who require emergency repairs at short notice, either at Lower Tomlins Field or on site
- no buildings suitable for conversion
- recent building erected on nearby site, in a far more prominent position than site applied for
- previous application was not refused by Highways (subject to conditions) nor the Environment Agency.

5.2 The Parish Council has no objections.

5.3 14 letters of support have been received in which the following main points are made:

- very essential service
- farming is not 9 - 5, need help up to 11pm
- key part of community
- repairing agricultural machinery for over 30 years
- if not approved, would be detrimental to my business
- on call at least 16 hours per day
- good for security
- quality of life for applicant would improve
- no loss of privacy
- would not adversely affect anyone
- would not spoil surrounding area.

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

6. Officers Appraisal

6.1 The main issue is considered to be the principle of erecting a dwelling on this site in the open countryside.

6.2 The previous application, a dwelling refused under delegated powers in June 2002, was accompanied by letters from the applicant and the NFU. The case advanced was on grounds that the applicant was managing the smallholding, including feeding stock and completing paperwork. No mention was made at that time of the business carried out by the applicant to the rear of the farmhouse. This business requires planning permission or a Certificate of Lawfulness. It is understood that one building to the rear of the farmhouse is used in connection with the applicant's business.

6.3 The relevant development plan policies are Policy H.20 contained in the Hereford and Worcester County Structure Plan, and in particular H.20(c) that refers to the necessary accompaniment of a new dwelling to the establishment and success of a new enterprise which needs to be located outside a settlement. It is considered that the existing use does not need to be located outside a settlement. The fact that it would

be more convenient is not sufficient reason in itself to outweigh the policy requirement. Therefore, it is also contrary to the provisions of Policy SH.11, as it constitutes development in the open countryside. Policy H.8 in the Unitary Development Plan is the subject of representations during the deposit stage, therefore it cannot be given much weight, i.e. over existing policies in the Development Plan cited above. There is in any case a dwelling serving the smallholding.

- 6.4 The applicant’s agent makes reference to a decision made by the Secretary of State in North Shropshire. It is not considered that this appeal case is directly relevant given the personal circumstances cited in the Inspector’s decision letter. An application determined by your officers more recently was the subject of appeal for a bungalow at a site adjacent to a workshop at Llangarron. It was dismissed on appeal. The Inspector did not consider that the need for a dwelling was so compelling as to warrant justifying a dwelling in open countryside. There is also an existing dwelling nearby, which was not the case for the Llangarron appeal decision.
- 6.5 Clearly, this proposal constitutes development in the open countryside that does not meet the stringent tests established in Government advice contained in PPG.7 nor policies contained in the Development Plan. These policies essentially affirm that the countryside should be protected for its own sake.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The site is in open countryside, within the designated Area of Great Landscape Value and having regard to Hereford and Worcester County Structure Plan Policies H.16A, H.20, CTC.2 and CTC.9, and South Herefordshire District Local Plan Policies GD.1, C.1, C.8 and SH.11, the local planning authority consider the proposed development to be unacceptable. The erection of a dwelling in this open countryside location would , in the absence of sufficient justification such that the above policies can be set aside, be harmful to the character and appearance of the countryside**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

2 SW2003/1823/RM - PROPOSED DWELLING AND GARAGE, LAND ADJACENT TO BLACKSMITHS COTTAGE, KINGSTHORN, HEREFORD. HR2 8AL

For: Perfection Homes per Paul T. Sant, Broxash, Litmarsh, Marden, Hereford, HR1 3EZ

Date Received: 17th June 2003 Ward: Pontrilas Grid Ref: 4995 3194

Expiry Date: 12th August 2003

Local Member: Councillor G. W. Davis

1. Site Description and Proposal

- 1.1 The application comprises part of the garden area to the south-east of Blacksmiths Cottage. Access is gained onto Forge Lane, an unclassified road (u/c 71609) that joins the Class III road (C1263) approximately 140 metres to the north-west. Forge Lane is a narrow unclassified road that inclines very steeply up towards the aforementioned Class III road that leads almost north-south on the western edge of Kingsthorne. It declines south-eastward past Blacksmiths Cottage down the Wrigglesbrook Valley.
- 1.2 This site was the subject of a previous application that was refused by Planning Committee on 12th October, 2001. Planning permission was granted on Appeal to the Secretary of State on 22nd October, 2002.
- 1.3 It is proposed to erect a 4 bedroom dwelling comprising white rendered walls on top of brick plinth walls, under a clay tile roof. The dwelling is parallel with Forge Lane, and is sited 3 metres from the metalled edge of the unclassified road. There would be two two-storey rectangular buildings that are linked by a one and a half storey block providing an entrance hall and stairwell.
- 1.4 A double garage comprising red facing bricks under a tiled roof matching the dwelling is proposed to be erected close to the new entrance serving the dwelling. This is where the ground level is closer in level to the highway level, given the fall of the site northwards and eastwards towards Mill Cottage.
- 1.5 The boundaries of the site will be reinforced on the highway boundary and boundary with Blacksmiths Cottage by thorn hedging.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC.2	-	Areas of Great Landscape Value
Policy CTC.9	-	Development Requirements
Policy H.16A	-	Houses in Rural Areas

2.2 South Herefordshire District Local Plan

Kingsthorne Policy (Part 2) on Drainage

Policy GD.1	-	General Development Criteria
Policy C.8	-	Development within Area of Great Landscape Value
Policy C.43	-	Foul Sewerage
Policy SH.8	-	New Housing Development Criteria in Larger Villages
Policy SH.14	-	Siting and Design of Buildings
Policy SH.15	-	Criteria for New Housing Schemes
Policy T.3	-	Highway Safety Requirements

3. Planning History

3.1	SW2001/1420/O	Detached dwelling	-	Refused 22.08.01. Allowed on Appeal 22.10.02
	SH892169PO	New dwelling	-	Refused 07.02.90. Dismissed on Appeal 27.07.90
	SH891193PO	New dwelling	-	Refused 04.10.89

4. Consultation Summary

- 4.1 The Environment Agency states that the porosity tests were satisfactory and advises that the applicant be aware of British Standard requirements.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 Much Birch Parish Council has no objection.
- 5.2 Much Dewchurch Parish Council "fully support this application."
- 5.3 One letter of representation has been received from:

Mr. R. Davis & Mrs. E. Perkins, Mill Cottage, Kingsthorpe, Hereford, HR2 8AW

The following main points are raised:

- fly in the face of criteria established by Appeal Decision
- too large for this small patch of land
- contrary to landscape quality of Area of Great Landscape Value
- it is skyline, contrary to Appeal
- dominate our garden, would overlook us and others lower down
- drainage problems, too close to our property
- ground waterlogged in winter months, what goes into ground above us reappears in our garden
- large 4 bedroom house and drainage system directly on our boundary is a recipe for unpleasant and unhygienic conditions.

The full text of this letter can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 With the principle of the development having been accepted, there are considered to be two main issues and these relate to drainage and the type and form of development proposed for this site.
- 6.2 The Environment Agency are satisfied with the porosity tests carried out for the site. There is considered to be sufficient area for drainage purposes. It is understood that land in the ownership of the original applicant will be utilised. A septic tank was originally applied for, and was the subject of the appeal. The bio-disc system and associated drainage is more environmentally acceptable for foul drainage purposes. Nevertheless a survey should have been produced of existing watercourses, ditches and land drainage systems as required by conditions attached to the Inspector's Decision letter. The Building Control Section would also require details of the extent of drainage pipes, but do not at this stage raise objections to the scheme. They also consider that there is sufficient land available for dealing with surface water.
- 6.3 The Inspector in his decision letter does make reference to any dwelling not forming a sky-line feature. The dwelling has been sited further up slope than was envisaged, nevertheless the backdrop of trees along Forge Lane and rising ground to the south of Forge Lane lessen the impact. Mayhill Lodge which is on much higher ground than the application site dominates this part of Kingsthorpe when viewed across the valley from the north. It is not considered that the height of the dwelling, 7.7 metres to ridge height when measured from the highest ground level, is excessive given that the site declines from the highway verge.
- 6.4 A further issue relates to overlooking. The nearest first floor window to the building between Mill Cottage and the site is 10 metres, which is a single light window serving bedroom 2. Mill Cottage is a further 20 metres away on the south-eastern side of the tree and hedgerow lined boundary. It is considered that the distance between the existing and proposed dwelling is sufficient in terms of levels of privacy that would be reasonably expected.
- 6.5 The access arrangements proposed are in accordance with the conditions imposed by the Inspector in the decision letter.
- 6.6 It is considered that the design, means of access, materials and siting of the dwelling are satisfactory and therefore the application complies with Policies GD.1, C.43, SH.8 and SH.14 contained in the South Herefordshire District Local Plan. Further information will be required in relation to the foul drainage which would be required for Building Regulation purposes in any instance. This would establish that a satisfactory means of drainage can be achieved.

RECOMMENDATION

That subject to further satisfactory information being submitted in relation to foul drainage, officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following condition and any additional conditions considered necessary by officers:

1. F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 SW2003/1939/F - DOUBLE GARAGE (RETROSPECTIVE APPLICATION), TOWNSEND BUNGALOW, LLANWARNE, HEREFORD, HR2 8JE

For: Mr & Mrs R. Craig per Mr M Keyse Sawpits, Great Doward, Symonds Yat, Ross On Wye, HR9 6BP

Date Received: 26th June 2003 Ward: Pontrilas Grid Ref: 5071 2828

Expiry Date: 21st August 2003

Local Member: Councillor G. W. Davis

1. Site Description and Proposal

- 1.1 The proposal site is in the north/north-eastern area of Llanwarne's Conservation Area. Access is gained off the western side of the C1262 road. The lawned area of Townsend Bungalow declines southward, such that the modern red brick bungalow is clearly visible from the C1262 road to the south and south-east.
- 1.2 In February 2002 permission was granted for a double garage, together with extensions to the applicants' bungalow. The garage and the extensions have been built larger than was approved. Two separate planning applications have been received to regularise the unauthorised development. The double garage is reported to Sub-Committee as representations have been received. The extensions application registered at the same time will be determined under delegated powers.
- 1.3 The double garage originally approved was sited 15 metres west of the bungalow. It was 6.5 metres long and 5.77 metres wide, 2.2 metres to the eaves and 5 metres to the ridge. It was sited between 9 metres at the closest and furthest 11 metres from the boundary with Church House. The facing brick and tiles match those used in the bungalow. The brick walls have been built to date, the roof has yet to be covered in roof tiles.
- 1.4 The garage as built is 6.7 metres long (i.e. 0.2 metres longer) and 6.9 metres wide, this compares to 5.77 metres and represents an increase of 1.1 metres. The height to eaves is now 2.7 metres compared to 2.2 metres as approved, an increase of 0.5 metres. The ridge height has increased to 5.8 metres, from 5 metres as approved, an increase of 0.8 metres. The garage is approximately 0.5 of a metre closer to the boundary with Church House, but still 11 metres away at its furthest.

