

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 21st January, 2004**

Time: **2.00 p.m.**

Place: **Council Chamber, Brockington**

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

For any further information please contact:

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Brockington, 35 Hafod Road, Hereford
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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 (ex-officio) 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 - 14
To approve and sign the Minutes of the meeting held on 10th December, 2003	
4. ITEM FOR INFORMATION - APPEALS	15 - 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 - 94
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.	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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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 10 December 2003 at 2:00 p.m.

Present: 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, Mrs. A.E. Gray, T.W. Hunt (Ex-officio) Mrs. J.A. Hyde, G. Lucas, J.B. Williams

In attendance: Councillor PE Harling

37. APOLOGIES FOR ABSENCE

Apologies were received from Councillors G.W. Davis, J.W. Edwards and D.C. Taylor

38. DECLARATIONS OF INTEREST

The following declarations of interest were made.

Councillor	Item	Interest
Mrs JA Hyde	1 - DCSE2003/2781/F - Conversion of forest tracks and former railway line to shared surface path for walkers and cyclists existing path between Royal Hotel car park and administrative area boundary, Symonds Yat East, Herefordshire.	Prejudicial – left the meeting for duration of the item
Mrs RF Lincoln	1 - DCSE2003/2781/F - Conversion of forest tracks and former railway line to shared surface path for walkers and cyclists existing path between Royal Hotel car park and administrative area boundary, Symonds Yat East, Herefordshire.	Prejudicial – left the meeting for duration of the item
Mrs CJ Davies	8 - DCSE2003/2916/F - 2 storey extension to sixth form area, John Kyrle High School, Ledbury Road, Ross-On-Wye, Herefordshire, HR9 7ET	Prejudicial – left the meeting for duration of the item

G Lucas	10 - DCSE2003/2323/F - Demolition of farm buildings. re-development of land for 66 houses, conversion of barn, provision of off-site drainage and re-alignment of farm track at land formerly part of Vine tree farm, Walford road, Ross-on-Wye, Herefordshire	Prejudicial – left the meeting for duration of the item
Mrs A Gray	10 - DCSE2003/2323/F - Demolition of farm buildings. re-development of land for 66 houses, conversion of barn, provision of off-site drainage and re-alignment of farm track at land formerly part of Vine tree farm, Walford road, Ross-on-Wye, Herefordshire	Prejudicial – left the meeting for duration of the item

39. MINUTES

RESOLVED: That the Minutes of the meeting held on 5 November 2003 be approved as a correct record and signed by the Chairman.

40. PLANNING APPEALS

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

The Southern Divisional Planning Officer advised that in respect of application SW2002/3664/O, the applicant had been awarded partial costs but that the appeal had been successfully defended by the Council.

41. HEAD OF PLANNING SERVICES REPORT

The report of the Head of Planning services was presented in respect of planning applications received for the southern area of Herefordshire. The Southern Divisional Planning Officer advised that following a recent legal amendment, planning Decision Notices would include the reasons why planning permission had been granted.

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**42. ITEM FOR INFORMATION - ENFORCEMENT**

The Sub-Committee received an information report about enforcement matters within the southern area.

(This item disclosed:

- **Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:**
 - (a) any legal proceedings by or against the authority, or**
 - (b) the determination of any matter affecting the authority**

(whether, in each case, proceedings have been commenced or are in contemplation).
- **Information which, if disclosed to the public, would reveal that the authority proposes:**
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
 - (b) to make an order or direction under any enactment.**
- **Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)**

The meeting ended at 3.22 pm

CHAIRMAN

APPENDIX

Ref. 1
**SYMONDS YAT
 EAST**
 DSCE2003/2781/F

Conversion of forest tracks and former railway line to shared surface path for walkers and cyclists existing path between Royal Hotel car park and administrative area boundary at:

SYMONDS YAT EAST, HEREFORDSHIRE.

For: **SUSTRANS Ltd Per SUSTRANS Planning, 5 North Avenue, Exeter**

The Vice-chairman assumed the Chair for this item.