2. Policies

2.1 Hereford and Worcester County Structure Plan

- Policy CTC.9 - Development Requirements
 Policy CTC.15 - Conservation Areas
 Policy H.20 - Housing in Rural Areas

2.2 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria

Policy C.22	-	Maintain Character of Conservation Areas
Policy C.23	-	New Development affecting Conservation Areas

3. Planning History

3.1	SE2001/3346/F	Double garage	Approved 13.02.02
	SE2001/3344/F	Extensions to bungalow	Approved 13.02.02
	SE2001/1557/F	Extensions	Refused 20.08.01
	SH85/0621	Extensions	Approved 23.08.85

4. Consultation Summary

4.1 No statutory or non-statutory consultations required.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 Llanwarne Parish Council has no objections.

5.2 Llandinabo Parish Council has no objections.

5.3 One letter of representation has been received from:

Ms. V. Dance, Church House, Llanwarne, Hereford, HR2 8JE

The following main points are raised:

- garage is rather large, dominating my property, closer to boundary than agreed, the other being set back further
- difficult to screen, when and if I can afford it.

The full text of this letter can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 There are three issues. One is any increase in impact of the double garage above that which was accepted when approved in February 2002, a further issue concerns the setting of the garage in the Conservation Area, and thirdly relates to the impact of the garage on the amenity of nearby residents.

6.2 The garage, as approved, was taller in height than the bungalow, which is only 4.5 metres at its height at ridge level, given it has a 20 degree pitch roof, compared to 5 metres for the double garage. This difference in height has increased by a further 0.8 of a metre which is considered to be acceptable given the pitch of roof is in accordance with higher pitch roofs seen on traditional older buildings of which there are examples in the Conservation Area. The bungalow has a shallow roof pitch in comparison with that of the double garage, and other dwellings and buildings in the Conservation Area, therefore, in respect of the second issue, it is not considered to

detract from the amenities of this part of the Conservation Area. The Conservation Architect raises no objections and concurs that the garage has more of a traditional roof pitch than the bungalow.

6.3 The last issue is the likely impact of the double garage on adjoining residents. It is considered that given the building is only marginally closer to the boundary shared with Church House from that originally approved, and the distance away from Church House itself, it is not considered that planning permission could be reasonably withheld for the retention of this double garage as built. Therefore the application complies with policies GD.1, C.22 and C.23 contained in the South Herefordshire District Local Plan, as augmented by policies CTC.9 and CTC.15 contained in the Hereford and Worcester County Structure Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 2. B02 (Matching external materials (extension))**

Reason: To ensure the external materials harmonise with the existing building.

- 3. E08 (Domestic use only of garage)**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

- 4. The garage hereby approved shall be kept available for storage use and shall not be converted into habitable accommodation.**

Reason: In order to ensure that the garage remains for storage use, and therefore restricts pressure for further buildings in this rural location, within the Conservation Area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 SE2002/3719/F - PART DEMOLITION, PART REBUILD & EXTENSION OF CLUBHOUSE ROSS-ON-WYE BOWLING CLUB, CROSSFIELDS, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AR

5 SE2002/3721/C – PART DEMOLITION OF CLUBHOUSE, ROSS ON WYE BOWLING CLUB, CROSSFIELDS, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AR

For: Ross on Wye Bowling Club per Hall Needham Associates, Kille House, Chinnor Road, Thame OXON OX9 3NU

**Date Received: 5th December 2002 Ward: Ross on Wye West Grid Ref: 5981 2387
Expiry Date: 30th January 2003**

Local Members: Councillor G Lucas and Councillor M R Cunningham

1. Site Description and Proposal

- 1.1 The Bowling Club is situated at Old Maid's Walk and appears to be part of, although fenced off from the small park. The Club House adjoins the southern boundary of the site and comprises an 'L' shaped building. The longer arm is partly covered by a ridge roof and partly a flat roof. It is considered to be in need of re-building.
- 1.2 It is proposed to erect a replacement wing of the same length but about 1.6m deeper. As originally proposed the roof would have been hipped but with a wide central flat roof. Following discussions with officers a revised scheme has been submitted with two parallel, asymmetrical ridges with a central valley.
- 1.3 The new wing would accommodate two skittle alleys and two indoor bowling mats and also be used as a function room.

2. Policies

2.1 Planning Policy Guidance

PPG15 - Planning and the Historic Environment

2.2 Hereford and Worcester County Structure Plan

Policy CTC.1 - Area of Outstanding Natural Beauty

2.3 South Herefordshire District Local Plan

Policy C.5 - Development within Area of Outstanding Natural Beauty

Policy C.23	-	New Development affecting Conservation Areas
Policy C.24	-	Demolition in Conservation Areas
Policy C.25	-	Demolition and Redevelopment
R.1	-	Provision of New Recreational Facilities

2.4 Unitary Development Plan – Deposit Draft

S.8	-	Recreation, Sport & Tourism
RST.1	-	Criteria for Recreation, Sport & Tourism Development
RST.2	-	Recreation, Sport & Tourism Development within Area of Outstanding Natural Beauty

3. Planning History

3.1	SH980373/PF	Concrete sectional garage	-	Refused 18.06.98
	SH980952PF	Extension to garage	-	Refused 28.05.99

4. Consultation Summary

4.1 No statutory or non-statutory consultations required.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 The applicant's agents make the following points:

- The existing roof over the existing entrance is to be retained as far as possible and the newly proposed roof runs out from it as a continuation of the rear slope. The ridge height of the proposed roof is now lower than this existing roof.
- The design theme of double doors sitting under a projecting roof and opening on to a terrace area is again an expansion of the existing building aesthetic. In this way, the complete building will present unified and co-ordinated elevations.
- Reducing the width of the building by a couple of metres would create significant shortcomings in the proposed provision of facilities for the club.
- The proposed building design in this latest version would fit in sensitively with its setting and we have produced a small perspective sketch of the proposal, which we hope will assist you in considering it further.

5.2 Town Council has no objections to these proposals.

5.3 Two letters of objection have been received. In summary, the following points are made:

1. The continuous roofline would be 2.65 m higher than the existing building and at the same height as that of the eastern section of the clubhouse.
2. This would obliterate a much cherished and frequently admired view of St Mary's Church and parts of The Prospect.

3. Seriously harm the view and enjoyment of it.
4. This high roof is architecturally unnecessary and replacement building could be achieved far more attractively and considerably cheaper with no detriment to sight lines from neighbouring properties.

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

6. Officers Appraisal

- 6.1 In principle the expansion of recreational facilities is supported in the South Herefordshire District Local Plan. The issues are the effect on the character and appearance of the Conservation Area and on the amenities of neighbours.
- 6.2 The roof would be about 1.2m higher than the existing building and would have some impact on views from adjoining houses and gardens. Nevertheless as there are no living room windows in the elevation of the house most affected (3 Daymerslea Close) that faces the clubhouse, existing planting in the garden helps screen that building and it is about 15m from the house it is not considered that the new extension would be overbearing. Whilst any loss of view is regretted this is not sufficient grounds to refuse planning permission.
- 6.2 The size and design of the extension is also of concern. The depth of the building, which is only single-storey inevitably results in a squat and unattractive end elevation. This section of the building is readily visible from the adjoining park. A number of suggestions have been made to try to overcome this problem but the applicant's have felt that they would create constructional problem and/or limit the usefulness of the building. These difficulties are appreciated and on the advice of the Chief Conservation Officer it is considered on balance that permission can be recommended. Taking the location of the proposed building and the appearance of the existing structure into account it is not considered that there would be harm to the character of the Conservation Area.

RECOMMENDATION

In respect of SE2002/3719/F:

That planning permission be granted subject to the following conditions:

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

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

2 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3. B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

In respect of SE2002/3721/C

That consent be granted subject to the following conditions:

- 1. C01 (Time limit for commencement (Listed Building Consent))**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 SE2003/1749/F - CHANGE OF USE FROM GENERAL INDUSTRIAL (CLASS B2) TO STORAGE AND DISTRIBUTION (CLASS B8) FORMER DAYLA LIQUID PACKAGING, ADJACENT TO BILL MILLS, ROSS-ON-WYE, HEREFORDSHIRE

For: H.E. Coombs & G. Owen per Edward Nash Partnership, 23a Sydney Buildings, Bath BA2 6 BZ

Date Received: 11th June 2003 Ward: Penyard Grid Ref: 6253 2169

Expiry Date: 6th August 2003

Local Member: Councillor H Bramer

1. Site Description and Proposal

1.1 The factory which is the subject of this application occupies a rural location near to Bill Mills, a listed former water mill. Planning permission to erect the factory was granted in 1989. The factory was used by Dayla Liquid Packaging until they relocated to Ross on Wye and is now vacant. It is situated on the 'C' class road between Pontshill and Coughton, which is, in part, narrow, with sharp bends. The junction with the A40(T) is about 1.5km to the east.

1.2 It is proposed to use the factory together with the adjoining parking and servicing areas for storage and distribution purposes. The remainder of the buildings occupied by Dayla Liquid Packaging (the mill and adjoining buildings) are not part of this proposal. Planning permission and listed building consent for conversion of these buildings with 5 flats was granted by the Deputy Prime Minister. (SE2000/1727/O and SE2000/3006/L). However planning permission was refused for redevelopment of the factory for new housing. The adjoining mill cottages, which it is understood were used as holiday accommodation or for employees, have now been sold off separately as single dwellinghouses.