The Principal Planning Officer said that it would be possible for parking to be provided for the public at the Royal Hotel, Symonds Yat and on land owned by Forestry Enterprise. The Sub-Committee felt that in view of this, permission could be granted with the proviso that the additional car parking was made available for the public as part of the scheme if possible.

RESOLVED: That the Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission, subject to the applicants securing additional car parking for the public if possible, subject to the following:

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

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

Ref. 2
ORCOP
 DCSW2003/2799/F

Replacement dwelling house and garage at:

COLES TUMP, ORCOP, HEREFORDSHIRE, HR2 8SF

For: **E & R Waghorn, Coles Tump, Orcop, Herefordshire, HR2 8SF**

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. **G04 (Landscaping scheme (general))**

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

5. **G05 (Implementation of landscaping scheme (general))**

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

6. **H10 (Parking - single house)**

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

Ref. 3
KINGSTHORNE
DCSW2003/2741/F

Proposed two storey extension at:

**2 CORONATION COTTAGE, KINGSTHORNE,
HEREFORDSHIRE, HR2 8AL**

**For: Mr & Mrs G Turney, 2 Coronation Cottage,
Kingsthorne, Herefordshire, HR2 8AL**

In accordance with the criteria for public speaking, Mrs Turney, the applicant spoke in favour of the application.

RESOLVED: That subject to the receipt of suitably revised plans, 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. **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. Details of the revised means of access to serve the property following erection of the extension shall be the subject of the prior written approval of the local planning authority before development commences on site.

Reason: In the interests of general highway safety and given the restricted area created between the access point and the garage.

□

Change of use and alterations to barn/land to provide dwelling. Alterations to access. Barn at:

GRAIG FARM, NEWTON ST MARGARETS, VOWCHURCH, HEREFORDSHIRE, HR2 0QY.

For: Mr & Mrs N. Prosser per Mr A S Wood, The Beeches, North Road, Huntley, Glos. GL19 3DU

In accordance with the criteria for public speaking, Mr Biggs spoke against the application.

RESOLVED: That subject to receipt of acceptable revised plans with regard to the design of the conversion, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional 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. 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. E16 (Removal of permitted development rights)

Reason: In order to protect the character and integrity of the original building.

5. F18 (Scheme of foul drainage disposal)

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

Ref. 4
VOWCHURCH
DCSW2003/2395/F

6. G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

7. H03 (Visibility splays)

Reason: In the interests of highway safety.

8. H05 (Access gates)

Reason: In the interests of highway safety.

9. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10. H10 (Parking - single house)

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

Informative Notes

- 1. HN01 - Mud on highway**
- 2. HN04 - Private apparatus within highway**
- 3. HN05 - Works within the highway**
- 4. HN24 - Drainage other than via highway system**

Ref. 5
MUCH BIRCH
DCSW2003/2839/F

Variation of condition 2 (siting) as attached to consent SW2002/1480/F, for replacement dwelling and double garage at:

THE OLD BUNGALOWS, MINSTER FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HS

**For: Mr O Beman per Three Counties Planning Ltd,
PO Box 69, Ross-on-Wye, Herefordshire, HR9 7WG**

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.

Informative Note

1. The applicant's attention is drawn to conditions 3 – 11, and informative notes 1 – 4, attached to planning permission granted on 27th June, 2002 (SW2002/1480/F) that still relate to the current planning application.

Councillor NJJ Davies abstained from voting on this item

Ref. 6
LLANGARRON
 DCSE2003/1835/F

Alterations And Extensions To Existing Care Home To Provide 6 Additional Bedrooms at:

DOVECOTE CARE HOME, LLANGARRON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6PU

For: **Mr P. Griffiths per The Brock Planning Consultancy, Kingston House, 45 Victoria Road, Coleford, Glos. GL16 8DS**

In accordance with the criteria for public speaking, Mrs Taylor-Sanders spoke against the application.

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. **A09 (Amended plans)**

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

3. **Before the additional accommodation hereby approved is first brought into use an area shall be laid out within the curtilage of the property for car parking and turning. The parking area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.**

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

4. **G09 (Retention of trees/hedgerows)**

Reason: To safeguard the amenity of the area.

5. **F32 (Details of floodlighting/external lighting)**

Reason: To safeguard local amenities.

6. **F35 (Details of shields to prevent light pollution)**

Reason: To minimise light overspill and to protect the amenity of neighbouring properties.

Informative Notes

1. **With reference to condition No. 3, parking to serve the site shall be at a standard of 0.5 spaces per bedroom plus a minimum of one space for warden.**

2. **The Environment Agency advises:**

It is noted that the applicant proposed to utilise the existing package sewerage treatment plant. The applicant should ensure that the existing foul drainage system is operating satisfactorily and is capable of accepting any potential increase in flow and loading resulting from this proposal without causing pollution.

The applicant 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.

Ref. 7
ROSS-ON-WYE
DCSE2003/3010/F

Extension and loft conversion. Detached garage at:

**HORNBEAM, WESTON UNDER PENYARD, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 7PA**

For: **Mr D Gardiner per Andrew Marcham & Co,
7 Church Street, Newent, Gloucestershire, GL18 1PU**

In accordance with the criteria for public speaking, Mr Hercock, spoke against the application.

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. **A06 (Development in accordance with approved plans)**

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

Ref. 8
ROSS-ON-WYE
DCSE2003/2916/F

2 storey extension to sixth form area at:

JOHN KYRLE HIGH SCHOOL, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7ET

For: Herefordshire Council per Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

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. **A06 (Development in accordance with approved plans)**

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

Ref. 9
ROSS-ON-WYE
DCSE2003/2628/F

Change of use from butchers shop and car parking to office and machine repair workshop, phocle at:

PHOCLE FARM, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TW

For: **D.J. Jones per Mr C Goldsworthy, 85 St Owen Street, Hereford, HR1 2JW**

The Principal Planning Officer reported the receipt of an objection from Upton Bishop Parish Council. He also advised that the Head of Environmental Health and Trading Standards had requested that the hours of opening on Saturdays should be reduced to 8 am – 2 pm, which the Sub-Committee agreed with.

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. **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.

4. **E05 (Restriction on hours of use (industrial))**

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

5. **F32 (Details of floodlighting/external lighting)**

Reason: To safeguard local amenities.

6. **F35 (Details of shields to prevent light pollution)**

Reason: To minimise light overspill and to protect the amenity of neighbouring properties.

7. **No operations associated to the use hereby approved nor the storage of any plant, material, machinery or vehicles shall be carried out or stored outside of the existing building on the site unless otherwise first agreed in writing by the local**

planning authority.

Reason: To protect the visual appearance, rural character and residential amenity of the surrounding countryside.

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.

Ref. 10
ROSS-ON-WYE
DCSE2003/2323/F

Demolition of farm buildings. Re-development of land for 66 houses, conversion of barn, provision of off-site drainage and re-alignment of farm track at:

LAND FORMERLY PART OF VINE TREE FARM, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE

For: Lovell Partnerships, River House, Ynysbridge Court, Gwaelod-y-Garth, Cardiff CF15 9YY

The Principal Planning Officer advised that the applicants had offered to contribute £25,000 towards the costs of open space/landscaping and £20,000 to assist with a traffic calming scheme in Walford Road.

In accordance with the criteria for public speaking, Mr Gray of Tudorville Residents Association spoke against the application and Mr Thomas, the Agent acting on behalf of the applicant spoke in favour.

Councillor Mrs CJ Davies, one of the local Ward Councillors, had concerns about highway safety issues in view of the additional traffic that would be generated by the proposed development and felt that the matter needed addressing before construction started. Councillor MR Cunningham also had concerns about highway safety issues and Councillor H Bramer suggested that there was a need for a complete appraisal of road safety issues in the vicinity of the junction with Walford Road, before approval was granted.