2. Policies

2.1 Planning Policy Guidance

PPG.7 The Countryside: Environmental Quality and Economic & Social Development

2.2 Hereford and Worcester County Structure Plan

Policy E6 Industrial Development in Rural Areas
Policy E8 Development of Redundant Rural Buildings
Policy CTC2 Area of Great Landscape Value

2.3 South Herefordshire District Local Plan

Policy C8 Development Within Area of Great Landscape Value
Policy ED4 Safeguarding Existing Employment Premises

Policy ED6	Employment in the Countryside
Policy ED7	Re-use and Adaptation of Rural Buildings for Employment Use
Policy T1A	Environmental sustainability and Transport
Policy T3	Highway Safety Requirements
GD1	General Development Criteria

2.4 Unitary Development Plan – Deposit Draft

Policy E5	Safeguarding Employment Land and Buildings
Policy E8	Design Standards for Employment Sites
Policy S4	Employment

3. Planning History

3.1	SH840069PF	Rebuild existing external staircase and toilet accommodation	-	Approved 06.03.84
	SH840070LA	Rebuild existing external staircase and toilet accommodation	-	Approved 06.03.84
	SH890775PF	Erection of extension for manufacture and storage of soft drinks	-	Approved 05.07.90
	SH890776LA	Erection of new processing factory	-	Approved 05.07.90
	SH951341PF	Two portable buildings for factory staff facilities	-	Approved 09.02.96
	SS990015PF	Continued use of two portable buildings for staff facilities (Former application SH951341PF 20.12.95)	-	Approved 12.03.99
	SE2000/1727/O	Demolition of factory buildings and replacement with 19 dwellings and associated car parking, garages and access	-	Refused 27.09.00
	SE2000/3006/L	Conversion to five dwellings	-	Approved 11.07.02
	SE2000/3013/F	Conversion of mill buildings to five dwellings and erection of 12 dwellings	-	Allow development EXCLUSION of the 12 dwellings and associated garaging and car parking 24.10.02

4. Consultation Summary

No statutory or non-statutory consultations required.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 The applicants' agent requests that the following points be taken into account when the application is determined:

- The survey-based evidence provided by Peter Finlayson Associates plc to the recent public inquiry indicated that the extant B2 use generated up to 20 HGV movements per day (3.6 of PFA proof). The prospective tenants of the building have estimated that they would generate between 12 and 20 HGV movements per day. Therefore the traffic generation impact of the proposals would not be materially different from the extant use.
- The proposal will be beneficial insofar that it will bring a vacant building back into use, providing local employment opportunities.
- B8 uses are generally accepted as being more benign than B2 uses in terms of activities within the demise of a given site. Were planning permission to be granted for a change of use to B8, and implemented, the potential for a future occupier to operate an intense B2 use would be removed, as any such reversion would require a further planning application.

5.2 Parish Council does not object to the change of use from general industrial (Class B2) to storage and distribution (Class B8) provided that the following restrictions are imposed:

- (a) The size and weight of the vehicles should be restricted to under 18 tonnes laden,
- (b) the operating time of the vehicles should be limited to between the hours of 7.00 am and 7.00 pm,
- (c) careful attention should be given to the effects of any lighting on the site bearing in mind the residential development at Bill Mills, and also the impact of lighting on the surrounding countryside.

5.3 Three letters of objection have been received. In summary the following points are made:

- road linking to A40(T) is not suitable for increased numbers of heavy vehicles - 7.5 ton weight limit, no footways (and so unsafe for walkers, cyclists, horseriders and children);
- heavy traffic would damage environment and bridges which could be irreversible;
- site is between 2 groups of houses - in this rural location residents would expect from traffic not a distribution centre;
- harm to amenity of a 24-hour, 7-day-a-week operation with residents suffering, loss of sleep, security and privacy from noise and disturbance;
- permission should not have been granted for the factory and opportunity now to rectify this decision - if land is added to the converted mill flats would increase their value and offset loss of revenue from the modern factory;
- inappropriate location - no positive reason for allowing change of use to occur;
- devalue residential properties

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

6. Officers Appraisal

- 6.1 The key issues are considered to be whether the local road can accommodate the level of heavy goods vehicles and the effect on the amenities of local residents. On the first issue the anticipated number of HGVs is not likely to exceed that generated by Dayla, for which accurate figures are available. The section of highway between Bill Mills and the A40(T) is not wholly suitable for large lorries, being narrow and winding and already carries considerable number of farm vehicles. There would no doubt be benefits to other road users from the continuing closure of the factory. Nevertheless the lawful use of the factory is for industrial purposes and this use could continue. The number of traffic movements generated in that event can only be a matter of speculation. The Head of Engineering and Transportation, Divisional Surveyor (South) does not object to the proposal. In these circumstances it is not considered that there are sufficient grounds to refuse permission.
- 6.2 Turning to the second issue there is no reason to think, from the evidence submitted that the proposed use would cause more noise and disturbance to local residents than use as factory. Nevertheless the adjoining mill has permission for conversion to residential flats and this use was considered by the Appeal Inspector to be the only practicable use of the mill and to be encouraged in order to safeguard the long term future of this listed building. The conversion would bring residential uses much closer to the application site. It is considered that conditions should be imposed to limit the hours of delivery and requiring submission of a scheme to ensure that appropriate measures to mitigate noise and disturbance are implemented.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 F02 (Scheme of measures for controlling noise)

Reason: In order to protect the amenity of occupiers of nearby properties.

3 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

4 H15 (Turning and parking: change of use - commercial)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

5 E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 SE2003/2136/F - PROPOSED REPLACEMENT GARAGE AND FIRST STOREY EXTENSION OVER. ROSEMARY COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EX

For: R A J Pye, The Holt, Harewood End, Hereford HR2 8LA

Date Received: 14th July 2003 Ward: Llangarron Grid Ref: 5259 1915

Expiry Date: 8th September 2003

Local Member: Councillor Mrs J A Hyde

1. Site Description and Proposal

1.1 The site is on the northern side of the unclassified track that runs west from Prospect Lane in the centre of Llangrove

1.2 Rosemary Cottage is a semi-detached house that is rendered with a slate roof and which is aligned north to south. Its effective front elevation faces to the east but there is a small porch on the roadside elevation. On its west side is a concrete garage with the access to this being joint with the access to Marigold Cottage which is the property attached to the north. The curtilage is fairly limited in size and there is a wall to the highway boundary.

1.3 The proposal is to erect a two-storey extension on the west side to provide a garage on the ground floor with a bedroom above. It will have a width of some 3 metres and a length of some 6 metres. Its ridge height would be the same as that existing and it would be faced in stone with a slate roof. The existing garage would be removed but with the area retained for parking and the access would be widened. The position of the extension has been amended in that its face would be level with that of the front wall of the cottage. Originally it was proposed to be level with the front wall of the porch.

2. Policies

2.1 Planning Policy Guidance

PPG.1 General Policy and Principles

2.2 Hereford and Worcester County Structure Plan

Policy CTC9 Development Requirements

2.3 South Herefordshire District Local Plan

Policy GD1 General Development Criteria

Policy SH23 Extensions to Dwellings

2.4 Unitary Development Plan – Deposit Draft

Policy H18 Alterations and extensions.

3. Planning History

3.1 None.

4. Consultation Summary

4.1 No statutory or non-statutory consultations required.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 Llangarron Parish Council have no objections.

5.2 Two letters of representation have been received with regard to the application in its original form. The letter from Marigold Cottage (to the north) opposes the proposal on the grounds that it will cause a reduction in light, it would harm the appearance of his property and make it less visible, make the property less saleable and the access and parking arrangements are a problem. The letter from Acacia Cottage (opposite the site) expresses concern that the extension will overlook their property as it was their understanding that no more than single storey extension would be allowed, access is a problem on the lane and that the plans are out of date.

5.3 Responses to the amended scheme:

A letter of objection has been received from Mr P Hollis, Marigold Cottage, Llangrove, Herefordshire. The main points being:

- Marigold Cottage already suffers from light deprivation particularly to side where the proposed extension will be;
- the amended plans show that the proposed building will be even nearer to objectors house reducing light even further;
- proposal will be an eyesore;
- still concerned over the parking problem. Objector still believes that his drive will be used for family and friend parking, particularly if planning permission is granted turning Rosemary Cottage into a family house;
- the proposed extension will devalue objector's property due to its adverse affect on his dwelling, i.e. parking, loss of light, visual appearance.

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

6. Officers Appraisal

- 6.1 The main considerations in the determination of this application are the effect of the proposal on the character and appearance of the existing dwelling, the neighbouring property, the surrounding area and highway safety.
- 6.2 Whilst the plans are not of particularly high quality, they do indicate an extension the design of which is considered to be generally in keeping with the mass, scale and design of the existing building. The positioning of the extension level with the main front wall will ensure that the extension does not over-dominate the appearance of the existing building.
- 6.3 With regard to the impact on the neighbouring property. Marigold Cottage lies to the north and faces west. It has a number of windows in this elevation and there is an open lean to structure at ground floor level. The extension would be some 4 metres from the common boundary and will be almost due south. There will be some impact from the extension but it is not considered that any loss of light or overshadowing would be to an unacceptable degree. The removal of the existing garage may improve the visibility of Marigold Cottage. There should not be any undue impact on Acacia Cottage which is on the opposite side of the lane or on Gyford House which is the house adjoining to the west.
- 6.4 The surrounding area is characterised by a mixture of house types and design. It is considered that the extended house will not appear out of place. The removal of the concrete garage will improve the character of the area.
- 6.5 There is an existing vehicular access which is a joint access with Marigold Cottage. As the garage is to be re-sited the access will be required to be widened. This will involve the removal of a section of boundary wall. There will be adequate space for a vehicle to park in front of the garage and a space retained on the site of the existing garage. It is considered that the wider vehicular access should not have an unacceptable impact on the highway. The Head of Engineering and Transportation, Divisional Surveyor South, recommends that any permission granted includes a condition relating to the provision of a parking/turning area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 SE2003/2161/F - CHANGE OF USE TO PLUMBING & GENERAL BUILDERS MERCHANTS, ALTERATIONS TO EXTERNAL ELEVATIONS & YARD STORAGE UNIT 7, ASHBURTON ROAD, ASHBURTON INDUSTRIAL ESTATE, ROSS-ON-WYE, HEREFORDSHIRE

For: Travis Perkins Plc per The John Parkhouse Partnership, The Manor House, Northampton Lane, Moulton, Northampton NN3 7QS

Date Received: 18th July 2003

Ward: Ross-on-Wye East

Grid Ref: 6060 2436

Expiry Date: 12th September 2003

Local Members: Councillor Mrs A E Gray and Councillor Mrs C J Davis

1. Site Description and Proposal

1.1 The application premises comprise a small commercial unit, now vacant but previously used for storage and distribution purposes according to the application form, and an adjoining yard. The premises are within the Ashburton Industrial estate but there are residential properties to the south. The internal floor area including mezzanine would be about 950m².