The Principal Planning Officer said that it would be difficult to impose conditions about traffic calming being completed before dwellings were occupied and the Chief Development Control Officer advised that such schemes had to follow a lengthy consultation process and that it may be unreasonable to impose conditions that were too rigorous or deal with matters which should properly be addressed by Transportation.

The Sub-Committee still had concerns about highway safety issues and felt that consideration of the application should be deferred to allow the Officers to discuss these concerns further with the applicants.

RESOLVED: That consideration of the application be deferred for the Officers to discuss traffic calming issues in relation to the scheme in more detail.

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2003/2716/F**

- The appeal was received on 30th December 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 Ms J M Whatley
- The site is located at Barn Adjacent The Knapp, Aston Ingham, Nr Ross-on-Wye, Herefordshire.
- The development proposed is Conversion of stable to dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Mr Nigel Banning on 01432 261974

Application No. DCSE2003/2538/F

- The appeal was received on 22nd December 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 J.J. Mill & C.E. Davies
- The site is located at Great Woodend Barns, Great Woodend Farm, Linton, Ross-On-Wye, Herefordshire, HR9 7SR
- The development proposed is Amended proposal to modify of western section of dwelling. Providing entrance way and garage/store (part retrospective)
- The appeal is to be heard by Hearing

Case Officer: Mr Steven Holder on 01432 260479

Application No. DCSW2003/1392/F

- The appeal was received on 11th December 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 Holland
- The site is located at Harewood Cottage, -, Harewood End, Hereford, Herefordshire, HR2 8JT
- The development proposed is First floor extension
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application No. DCSE2003/2652/F

- The appeal was received on 11th December 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 G Gibbs

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

- The site is located at Sutton Barn, Hope Mansell, Ross-on-Wye, Herefordshire, HR9 5TJ
- The development proposed is Proposed extension & alterations
- The appeal is to be heard by Written Representations

Case Officer: Mr Steven Holder on 01432 260479

Application No. SE2003/1167/F

- The appeal was received on 10th December 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 A Tolley
- The site is located at Roman Ridge, Bannut Tree Lane, Bridstow, Ross-on-Wye, Herefordshire, HR9 6AJ
- The development proposed is Proposed new dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr Steven Holder on 01432 260479

Application No. SE2003/1157/F

- The appeal was received on 5th December 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 A. Ayres
- The site is located at Brynhyfryd, Phocle Green, Ross-on-Wye, Herefordshire
- The development proposed is Two storey extension consisting of bedroom at first floor and new entrance lobby, study and utility room at ground floor.
- The appeal is to be heard by Written Representations

Case Officer: Mr Nigel Banning on 01432-261974

APPEALS DETERMINED

Application No. SW2003/0172/O

- The appeal was received on 10th September 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 & Mrs J P Beavan
- The site is located at Land adjacent to Thornberry, Clehonger, Hereford, HR2 9SE
- The application, dated 14th January 2003, was refused on 12th March 2003
- The development proposed was Proposed site for residential purposes
- The main issues are :
- The impact of the development on the character and appearance of the area
- The effect of the proposal on the need to travel, particularly by private car.

Decision: The appeal was **DISMISSED** on 6TH January 2004

Case Officer: Mrs Angela Tyler on 01432 260372

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

Application No. SW2002/3826/O

- The appeal was received on 23rd May 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a Non-determination
- The appeal was brought by C N A Stanford FRICS
- The site is located at Part of grounds of The Graftonbury Garden Hotel, Grafton Lane, Hereford, HR2 8BN.
- The application, dated 3rd October 2002
- The development proposed was Site for specialist residential accommodation for people over 55. (existing hotel use to be retained).
- The main issues are:
 - firstly, whether, the appeal site is in the open countryside and, if it is, what effect the proposed development would have on the character and appearance of the area;
 - secondly, whether the appeal site is in a sustainable location for residential development; and,
 - thirdly, whether there is a need for residential accommodation of the type proposed.

Decision: The appeal was **DISMISSED** on 8th December 2003

Case Officer: Mr Andrew Prior on 01432 261932

Application No. SW2003/0571/O

- The appeal was received on 18th July 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 Mrs A Hackley
- The site is located at Little Cobhall, Allensmore, Hereford, Herefordshire, HR2 9BG

Decision: The appeal was **WITHDRAWN** on 9th October, 2003

Costs Decision: Partial award of costs was **ALLOWED** on 9th December, 2003

Case Officer: Mrs Angela Tyler on 01432 260372

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

SOUTHERN AREA PLANNING SUB-COMMITTEE

21ST JANUARY, 2004

DEFERRED APPLICATION

REF No.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE No.
1	Lovell Partnerships	Demolition of farm buildings. Re-development of land for 66 houses, conversion of barn, provision of off-site drainage and re-alignment of farm track at land formerly part of Vine Tree Farm, Walford Road, Ross-on-Wye	DCSE2003/2323/F	21 - 32

APPLICATIONS RECEIVED

REF No.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE No.
2	Herefordshire Housing	Stabilisation of approximately 90m of bank to the Dulas Brook with gabions, to prevent bank erosion, Horsecroft, Ewyas Harold, HR2 0EQ	DCSW2003/2345/F	33 - 38
3	M. F. Freeman Ltd.	Residential development comprising: three no. 3 bed detached houses, two no. 2 bed semi-detached houses, and three no. 2 bed terraced houses, Montrose, Madley, HR2 9LS	DCSW2003/1769/F	39 - 44
4	Mr. C. J. W. Castle	Site for erection of a pair of semi-detached houses on existing beer garden/car park, Temple Bar Inn, Ewyas Harold, HR2 0EU	DCSW2003/1804/O	45 - 50
5	Mr. & Mrs. R. Hayes	Single storey extensions to front and side of dwelling at 13 Sycamore Close, Ross-on-Wye	DCSE2003/3177/F	51 - 54

6	J. Stevens	General purpose agricultural shed and new access road, Parcel 2625, Holywell, Blakemere, HR2 9JW	DCSW2003/3390/F	55 - 60
7	Mr. & Mrs. D. L. Hancorn	Proposed 6 no. stables, tack and hay barn, dungstead, creation of hardstanding and grazing for horses, land at Peterchurch Part Parcel No. 9100, Peterchurch	DCSW2003/3551/F	61 - 64
8	Wye Lea Leisure Ltd	Removal of condition 3 from permission SE2003/1859/F at Wye Lea Country Manor, Bridstow, Ross-on-Wye	DCSE2003/3554/F	65 - 70
9	Mr. & Mrs. R. Porter	Two storey extension, Design House, Bulls Hill, Ross-on-Wye	DCSE2003/3316/F	71 - 74
10	Ye Hostellerie Hotel	Proposed new dwelling for staff accommodation at Ye Hostellerie Hotel, Goodrich, Ross-on-Wye	SE2002/3827/F	75 - 80
11	Mr. F. Fryer	Convert rear showroom to two self-contained flats and re-develop rear yard to provide four self-contained flats with courtyard landscaping at Old Bakery Mews, 12 Brookend Street, Ross-on-Wye	DCSE2003/3203/F	81 - 96
12	M F Freeman	Remove one thuja and works to two groups of beech trees to remove some lower branches, raise canopies, tip back lateral growth, reshape and reduce moderately in height at Hunsden Manor, Weston Under Penyard, Ross on Wye	SE2003/3209/J	97 - 100
13	M F Freeman	Cut back cedar trees to create minimum clearance of 6m over new access and adjacent to A40 and remove deadwood at Hunsden Manor, Weston Under Penyard, Ross on Wye	SE2003/3510/J	101 - 104

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1 DCSE2003/2323/F - DEMOLITION OF FARM BUILDINGS. RE-DEVELOPMENT OF LAND FOR 66 HOUSES, CONVERSION OF BARN, PROVISION OF OFF-SITE DRAINAGE AND RE-ALIGNMENT OF FARM TRACK AT LAND FORMERLY PART OF VINE TREE FARM, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE

For: Lovell Partnerships, River House, Ynysbridge Court, Gwaelod-y-Garth, Cardiff CF15 9YY

Date Received: 15th August 2003 Ward: Ross-on-Wye East Grid Ref: 59287, 22502

Expiry Date: 10th October 2003

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

1. Site Description and Proposal

- 1.1 The Committee deferred determination of this application so that additional information could be obtained regarding traffic calming measures along Walford Road. These details are included in paragraph 4.4 below.
- 1.2 The application site comprises a farm complex and adjoining agricultural land. It is situated on the west side of Walford Road opposite the Vine Tree Inn Public House and immediately to the south of Purland. The western boundary is formed by the former railway line, part of which is a special wildlife site. It is thus on the south-western edge of Ross on Wye. The farm complex occupies about half of this 2.8 ha site and includes a small stone barn and attached byre together with a range of modern buildings, which were last used as a dairy unit. The farmhouse is not included in the application site.
- 1.3 It is proposed to erect 66 houses of which 24 would be "affordable" and one created from the conversion of the stone barn. A new access would be formed off Walford Road at the south-east corner of the site, with the main estate road extending to the north. Short shared surface drives would extend off the main access road around which houses would be arranged informally. A longer shared surface access road would loop back to rejoin the estate road. The remaining houses would front the main estate road. Apart from a terrace of 4, 3-storey houses close to the access off Walford Road the units would be 2-storeyed. All would be of brick construction with tiled roofs. There would be 12 different house types but a more limited number of styles: narrow terrace houses, some with hipped end units, typical ridged roofed detached houses, and 3 with hipped roofs.
- 1.4 A landscaped strip, about 15 m wide would be formed along the southern boundary, which would include an "attenuation pond" as part of the surface water drainage system. The latter would involve the construction of a "swale", a drainage channel extending across the adjoining agricultural land. A small children's play area would also be provided within the estate. The applicant has confirmed that financial

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contributions would be made to the improvement of a public open space to the north-west of the site and to traffic calming along Walford Road.

2. Policies

2.1 Planning Policy Guidance

PPG1	General Principles
PPG3	Housing
PPG7	The Countryside: Environmental Quality and Economic and Social Development
PPG13	Transport

2.2 Hereford and Worcester County Structure Plan

Policy CTC.1	Areas of Outstanding Natural Beauty
Policy H20	Housing in Rural Areas
Policy H16A	Housing in Rural Areas
Policy H18	Housing in Rural Areas
Policy A1	Development on Agricultural Land

2.3 South Herefordshire District Local Plan

Policy C.1	Development within Open Countryside
Policy C.2	Settlement Boundaries
Policy C.4	Areas of Outstanding Natural Beauty Landscape Protection
Policy C.5	Development within Areas of Outstanding Natural Beauty
Policy C.9	Landscape Features
Policy C.11	Protection of Best Agricultural Land
Policy C.40	Essential Services
Policy SH.5	Housing Land in Ross on Wye
Policy SH.15	Criteria for New Housing Schemes
Policy SH.22	Public Open Space in Residential Areas
Policy GD.1	General Development Criteria
2 (Part 3, Chapter 37)	New housing developments in Ross on Wye

2.4 Unitary Development Plan – Deposit Draft

Policy S2	Development Requirements
Policy S3	Housing
Policy DR1	Design
Policy DR2	Land Use and Activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning Obligations
Policy H1	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H2	Hereford and the Market Towns: Housing Land Allocations
Policy H3	Managing the Release of Housing Land
Policy H9	Affordable Housing
Policy H13	Sustainable Residential Design
Policy H15	Density
Policy H16	Car Parking

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Policy H19

Open Space Requirements

3. Planning History

- | | | | |
|-----|------------|-----------------------|-------------------|
| 3.1 | SH931354OI | Residential housing | - Refused 2.2.94 |
| | SH940298O | Erection of 39 houses | - Refused 20.4.94 |

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections in principle but recommends conditions be imposed regarding surface water drainage.
- 4.2 Welsh Water recommend that conditions be imposed regarding surface water drainage.
- 4.3 The Forestry Commission confirms that there will be no effect on nearby semi-ancient woodland.