1.2 It is proposed to use the unit as a plumbing and general builders' merchants. A number of changes to external appearance would be made, primarily repositioning the existing roller shutter doors and insertion of 2 further roller shutter doors on the east elevation to allow forklift access to the main storage building. In addition new pedestrian entrances would be formed in this elevation plus consequent changes to fenestration. The remaining elevations would be unchanged. The yard and forecourt would be organised to provide 10 parking spaces for customers and 13 for staff, the latter being partly at the rear of the buildings adjoining Green Orchard. Bricks, sand and other building materials would be stored in the open along the eastern boundary. A turning area for small delivery vehicles would be provided but HGVs would have to reverse into the site as at present.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy E13

Industrial Development in Urban Areas

2.2 South Herefordshire District Local Plan

Policy ED4

Safeguarding Existing Employment Premises

Policy T3

Highway Safety Requirements

Policy GD1

General Development Criteria

Policy 6 (Part 3) Class B

Employment Land

Policy 10

Alternative Uses of Employment Land

2.2 Unitary Development Plan – Deposit Draft

Policy E5	Safeguarding Employment Land and Buildings
Policy E8	Design Standards for Employment Sites

3. Planning History

- | | | | |
|-----|------------|---|----------------------|
| 3.1 | SH870254PF | Extension of factory for assembling plastic parts | - Permitted 6.5.87 |
| | SH880105PF | Extension of factory for storage purposes | - Permitted 1.3.88 |
| | SH950924PF | Change of use to B1 | - Permitted 27.11.95 |

4. Consultation Summary

- 4.1 None to report.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 Town Council has no objections to the proposal.

- 5.2 Two letters have been received objecting to or expressing concern regarding this proposal. The following reasons are cited:

- (i) noise from forklift trucks, HGV engines and reversing sirens, mechanical clutter, heavy objects crashing to ground, staff vehicles and operatives noise, loading and unloading noises, early morning deliveries etc.
- (ii) noise at weekends and on Bank Holidays is a matter of particular concern
- (iii) area to rear of unit was restricted to storage only due to noise levels - is this restriction still in place?
- (iv) vibration from heavy machinery and large vehicles
- (v) eyesore resulting from open storage of materials, vehicles, machinery, skips and rubbish
- (vi) air pollution from dust and sand, vehicle fumes - possible health risk
- (vii) loss of privacy - only wire mesh fence separates unit from nearby houses
- (viii) no room for HGV to turn and could therefore cause traffic hold-ups
- (ix) insufficient parking and machinery storage areas
- (x) safety would not be good considering increased volume of vehicles entering/exiting the site
- (xi) units are light industrial because residential households surround them and never intended for trade/retail outlets
- (xii) sufficient builders' merchants elsewhere in Ross, e.g. Kemp, Focus and others elsewhere in the district
- (xiii) de-value property

- 5.3 The applicant's agent makes the following submission (in summary):

- (i) currently used as warehousing/distribution (B8) and proposed use would supply building contractors market NOT a DIY retail operation;
- (ii) retail element is very much subsidiary to the principle distribution of bulk building materials;
- (iii) showroom is for display of bathroom and kitchen layouts;

- (iv) schedule of anticipated vehicular movements is submitted which shows (for example) 2 HGV delivery vehicles and 40 customers' vehicles per day;
- (v) layout has been amended to meet concerns of Transportation Unit and although parking spaces reduced in number would still be more than maximum number of customers at any one time plus 1 space per member of staff;
- (vi) staff access movements during the day are very infrequent
- (vii) historically HGV have not turned within the site and will reverse into the site
- (viii) an area will be allocated for turning 16 tonne rigids
- (ix) applicants typically use external pallet storage racks with overall height of 5m but willing to discuss this.

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

6. Officers Appraisal

- 6.1 There are no policies specifically relating to builders and plumber' merchants. These uses fall outside Class B8 partly as they sell directly to customers, albeit mainly to trade customers. Policy E04 seeks to protect Class B uses but the reason is to ensure that employment opportunities would not be lost both in terms of number and type of jobs. In this case 13 employees are anticipated which is probably a greater number than in many B1 and B8 uses. A second consideration is to protect the town centre by resisting retail uses on industrial estates. Although there is significant element of retail sales the proposed use would be selling primarily to trade customers and these uses are not normally located in shopping centres. In principle then it is concluded that the proposal would not conflict with the intentions of the Council's employment and retail policies. UDP Policy E5(2) states that "in the case of proposals incorporating elements of retail use, this is restricted to a minor or incidental activity associated with an otherwise acceptable Part B or other employment generating use". It is considered that this proposal would comply with E5(2).
- 6.2 As noted above although part of an industrial estate the unit does adjoin a residential property. The nearest houses, Green Orchard and 2 North Road, are about 12 m and 20 m respectively from the application site. Some noise and disturbance is inevitable and the issue is whether the proposed use would exacerbate these and cause serious harm to the amenities of neighbours. There is a history of complaints about the noisy activities carried out at these premises. The rear section which extends across most of the site was permitted for storage purposes only ancillary to the B2 use of the remainder of the unit. Permission was granted for a B1 use in 1995 but it seems that the use of the bulk of the site is for B2 industrial use. It is not considered that the proposed use would be more noisy than a typical industrial use. The extension referred to above does provide a buffer but there is a gap between this and the adjoining factory which could funnel noise through to the houses in North Road. (A stone retaining wall acts as buffer to Green Orchard). It is anticipated that noise from reversing service vehicles and fork lift trucks would potentially be the most serious source of noise. Nevertheless the hours of opening could be limited by planning condition and a scheme to ameliorate potential problems required. These conditions, together with the disposition of buildings, should ensure that there is no undue loss of residential amenities.
- 6.3 The Head of Engineering and Transportation (response from Transportation Manager) considers the revised site layout and parking/servicing provisions to be acceptable. An undertaking has been given that HGVs would reverse onto the site.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 F02 (Scheme of measures for controlling noise)

Reason: In order to protect the amenity of occupiers of nearby properties.

- 4 E03 (Restriction on hours of opening)

Reason: In the interests of the amenities of existing residential properties in the locality.

- 5 E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

- 6 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using adjoining highway.

- 7 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

- 7 No machinery or power tools shall be installed or operated within the building at the southern end of the site or within the yard without the prior approval in writing of the local planning authority.

Reason: To protect the amenities of neighbours.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

9 SE2003/1633/O - SITE FOR ERECTION OF BUNGALOW. LAND ADJACENT BURMELL, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AJ

**For: Mr & Mrs D H Phillips per Paul Smith Associates,
Chase View House, Merrivale Road, Ross-on-Wye,
Herefordshire HR9 5JX**

Date Received: 2nd June 2003 Ward: Llangarron Grid Ref: 5840 2446

Expiry Date: 28th July 2003

Local Member: Councillor Mrs J A Hyde

1. Site Description and Proposal

1.1 The application site comprises an irregularly shaped area about 19 m wide x 29 m deep situated to the rear of Burmell, a detached house fronting the A40(T) at Bridstow. Vehicular access to the property is via a narrow, winding private road leading off Bannuttree Lane giving access to the rear about 6 residential properties, 5 of these from either the A40(T) or Bannuttree Lane, the sixth (Orchard House) has only a narrow frontage to the private road. In addition a further dwelling has been granted planning permission adjoining Orchard House in the garden of Appledore, with access only on to the private road.

1.2 An earlier outline application (SE2000/0854/O) for the erection of a bungalow on the same site was refused permission in June 2000. The reasons for refusal were as follows:

1. The proposed bungalow would be an overdevelopment of the site being a cramped form of development which would be out of scale and character with the area and detrimental to the amenity of neighbours.
2. For these reasons the proposal would conflict with Policies H16A and CTC9 of the Hereford and Worcester County Structure Plan and Policies SH10, SH14 and GD1 of the South Herefordshire District Local Plan.
3. The access road is substandard in width, with no passing places and with limited visibility at the junction with Bannuttree Lane. Any intensification of its use would be detrimental to highway safety.

2. Policies

2.1 Planning Policy Guidance

PPG.7 The Countryside: Environmental Quality and Economic & Social Development

2.2 Hereford and Worcester County Structure Plan

Policy H16A Housing in Rural Areas
Policy H18 Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy SH10 Housing in smaller settlements
Policy SH14 Siting and design of buildings
Policy SH15 Criteria for new housing schemes
Policy GD1 General development criteria

3. Planning History

SE2000/0854/O Site for bungalow Refused 12.6.00

4. Consultation Summary

Welsh Water has no objection but recommends conditions regarding separate foul water and surface water discharges.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 Applicants agent makes the following comments:

1. Outline planning permission was refused in 2000 for a similar development on this plot on the grounds the proposal was 'over development' and that the intensification of use of the vehicular access was unacceptable. Since that decision, it has come to light that the site plan for the previously refused permission was incorrect; it indicated the depth of the application site to be 28 metres when, in fact, it is 32.5 metres. The 'additional' 4.5 metres would enable the applicant to provide a rear garden to the proposed dwelling, 10 metres in depth. Therefore, the previous objections of 'over development' no longer apply with a plot ratio comparable to recently erected and approved dwellings in the vicinity to this plot.
2. As regards the vehicular access, you are reminded that two Planning Inspectors when considering appeals in relation to a proposed dwelling to the rear of 'Appledore' concluded that these access issues did not, on their own, justify the refusal of planning permission (your ref: SE2001/1780/O). These conclusions apply with equal force to the current proposal which entails identical access improvements. These access improvements would have benefits for existing and proposed users outweighing the modest additional traffic arising from the proposed dwelling.
3. Policy SH10 of the Adopted Local Plan requires, *inter alia*, that there exist a 'local housing requirement' for this dwelling in this village. I would remind you of the instances where Planning Inspectors have allowed dwellings under this policy in the absence of such evidence. Indeed, in refusing planning permission, in 2000, for the earlier scheme on this plot, the Council raised no objection on the issue of 'local housing requirement' despite no evidence being offered at that time.

Nevertheless, I would draw your attention to paragraph 6 of the Inspector's decision letter dated July 2002 (your ref SE2001/1780/O in which he confirmed that he was satisfied that a requirement exists for a single dwelling in Bridstow.