Internal Council Advice

- 4.4 Head of Engineering and Transportation recommends that conditions be imposed. Comments on the impact of the revised layout on public footpaths are awaited.

With regard to traffic calming measures along Walford Road the intention to implement a scheme by the end of 2004 is confirmed. The stages required to implement a scheme are:

- Data collection (traffic volumes, speeds and accident data)
- Options/concept design
- Public consultation and consultation with Police etc.
- Member approval
- Detailed design*
- Construction

*If design includes any humps or a change of speed limit, then there is a statutory consultative process required in addition.

Timescales are very dependent on resources available and competing priorities. [The scheme is expected to be designed by our partners Owen Wilimas Ltd and constructed by partners HJS.](#) This requires putting the scheme into the "Joined Up Programme" and agreeing timescales with [Owen Williams & HJS.](#) [Subject to that](#) achievement of an autumn completion date is possible provided no humps are required (with their attendant extra process). A speed limit change need not delay the scheme as that could follow on from the works. Other possible delaying items are failure to get any sort of consensus from public consultation or disagreement between members and the public.

As far as funding is concerned the costs are heavily dependent on what the scheme turns out to be. However it is difficult to argue that the contribution of £20k offered by the developer is unacceptable. [Provided that the full Local Transport Plan allocation from government is retained for transport purposes](#) there should be no problem in funding the scheme.

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- 4.5 Chief Conservation Officer is generally pleased with the landscaping proposals and environmental management plan but has reservations regarding details of the landscaping scheme and of the conversion of the stone barn and byre. Evidence of bats using the farm buildings has been found and of nesting birds. A bat survey would be required and mitigation measures. (These matters are being discussed with the developer). It is also pointed out that the western part of the site is likely to be largely undisturbed. Roman finds have been recorded from Tudorville and pottery and flint artefacts from within the south-west quadrant of the application site. Accordingly an archaeological assessment and evaluation is necessary.
- 4.6 Strategic Housing Services support the application and in particular the provision of affordable housing. A registered social landlord has been selected and the number of affordable units agreed. However the mix, tenure and location need further negotiations.
- 4.7 Director of Education points out that there would be sufficient capacity at John Kyrle High School and Walford Primary School but temporary classrooms may be required at Ashfield Park Primary School. Nevertheless in view of falling school rolls does not object to the proposed development.
- 4.8 Head of Environmental Health has no objections to the proposal.

5. Representations

- 5.1 The applicant has submitted a detailed Supporting Statement which includes a traffic impact study, details of an environmental management plan and design principles. The following is a brief summary of the case for development set out in the statement:
- The planning application supported by this document covers the construction of 66 new homes ranging from new 2 bedroom to 5 bedroom homes and a barn conversion.
 - The application includes 24 new affordable homes.
 - The proposal will provide just under 1 acre of new amenity land and includes a financial contribution to upgrade the Public Open Space at The Purlands.
 - A safe new highway access will be provided with associated traffic calming measures.
 - The proposal incorporates measures to protect the important ecological sites in the immediate locality but will also provide new wildlife habitats.
 - The development will make a significant contribution to meeting the future housing need in Ross on Wye by 2006 if site construction works commence in January 2004

- 5.2 Town Council's observations are as follows:

“Originally this application was for approximately 25 dwellings. The proposal is considered to be an over-development of the site and considerable cramming. Also the 30 mph limit is too close to the entrance of the development.”

- 5.3 Walford PC points out that:

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"Although this development is not in Walford, it will impact directly on all parishioners accessing Ross on Wye, the nearest town. The Parish Council has the following concerns:

1. The access road to the estate joins the busy B4234 at a dangerous corner. There is no other access for emergency vehicles.
 2. The proposed 'gateway' 30 mph posts met with derision. They look like guard posts, only lacking their sentries. They will not withstand the passage of many combine harvesters. The proposed chicaning met with approval.
 3. The traffic circulation in Ross needs re-thought before another 100-odd cars are released onto the roads.
 4. It is hoped that the drainage of storm-water is closely monitored to prevent any possible damage to Coughton Marsh SSSI and increased flooding down river.
 5. The landscape buffer zone, especially to the south, should be planted early in the development.
 6. The estate street lighting should not add to the light pollution from Ross.
 7. The ridge height of the proposed three storey units should not exceed the actual ridge height of the Vine Tree Inn.
 8. The materials used should be restrained in colour. In particular, the bricks should match those of the older small, dark-red bricked council-built houses in Tudorville.
 9. That sufficient places in local schools will be available."
- 5.4 Ramblers Association state that the line of footpath WA3 must be maintained and request that a new path be created along the former railway line, as an extension to Betzdorf Walk.
- 5.5 Open Space Society object to the proposals as no diversion of footpath WA3 is shown and RA32 would be obstructed. Also the requirements of Circulars 2/93 and 5/95 regarding open aspects for paths, lighting and away from vehicular traffic.
- 5.6 A petition containing 214 signatories has been submitted by Tudorville Residents Association objecting to the proposal. The petition points out that there is almost unanimous support against any further development until effective traffic calming along the whole length of Walford Road carried out - residents are desperate for such measures. The Association held an open meeting on 27 August 2003 : the main concerns regarded Walford Road, in particular the volume of traffic, no traffic calming and parking outside Post Office/store. An additional concern was the safety of elderly with disabilities and children who need to catch buses and go to the shop.
- 5.7 29 copies of a photocopied letter of objection have been received. The letter refers to (i) the large number of cars that would be generated (over 100 assuming 1.5 per dwelling) (ii) it is already dangerous for residents of Vine Tree Park Homes estate to enter Walford Road (iii) Walford Road is heavily used and majority of vehicles exceed speed limit on entering the town (iv) permission should be refused until adequate traffic calming i.e. raised traffic islands at entrance to site and near Roman Way or speed cameras.
- 5.8 Two letters of objection have been received. The following reasons are given:
- (1) Additional traffic would further congest town centre - traffic from southern part of Ross nearly all funnelled through Copse Cross bottleneck or adds to misery of residents of Alton Road/Alton Street.

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- (2) Walford Road is unsafe because of speed of traffic rounding bend at Vine Tree Public House and a roundabout is needed.
 - (3) Proposed traffic calming (pillars with 30 mph signs) are nonsense and access needs to be moved nearer Walford, before farm track access and with countdown markers preceding them.
 - (4) Dangerous moving farm track to unrestricted section of highway.
 - (5) Adequacy of parking is queried and whether it would result in cars parking on Walford Road.
 - (6) Building on farm land.
 - (7) Loss of footpath to Purland and also question temporary closure of other footpath (WA3).
 - (8) Questioned whether young or needy of Ross could afford the housing.
 - (9) Great concern regarding dust/dirt and noise and length of working day [presumably during construction].
 - (10) Concern over interruption to local electricity supply.
 - (11) Are 66 or 75 homes proposed - supporting document refers to latter.
- 5.9 Ross on Wye and District Civic Society has no overall objection but points out the need to maintain the public footpath (part of historic routway).

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 South Herefordshire District Local Plan shows this site as lying outside the settlement boundary and therefore in open countryside. Policy C1 of this plan seeks to protect the open countryside, only allowing small developments in exceptional circumstances ie developments related to agriculture, forestry, sustainable recreation/tourism development or for replacement dwellings or a re-use of a rural building. This policy of restraint outside the settlement boundary is repeated within Policy 2 of Part 3 of the plan at chapter 37 which focuses on Ross on Wye.

During the plan's preparation in the mid 1990's the