4. The erection of this dwelling would accord fully with the Development Plan, in particular policies H16A, GD1, SH10, SH14 and SH15. No harm will be caused to the character or appearance of the host environment, neighbouring properties nor highway conditions as confirmed in 2001 and 2002 by Planning Inspectors.
- 5.2 Parish Council has concerns that this bungalow will lead to overcrowding.
 - 5.3 Two letters have been received which object to the proposal for the following reasons:
 - balance and spacing of existing properties will be changed dramatically;
 - further strain on lane currently serving 5 properties (6 once planning permission implemented) - this is a totally unsuitable small track which has a junction with poor visibility;
 - unnecessary and unacceptable infilling of a well-balanced residential lane;
 - increased noise and reduction in privacy;
 - set precedent - difficult to resist applications on any parcel of land no matter how small and adjoining resident is considering applying

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

6. Officers Appraisal

- 6.1 There were two grounds for refusal of the earlier application relating to a cramped form of development which would be out of character with the area and the sub-standard access road. On the first ground the Inspector in the appeal relating to a bungalow at the rear of Appledore noted that that site, although very different to the houses fronting A40(T) and Bannuttree was comparable to and related acceptably to Orchard House, which he refers to as a gabled bungalow with rooms in the roof. In comparison the proposed bungalow was "modest and appropriate structure". Similar consideration would apply in the current case which also has Orchard House as its main visual context. The plot (excluding the shared access with Burmell) is smaller than Orchard House and the bungalow approved by the Inspector but not significantly so (about 470m² compared to 490m² for the permitted bungalow). It would be closer to Orchard House but provided it was a suitable size and siting would not appear cramped nor harm the amenities of occupiers of neighbouring properties. An existing hedge along the boundary with Orchard House helps in this respect.
- 6.2 The second ground was the narrow access with poor visibility at its junction with Bannuttree Lane. In the appeal referred to the Inspector found that with the proposed improvements the private road would "allow the occupiers of the existing and proposed dwellings to use the track with the minimum of inconvenience". Visibility at the junction with Bannuttree Lane would be well below standard but in view of the low number of vehicle movements at the junction he concluded that the harm to highway safety from one extra dwelling was not sufficient to dismiss the appeal. Similar consideration would apply in this case and it should be noted that the Head of Engineering and Transportation, Divisional Surveyor (South) does not recommend refusal of permission.

6.3 In view of the Inspector's conclusions, it is considered that there are insufficient grounds to refuse planning permission in this case.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A02 (Time limit for submission of reserved matters (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 A03 (Time limit for commencement (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4 A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

5 The dwelling shall not be occupied until space has been laid out within the site for 2 cars to be parked. The space shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority before any development commences, and the area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of safe and free flow of traffic on the highway.

6 No development shall take place until the improvements to the access track shown on drawing no PMS/00/01 have been carried out in accordance with a scheme which has been previously submitted to and approved in writing by the local planning authority.

Reason: In the interests of safe and free flow of traffic on the highway.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

10 SE2003/1848/F – VARIATION OF CONDITION TO EXTEND PERIOD TO COMMENCE DEVELOPMENT BY A FURTHER 5 YEARS. (APPLICATION NO. SH971299PF). SITE FRONTING BROAD STREET, BROOKEND STREET & KYRLE STREET, ROSS-ON-WYE, HEREFORDSHIRE

For: B S GROUP PLC per Lennon Planning Limited, 4 King Street Lane, Winnersh, Berkshire RG41 5AS

Date Received: 18th June 2003 Ward: Ross-on-Wye West Grid Ref: 6002 2439

Expiry Date: 13th August 2003

Local Members: Councillor M R Cunningham and Councillor G Lucas

1. Site Description and Proposal

- 1.1 Planning permission (SH971299PF) was granted in January 1999 to erect a food store on this site at Brookend Street. This application is to vary condition number one of the permission, which requires the development to commence by January 2004, so that the permission does not expire. The renewal of this permission is therefore the only issue before the Committee. To remind Members of the proposal it is described in some detail in the following paragraphs.
- 1.2 The application site comprises an area of land of about 1.15ha including Red Meadow Car park, an adjoining private car park and the properties along the west side of Brookend Street from Kyrle Street up to and including Millbrook House but excluding 24-29 Brookend Street. The store would be principally on the site of Gardner Butcher Garage and the rear of 8-10 Brookend Street.
- 1.3 The retail store would be about 2415m² gross floor space, 1505m² net sales area. It would be an 'L'-shaped building of brick construction with a slate roof. The intention is to retain the 'shopfront' of Gardner Butcher Garage which would become the Brookend Street frontage of the store (the remaining buildings on site would be demolished). A shallow pitched hipped roof would cover the bulk of the building with eaves level of about 4m, the exception being the Brookend Street frontage where a second floor would be added to the former showroom to give the required scale along this shopping street.
- 1.4 A number of new buildings would be constructed to the south of the store, occupying the entrances to the two car parks and the site of 5 Brookend Street which would be demolished. These would provide an additional shop and ensure no break in the frontage.
- 1.5 Vehicular and pedestrian access to the car park and store would be beneath a new link building providing first floor shop storage or office accommodation. In design and scale these buildings are intended to complement the existing frontage along Brookend Street.

- 1.6 The existing access to Gardner Butcher Garage would be widened, incorporating part of the garden of Millbrook House, to form a separate delivery and lorry park. This would be of sufficient size for all vehicles to turn, provided no other lorries were obstructing this manoeuvre, except for articulated vehicles. The delivery vehicles would have to turn, in one continuous movement, within the Council's car park to the rear of the store.
- 1.7 The rear of No 24 (a night club which is part of a listed building) and of part of the rear of 2 Brookend Street, as well as dwellings at 10 and 10a Brookend Street, would also be demolished. Rear servicing to these Brookend Street properties would also be retained. The properties which would lose all or part of their gardens and be adjoined to or very close to the new store viz 7, 8 and 9 Brookend Street and Millbrook House would no longer be suitable for residential use and it is intended that they be used as shops or offices.
- 1.8 The car park would be hard surfaced and landscaped to provide a total of about 270 spaces, including the 120 spaces in the existing public car park. Access would be as at present via Brookend Street or Kyrle Street. The intention is that the whole becomes a public car park. This is in part a matter for the Council's Highways and Transport Committee but an arrangement similar to that at The Maltings would be acceptable to the developer. The developers preferred scheme includes demolition of the public conveniences in Red Meadow Car Park to be replaced by toilets within the store but accessible when necessary directly from the car park. They would be open for similar hours as the existing public conveniences.
- 1.9 Some works to the public highway are envisaged in the Traffic Impact Assessment submitted as part of the application. In particular minor improvements to the roundabout at Fiveways and a new mini roundabout at the entrance to the car park are proposed.
- 1.10 The site has been assembled, with the exception of the Council owned land, by the developer who would, it is understood, have vacant possession. The scheme was developed in response to the Development Brief for this site agreed by the Planning and Development Committee of the former South Herefordshire District Council for consultation purposes on 24th June 1997.

2. Policies

2.1 Department of the Environment

Policy PPG6	Town Centres and Retail Developments
Policy PPG13	Transport
Policy PPG15	Planning and the Historic Environment

2.2 Hereford and Worcester Country Structure Plan

Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC9	Development Criteria
Policy CTC15	Conservation Areas
Policy S.1	Retail Development in Town Centres
Policy S.3	Retail Development outside Town Centres

2.3 South Herefordshire District Local Plan

Policy C5	Development within Areas of Outstanding Natural Beauty
Policy C23	New Development affecting Conservation Areas
Policy C30	Private Open Land in Settlements

Policy C34	Preservation and Excavation of Important Archaeological Remains
Policy R1	Provision of New Recreational Facilities
Policy RT1	Ross on Wye Town Centre
Policy RT11	Car Parking Provision
Policy T3	Highway Safety Requirements
Policy GD1	General Development Criteria
Policy 22	(Ross on Wye Section) Development Sites in Town Centres
Policy 23	(Ross on Wye Section) Redevelopment Sites in Town Centres

2.4 Herefordshire UDP (Deposit Draft)

Policy TCR1	Central Shopping and Commercial Areas
Policy TCR2	Vitality and Viability
Policy TCR9	Large Scale Retail Development outside Shopping and Commercial Areas

3. Planning History

3.1	SH861434PF	2 Brookend Street	-	Permitted	21.1.87
		Change of use to a betting office			
	SH881687PF	10 Brookend Street	-	Permitted	2.11.88
		Revert back to dwelling			
	SH891841A1	1 Brookend Street	-	Refused	4.1.90
		Projecting sign			
	SH892127PF	9 Brookend Street	-	Refused	4.1.90
		Projecting sign			
	SH901697PF	8 Brookend Street	-	Permitted	6.3.91
		Change of use to part shop and part domestic			
	SH901698PF	9 Brookend Street	-	Permitted	6.3.91
		Change of use to part shop and part domestic			
	SH910698LA	12 Brookend Street	-	Permitted	30.7.91
		New bay window and door alteration			
	SH920665PF	5 Brookend Street	-	Not determined	
		Change of use from A1 to A3			
	SH921399PF	5 Brookend Street	-	Permitted	13.1.93
		Change of use to laundrette and dry cleaning service			
	SH960077PF	7 Brookend Street	-	Permitted	24.6.96
		Change of use to tea rooms, restaurant and gift shop			
	SH971299PF	Site fronting Broad Street, Brookend Street and Kyrle Street	-	Permitted	7.1.99
		Erection of Class A1 food retail store, associated car parking, servicing and landscaping (revised scheme)			

4. Consultation Summary

- 4.1 Welsh Water's comments are awaited.
- 4.2 Environment Agency's comments are awaited.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 The applicant's agent makes the following submission:

- 1) In granting planning permission the Council and their consultants accepted that there was sufficient capacity for additional foodstore floorspace in Ross on Wye. The additional floorspace would be supported by a combination of a growth in expenditure in the catchment area and "clawback" of expenditure which was leaking from the catchment area to foodstores in other towns.
- 2) At the time of submitting that application it was envisaged that the store would be trading by 1999. Clearly this did not happen and as a result the original conclusions of the retail impact statement still remain, given that there has been no additional Class A1 retail floorspace in Ross on Wye to meet the identified quantitative and qualitative need. Indeed since that time there has been increase in population and expenditure levels within the catchment area, as well as new foodstores which are continuing to draw trade out of the centre of Ross on Wye. This reinforces the continued requirement to provide additional Class A1 retail on this site.
- 3) A separate statement that deals with the need for the proposed store which is included as an Appendix to this report.

5.2 Town Council observe that any further delays in the proposed development would have a detrimental effect as it could deter possible investors in the area.

5.3 One letter of representation has been received which raises the following concerns:

- concerned about the traffic situation approaching Kyrle Street which it is taken will still be a one way street;
- already have traffic from Broad Street, Brookend Street and Station Street, and the swimming pool - houses are sandstone not brick and would be nice to be able to keep windows open all day.

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

6. Officers Appraisal

6.1 The former South Herefordshire District Council identified a need for additional retail floorspace in Ross on Wye. A study to identify a site within the Town Centre was undertaken which showed that the only site large enough to accommodate a food store of the size thought to be necessary was this site in Brookend Street. As noted above (paragraph 1.10) a brief was prepared and approved by the relevant Committee for public consultation. An application was submitted for a store above 10% larger than specified in the Brief. Nevertheless retail consultants advised the Council that a store of the size proposed (about 1395m² net sales area) would be unlikely to result in the closure of existing supermarkets Safeway and Somerfield and that there would be

additional benefits to the town centre : “total town centre convenience goods sales will increase appreciably.....and there will be increased expenditure in other shops and service businesses due to more linked trips”.

- 6.2 Although the store would be built almost entirely on the site of the existing repair garage the existing public conveniences would be demolished to be replaced by in-store facilities. In addition the store would rely on the Council’s car park for customers’ parking and to turn articulated delivery vehicles. It is understood that the Committee concluded a separate agreement with the developer regarding these matters.
- 6.3 The site was considered to be within Ross on Wye town centre although this is not defined in the South Herefordshire District Local Plan. The Unitary Development Plan however only includes the Brookend Street frontage within the defined town centre and hence under Policy TCR9 “a demonstrable need for the development both qualitatively and quantitatively in the location proposed” has to be shown and “a sequential approach has to be taken to site selection”. An objection has been made against not including this site within the defined town centre and the weight to be given to Policy TCR9 in relation to this current proposal is therefore limited. In view of the Council’s previous approach of treating this site as within the town centre, its encouragement of development and that there is no other appropriate site within or as close to the town centre it is considered that the requirements of UDP Policy TCR9 regarding demonstration of need should not apply to this proposal. Government advice is that demonstration of need is only necessary for new stores that are outside town centres. Nevertheless an assessment of need has been submitted (see Appendix to this report). This points to the benefits arising from the new store both in providing more choice to residents and enhancing the town centre (so called “spin-off” benefits through “linked trips”)
- 6.4 There have been no other changes within Ross on Wye town centre or in competing town centres that are likely to have a significant bearing on this proposal.
- 6.5 The development of a large retail store in the town centre would inevitably attract additional vehicles to the town, as well as delivery vehicles. However with appropriate conditions limiting hours of delivery to the Council was satisfied that additional noise and disturbance would be minimised to both immediate neighbours and those along the routes to the store. This is still considered to be the case and the effect on residential amenities is not considered to be grounds to refuse planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 The Class A1 food retail store shall be used for the retail sale of food within Class A1 of the Town and Country Planning (Use Classes) Order, 1987 only, except where the retail sale of non-food goods forms a minor and ancillary part of the operation of any of the retail activity but shall not include the following:

- i) a pharmacy and sale of pharmaceutical goods**
- ii) sale of newspapers and magazines**

- iii) reception of goods for dry cleaning
- iv) a post office

Reason: To define the terms of the permission and protect the vitality and viability of the town centre.

- 3** No development shall take place until details of the following have been submitted to and approved in writing by the local planning authority:

- i) the treatment of the exposed elevations of 24-32 Broad Street and 2 and 7 Brookend Street following demolition of rear extensions
- ii) the treatment of the boundaries of the site
- iii) new shop fronts
- iv) materials to be used on all new and altered external surfaces

Reason: To ensure that the development is satisfactory in appearance.

- 4** G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 5** G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

- 6** Details of the measures for the protection of trees to be retained on site during the course of construction shall be submitted to and agreed by the local planning authority in writing before the commencement of any work on site. Development shall be carried out in accordance with the approved details.

Reason: To preserve and/or enhance the visual amenities of the area.

- 7** No development shall take place until full details of the proposed layout, surfacing and drainage of all car parking areas including a programme and timetable of works, provision of footways, an oil interceptor, re-siting CCTV cameras, and trolley stores, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To preserve and/or enhance the visual amenities of the area and to avoid pollution of watercourses.

- 8** Notwithstanding the submitted drawing no. 9623/25SE/B, no development shall take place until details of the layout of the vehicular turning area, measures for protecting the safety of pedestrians and a scheme of management and supervision of the HGV turning area have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and scheme of management.

Reason: To minimise conflict between service vehicles, private cars and pedestrians within the car park.

- 9** Notwithstanding the details indicated on the submitted drawings, details of facilities for parking cycles shall be submitted to and approved in writing by the

local planning authority. These details shall include design and method of security. Development shall be carried out in accordance with the approved details before the store is opened for trading.

To encourage alternative means of transport to private cars.

10 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

11 The loading and unloading of service and delivery vehicles, together with their arrival and departure from the site shall not take place outside the hours of 0730 to 1700 hours Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of neighbours.

12 No vehicle shall enter the service area from the highway nor enter the highway from the service area in reverse gear.

Reason: In the interests of the safe and free flow of traffic on the highway.

13 The vehicle turning area as approved pursuant to Condition No. 8 above shall not be used for turning or parking HGVs except between 0730 to 0930 hours on Mondays to Fridays and between 0730 to 0900 hours on Saturdays nor at any time on Bank or Public Holidays.

Reason: To protect the amenities of neighbours.

14 No development shall take place until detailed drawings, plans and specifications for:

- the construction of a mini-roundabout at the existing entrance to the car park on Brookend Street, together with a central pedestrian refuge on Brookend Street
- modification of the existing access between numbers 9 and 12 Brookend Street
- the improvement of the two mini-roundabouts at the junctions of Brookend Street, Millpond Street, Brampton Street, Greytrees Road and Overcross Street

have been submitted to and approved in writing by the local planning authority and that part of the development that comprises a retail store shall not open for trading until all of the works specified above have been constructed in accordance with the approved plans.

Reason: In the interests of the safe and free flow of traffic on the highway.

15 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

16 No development shall take place until a means of vehicular access and parking areas for construction traffic and site operatives have been provided in

accordance with a scheme submitted to and approved in writing by the local planning authority.

Reason: In the interests of the safe and free flow of traffic on the highway.

- 17 At all times from the date that the development is first open for trading the public shall be allowed access to, and the use (free of charge) of the public conveniences which form part of the development and which are shown on application drawing no 9623/25SE/B between the hours of 7.00 am and 9.00 pm on every day throughout the year except Christmas Day (or such other times and days as may otherwise be agreed in writing with the Council) such access to be either direct from the outside of the store which forms part of the development or from within the store which forms part of the development.

Reason: To ensure alternative facilities are made available permanently.

- 18 D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

- 19 Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the local planning authority. This scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.

Reason: To avoid harm to the environment and local residents/businesses.

- 20 The finished floor level of the food store shall not be lower than 33.100 AOD.

Reason: To minimise the adverse impact from flooding.

- 21 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

- 22 Millbrook House and 7, 8 and 9 Brookend Street shall not be used for residential purposes from the date that the food store is first open for trading.

Reason: To avoid conflict between residential and retail uses.

- 23 No development shall take place until details of the loading bay including measures to reduce emission of noise during loading/unloading have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the store opens for trading.

Reason: To protect the amenities of neighbours.

- 24 No goods, materials or equipment shall be stored in the open.

Reason: To preserve the visual amenities of the area.

25 No development shall take place until a scheme to ensure means of access to the swimming pool for buses and not less than 90 car parking spaces for users of the swimming pool are available throughout the construction period has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of safety particularly for school bus parties.

26 A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

INFORMATIVE

1 HN07 - Section 278 Agreement

Decision:

Notes:

.....

Background Papers

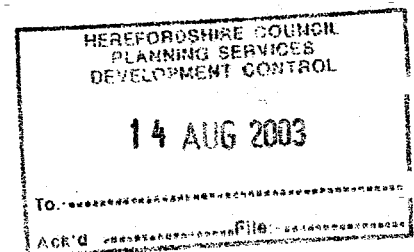
Internal departmental consultation replies.

THE NEED FOR THE PROPOSED STORE

The Ministerial Statement by Richard Caborn in February 1999 does not elaborate on how need should be assessed or specify criteria against which it can be evaluated. There is therefore some flexibility in interpreting and applying this concept. proposed store will meet a demonstrable need in a number of ways.

Other guidance can be obtained from matters which have been considered by the Secretary of State and Planning Inspectors as indicating need. The first of these were identified by an Inspector relating to a development in Macclesfield in July 1999 and a copy of this decision is attached. The decision identified the following matters which were deemed to constitute aspects of need:-

- The quantitative capacity for the proposal;
- Meeting a qualitative deficiency in existing provision;
- A related absence of harm to interests of acknowledged importance;
- Broad compliance with recognised planning objectives such as sustainability;
- Meeting the requirements of the local community;
- The need for a town to be competitive with alternative retail destinations.



We have attached an appeal decision in Gateshead of February 2000 which sets out additional considerations which may be relevant. This identifies need as an ability to claw back expenditure lost from the catchment area, by enabling more sustainable travel patterns, creating new employment and through the redevelopment of a brownfield site.

i) Quantitative Need

There is demonstrable quantitative need based on the growth in convenience business expenditure. It is acknowledged by the Local Planning Authority within their development brief for the site; previous applicants including Tesco's and Waitrose; consultants employed by the Council as well as our own analysis

conclude that there is a quantitative need due to expenditure growth, overtrading of existing stores and expenditure leakage which justifies a store of the size currently proposed.

Furthermore any new store must be of a size sufficient to attract customers currently shopping elsewhere and to provide the necessary 'spin off' benefits to the town centre through 'linked trips'.

ii) Qualitative need

Qualitative need principally refers to **choice, improved competition and value for money**. In this context the development would widen the range of food stores available to residents of and visitors to the town. It would enable the introduction of a modern, high quality store accessible to shoppers travelling on foot, by bus or by car.

iii) Absence of harm

The development rather than harming the vitality and viability of the town centre, would lead to a positive enhancement of its role and function.

iv) Compliance with planning policy objectives

As stated in the introduction to this report, the development of a food store on this site is supported by a recently adopted and up to date development plan which conforms with the guidance set out in PPG6. The scheme would enable the objectives of the development plan, particularly Policy S1 of the structure plan and policy RT1 of the local plan, to be met. As is demonstrated by our analysis there is a clear quantitative need for the development which would be of a size and scale commensurate with the role and shopping function of the town.

v) Meeting the needs of the community

The need for a modern food store is recognised in the local plan and would enable the shopping needs of the community to be met in full without recourse to using more distant food stores in Hereford and Gloucester. Meeting these needs would

both enhance the town centre and create a more sustainable pattern of development.

vi) Making the town more competitive

There can be little doubt that the development would allow the town to become more competitive relative to the attractiveness of larger food stores in competing centres. In this context there is a need to ensure that a store is able to offer a sufficiently attractive shopping environment to draw shoppers back into the town.

vii) Clawback of expenditure and reducing shopping distances

This aspect of need is related to the creation of a more sustainable pattern of development and reducing the number and length of shopping journeys. The store in clawing back expenditure lost from the catchment area would meet a need for such expenditure to be made in a town centre location.

vii) Creating employment

The store would create approximately 130 employment opportunities in all skill sectors.

viii) Operator Need

The proposed store is ideally suited to meet the commercial need of a named operator, a need which cannot be met at a sequentially preferable site in Ross on Wye given that this site lies within the town centre.

Whilst no named operator is attached to this application the Council are aware of the requirements of the long standing requirements of Tesco's and Waitrose for a store in the town. The proposed store would meet their requirements. The proposed store would therefore meet a demonstrable business need.

ix) Beneficial Use of an Allocated Site

The application proposes retail development on a site which has been identified by the Local Planning Authority as their preferred site for additional food retailing

in Ross on Wye Town Centre. This site was selected following consideration of all other possible sites, but it was concluded that:-

“only the application site would be able to accommodate acceptably a store of any size and play the required role of supporting and strengthening the vitality and viability of the town centre.”

This statement equally applies to the present proposals. However unlike the previous proposals it is of a size which is attractive to a quality retailer.

In these circumstances the proposals will ensure that the site is developed as identified by the Local Planning Authority.

Given the complexities of the site in terms of land assembly, listed buildings, flooding, access and conservation areas issues, no other land use is capable of providing the required land value necessary to ensure a viable development package.

x) Other Considerations

The foregoing demonstrates that the proposals will in several respects meet a demonstrable need. Of particular relevance therefore is the proposals striking comparison with recent appeal proposals, where notwithstanding an absence of need planning permission has been granted.

Our view that the absence of need cannot be used in isolation as a reason for withholding planning permission is supported by the National Assembly's recent decision in November 1999 to permit a retail warehouse proposal in Merthyr Tydfil. Notwithstanding the Inspector's conclusion that there was an absence of need, other than his acceptance that the fact of the application itself represented an indication of need, and that the proposal failed the sequential test and posed a possible retail impact threat to the City Centre, the National Assembly overturned the Inspector's recommendation that permission be refused on the basis that the redevelopment of the site at a prominent location on a principle route into Merthyr would be of benefit to the area generally.

REDEVELOPMENT COMMITTEE

The key points arising from this decision are:

- i) Unlike the situation in Merthyr, the proposal will meet a need and will not harm any existing centre. Moreover, there are no suitable and available sites within the centre capable of accommodating the proposed development.
- ii) Balancing the various material considerations in the determination of a proposal is the correct approach; and
- iii) In general terms, the factors identified in paragraph 5 of the decision letter in relation to the site at Merthyr also apply to this proposal, i.e. visual improvement of a site on a principle route into the town, location in relation to public transport, proximity to residential areas, and proximity to other nearby retail developments.

Finally in relation to need, a recent appeal decision issued by the Secretary of State for Transport, Local Government and the Regions dated 13th December 2001 suggests that the absence of a clear cut need for a retail development will not be decisive. This supports the approach followed in Merthyr Tydfil. We attach a copy of a decision which related to the erection of an Asda food store on the edge of Cannock in Staffordshire. At paragraphs 8 and 9 of the decision letter, the Secretary of State accepted that the quantitative and qualitative need was marginal. However notwithstanding the lack of need for the development, the absence of any sequentially preferable sites together with an acceptable level of impact on the town centre, justified a permission. The decision reinforces our view that even in the absence of an acknowledged need, it must be proven that demonstrable harm to an interest of acknowledged importance would arise.

Conclusion

In summary, there is no basis for believing that the need for the additional facilities has not been demonstrated. On the contrary, the proposal will, for the reasons stated, meet a need in several respects. Moreover, as indicated, even in a situation, unlike the present case, where there is an absence of need, that in itself is not a sufficient basis for withholding planning permission.

HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL

11 SE2003/2164/F - RELOCATION OF EXISTING RESTAURANT TO REDUNDANT BARN, CONSTRUCTION OF NEW CAR PARK AND ALTERATIONS TO EXISTING CAR PARK. SITE ADJACENT TO CASTLE LODGE HOTEL, WILTON, ROSS-ON-WYE, HEREFORDSHIRE

For: Mr & Mrs J.C. Felices per Andy Powell, Yew Tree Cottage, Brockhampton, Herefordshire HR1 4SJ

Date Received: 17th July 2003

Ward: Llangarron

Grid Ref: 5886 2438

Expiry Date: 11th September 2003

Local Member: Councillor Mrs J A 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 and the unclassified road leading from Wilton roundabout to Wilton Castle. Planning permission for conversion of the barn to a conference centre and construction of a car park was granted planning permission on 25th September 2002.
- 1.2 The current proposal is to use the barn as a restaurant. The conversion scheme for the barn would be very similar to that approved. The restaurant would become the main hotel restaurant and one of the existing restaurants would be closed. The current licence for 140 people would not be increased. Further details of the restaurant proposals are given in paragraph 5.1 below. The car park with 55 spaces would be developed as per the existing permission and would serve the restaurant as a whole.

2. Policies

2.1 Planning Policy Guidance

PPG1	General Principles
PPG4	Industrial & Commercial Development & Small Firms
PPG7	The Countryside: Environmental Quality and Economic & Social Development
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology & Planning
PPG21	Tourism

2.2 Hereford and Worcester County Structure Plan

Policy E6	Industrial Development in Rural Areas
Policy E8	Industrial Development in Rural Areas
Policy E9	Industrial Development in Rural Areas
Policy E20	Tourism Development
Policy CTC1	Areas of Outstanding Natural Beauty
Policy CTC2	Development in Areas of Great Landscape Value
Policy CTC5	Archaeology

Policy CTC7	Landscape Features
Policy CTC9	Development Criteria
Policy CTC13	Conversion of Buildings
Policy CTC14	Conversion of Buildings
Policy CTC15	Conservation Areas
Policy TSM1	Tourism Development
Policy TSM3	Tourism Development

2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy C1	Development within Open Countryside
Policy C2	Settlement Boundaries
Policy C3	Criteria for Exceptional Development Outside Settlement Boundaries
Policy C4	Areas of Outstanding Natural Beauty Landscape Protection
Policy C5	Development within Areas of Outstanding Natural Beauty
Policy C6	Landscape and Areas of Outstanding Natural Beauty
Policy C7	Areas of Outstanding Natural Beauty
Policy C8	Development within Areas of Great Landscape Value
Policy C9	Landscape Features
Policy C20	Protection of Historic Heritage
Policy C22	Maintain Character of Conservation Areas
Policy C23	New Development Affecting Conservation Areas
Policy C30	Open Land in Settlements
Policy C34	Preservation and Excavation of Important Archaeological Sites
Policy C36	Re-use and Adaptation of Rural Buildings
Policy ED3	Employment Proposals within/adjacent to Settlements
Policy ED5	Expansion of Existing Businesses
Policy ED6	Employment in the Countryside
Policy ED7	Re-use and Adaptation of Rural Buildings for Employment/Tourism Use
Policy TM1	General Tourism Provision
Policy TM3	Extensions to Hotels and Inns
Policy T1A	Environmental Sustainability and Transport
Policy T3	Highway Safety Requirements
Policy T4	Highway and Car Parking Standards

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.	-	Permitted 25.9.02

4. Consultation Summary

- 4.1 Highways Agency advise that given there is no increase in traffic generation and the hotel 'covers' are to remain the same it is felt at this stage it would be inappropriate to insist on the previous highway works that were agreed. However, should there be a further application to increase the traffic from this site then we will seek to have those improvements imposed through conditions. In this instance we still recommend conditions for the landscaping and lighting.
- 4.2 Environment Agency has no objections to the proposal.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 The applicant has made the following submission:

1. The old barn already has planning permission for a conference centre and car park for 50+ cars with no restriction on the numbers of people. We propose to transfer one of the hotel restaurants to the barn.
2. The barn will seat approximately 50 customers only and every guest who is sleeping in the hotel will have to go to the new restaurant for food.
3. At present the hotel at the Castle Lodge is licenced for 140 people with no restrictions whatsoever - we do not want to increase our licence for more than 140 people in the joint places, therefore the whole site will be under the Castle Lodge Hotel umbrella.
4. The new restaurant in the barn would be taking last orders at 10.00pm so we expect roughly the whole place to be shut down by 11.00pm or thereabouts thus keeping in mind the people living in the area.
5. The reason for this exercise is firstly, to clear the wasteland to create an attractive car park, also taking cars off the lane and safeguard the future of the old barn, secondly, to create a quieter establishment on this side of the hotel. The restaurant in the hotel will only be used at Christmas time, Wedding Parties or as a small Conference Business - overall it will be a quieter environment for the neighbours to live in.
6. From the highways point of view, I am not going to increase the flow of traffic more than the 140 customers.
7. The car park will be exactly the same as on the original drawings submitted for the conference centre which were approved. On the outside of the barn itself it will be exactly the same as the original drawings submitted. The interior of the barn will have very minor changes.
8. From a business point of view this makes perfect sense - very similar to a Travel Lodge set-up where you eat in one place and sleep in another. It would create a quieter environment for most of the neighbours. The restaurant will not create so much traffic as a conference centre at one time - coming in and leaving at the same time - therefore the lane will be quieter. Restaurants work off-peak hours and since I am only asking for relocation of the restaurant and not creating a new restaurant it should not cause any problems.

5.2 9 letters of objection have been received from local residents. In summary the following concerns are raised:

- this is a further step towards commercialisation of this residential area, in particular it is feared that the restaurant will be a form of fast food outlet and open up 24-hours a day because:
 - a) only an hour is allowed for ordering, cooking and eating meals - based on applicants statement that last orders will be at 10.00pm and whole place shut down at 11.00pm
 - b) referred to by applicant as like a Travel Lodge
 - c) 55 space car park and location on dual carriageway
 - d) financial viability
- conference centre was portrayed as necessary for Wilton and would create more jobs - this earlier proposal seen as just a ploy to full commercial use and the current application as a 2nd step;
- unnecessary and no market for it nor will it provide much extra employment;
- extra traffic generated would increase existing highway dangers with lots more cars and delivery vehicles, especially if a fast food restaurant with up to 140 people (the maximum currently allowed at any one time) per hour is established - significantly increased trade would be necessary to make proposal viable;
- roundabout is very busy and access lane is narrow and its design and condition are not suitable for increased traffic;
- the traffic survey carried out previously is not relevant because of the different scenario - an independent study is requested;
- where will cars go if car park insufficient? Wilton already has severe parking problems;
- environmental impact is also a concern - recent changes such as more tarmac, loss of trees screening A40, hedges and additional advertisements have all harmed character of Wilton as quiet, peaceful village (despite dual carriageway) and will end up like Picadilly Circus not AONB/Conservation Area;
- car park is not attractive, far too large and an ugly blot on landscape - proposed low wall would not screen it and large number of trees necessary to replace those removed and soften view of car park and A40;
- cooking smells in house and garden, pollution, rats and mice;
- attract "travellers" and other itinerants;
- no extra external lighting would be acceptable.

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

6. Officers Appraisal

6.1 The principle of use of this building and land as additional facilities for the hotel and extra car parking has been established by the grant of planning permission for a conference centre. Conditions attached to this permission would not allow the site to be used separately from the hotel, which is directly opposite the barn on the south side of this narrow lane. This use accords with both Government and local policies which encourage commercial use of rural buildings. Such uses are normally only unacceptable if the traffic generated cannot be accommodated safely on the highway

network, the amenities of local residents are harmed or there would be environmental damage.

- 6.2 With regard to traffic likely to be generated the Highways Agency and Head of Engineering and Transportation (response from Transportation Manager) both consider that there would be less traffic problems than associated with a conference centre. The latter would attract significant numbers arriving and leaving at one time whereas customers to the restaurant would arrive and leave a few at a time. The objectors fear a fast food outlet would be developed. However this can be distinguished from a hotel restaurant which does not normally have a take-away trade and relies partly on hotel guests eating at the restaurant. In this case the new restaurant would be tied to the hotel, which is an established and apparently successful business. The main hotel restaurant would close and it is not likely that hotel customers would be attracted if the restaurant sells only fast food. It is considered that too much is inferred from the time of the last order. Nevertheless this matter is being discussed with the highway authorities and any further advice will be reported at the Committee meeting.
- 6.3 The effect on neighbours' amenities is closely related to the level of traffic. If the traffic levels are as anticipated it is not considered that there would be significantly greater noise and disturbance. The restaurant would be further from most of the houses in this part of Wilton than the existing restaurant, though one house would be close. The Head of Environmental Health and Trading Standards raises no objection provided appropriate ventilation equipment is installed.
- 6.4 The proposed external changes to the barn and the car park are the same as those relating to the conference centre. There is no reason to think that more environmental damage would result from a restaurant than a conference centre. The concerns of residents regarding loss of trees along the A40 and the need to screen the car park itself are appreciated and appropriate conditions can be attached to the permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 A06 (Development in accordance with approved plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 4 C04 (Details of window sections, eaves, verges and barge boards)**
Reason: To safeguard the character and appearance of this building of architectural or historical interest.
- 5 C05 (Details of external joinery finishes)**

- Reason: To safeguard the character and appearance of this building of architectural or historical interest.**
- 6 No external flues or extraction equipment shall be installed at the premises without the prior written approval of the local planning authority.**
- Reason: In the interests of the amenity of the area.**
- 7 C09 (External repointing)**
- Reason: To safeguard the character and appearance of this building of architectural or historical interest.**
- 8 C10 (Details of rooflights)**
- Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of architectural or historical interest.**
- 9 C11 (Specification of guttering and downpipes)**
- Reason: To safeguard the character and appearance of this building of architectural or historical interest.**
- 10 C18 (Details of roofing)**
- Reason: To safeguard the character and appearance of this building of architectural or historical interest.**
- 11 D01 (Site investigation - archaeology)**
- Reason: To ensure the archaeological interest of the site is recorded.**
- 12 E03 (Restriction on hours of opening)**
- Reason: In the interests of the amenities of existing residential property in the locality.**
- 13 E06 (Restriction on Use)**
- Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.**
- 14 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.**
- 15 F18 (Scheme of foul drainage disposal)**
- Reason: In order to ensure that satisfactory drainage arrangements are provided.**
- 16 F22 (No surface water to public sewer)**
- Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.**
- 17 F32 (Details of floodlighting/external lighting)**

- Reason: To safeguard local amenities.
- 18 F40 (No burning of material/substances)
Reason: To safeguard residential amenity and prevent pollution.
- 19 G13 (Landscape design proposals)
Reason: In the interests of visual amenity.
- 20 G05 (Implementation of landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 21 G15 (Landscaping implementation)
Reason: To ensure the site is satisfactorily landscaped.
- 22 G17 (Protection of trees in a Conservation Area)
Reason: To ensure the proper care and maintenance of the trees.
- 23 G37 (Access for disabled people)
Reason: In order to ensure that the development is fully accessible.
- 24 G40 (Barn Conversion - owl box)
Reason: In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981.
- 25 H03 (Visibility splays)
Reason: In the interests of highway safety.
- 26 H05 (Access gates)
Reason: In the interests of highway safety.
- 27 H13 (Access, turning area and parking)
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 28 H21 (Wheel washing)
Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.
- 29 H27 (Parking for site operatives)
Reason: To prevent indiscriminate parking in the interests of highway safety.
- 30 H29 (Secure cycle parking provision)
Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

- 31 The car park hereby approved shall not be used for the overnight parking of commercial vehicles, caravans or mobile homes at any time.

Reason: To protect the character and appearance of this part of the Area of Outstanding Natural Beauty, Ross Town Conservation Area and the amenities of the neighbouring dwellings.

INFORMATIVES

- 1 NC01 - Alterations to submitted/approved plans
- 2 NC02 - Warning against demolition
- 3 ND03 - Contact Address
- 4 HN01 - Mud on highway
- 5 HN04 - Private apparatus within highway
- 6 HN05 - Works within the highway
- 7 HN07 - Section 278 Agreement
- 8 HN10 - No drainage to discharge to highway
- 9 HN13 - Protection of visibility splays on private land
- 10 HN17 - Design of street lighting for Section 278
- 11 HN22 - Works adjoining highway

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

2.4 Unitary Development Plan - Deposit Draft

Policy S2	-	Development Requirements
Policy DR.1	-	Design
Policy H.7	-	Housing in the Countryside outside Settlements
Policy H.18	-	Alterations and Extensions

3. Planning History

- 3.1 SH940976PF Demolition of existing hotel and - Approved 23.11.94
construction of 18 no. houses
- SH950809PF Extension to Unit 1 (dwelling at - Approved 21.09.95
southern end of this group of dwellings)

4. Consultation Summary

- 4.1 No statutory or non-statutory consultations required.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 The Parish Council's comments have yet to be received.
- 5.2 Two letters of objection have been received from:

R. & A. Vandervord, 87 Waverley Drive, Chertsey, Surrey, KT16 9PF
G. Clark, 13 Wye Rapids Cottages, Symonds Yat West, HR9 6BL

The main points being:

- proposed structure is totally out of keeping and will have a major visual impact upon the entire Wye Rapids estate as it faces the entrance to the communal driveway which serves the estate
- the proposal is within 10 metres of the public highway and could be regarded as a continuation of the front elevation
- the staircase leading to the balcony would overlook neighbours rear patio
- the staircase is on communal land
- these dwellings are governed by the 'Wye Rapids Management Co.' who should be consulted on the application and consider it on behalf of the residents
- there are communal rules laid down in the deeds designed to ensure that any new work is sympathetic to the development as a whole. This proposal is not sympathetic
- value of properties could be adversely affected by the development
- proposal is on north wall of dwelling and as such would not appear to serve any purpose
- a qualified person should visit the site.

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

6. Officers Appraisal

- 6.1 The proposed development essentially constitutes an alteration/extension to the existing dwelling and needs to be mainly evaluated in accordance with the policies relating to extensions to dwellings and general design criteria. Its effect on the character of the setting and the surrounding landscape is another consideration which needs to be evaluated in accordance with the relevant planning policies.
- 6.2 The proposed development is considered to be acceptable in this situation. The timber balcony will look acceptable and will not be out of keeping with the design and character of these relatively new dwellings. Also the development will not result in any adverse overlooking or loss of privacy to the neighbours.
- 6.3 The land on the northern and western sides of the site (i.e. side and rear) is raised land with mature trees on it. In fact the land to the rear (west) is a small wooded area. As such it is considered that the proposal will not be prominent on the landscape and will not adversely affect the character or visual amenities of the surrounding area, nor other dwellings in the immediate vicinity.
- 6.4 The 'Wye Rapids Management Company' have been formally consulted on the proposal and their comments are awaited. Any restrictions set out in the deeds of these dwellings are private/civil matters and should be considered by the relevant parties involved. The Local Planning Authority will consider the application in accordance with planning policies, the material planning considerations and particular merits of the case.
- 6.5 The proposed development will not affect the nearby public highway nor impede in any way the access into the site. The existing parking provision will not be affected. The Head of Engineering and Transportation (Divisional Surveyor South) has no objection to the proposal.
- 6.6 The proposed development is therefore considered to be acceptable. It will not affect the residential amenities of the occupants of adjacent dwellings nor will it adversely affect the character, visual appearance and setting of the adjacent dwellings.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. C05 (Details of external joinery finishes)

Reason: To ensure the development is satisfactory in appearance.

4. Before any work commences on site a detailed drawing showing the design, materials and finish of the new external door on the north side elevation of the dwelling shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: To ensure that the development is satisfactory in appearance.

Informatives

1. N03 - Adjoining property rights
2. The applicants should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners nor any legal covenants/restrictions which may apply to the property. If in doubt the applicants are advised to seek legal advice on the matter.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Document is Restricted

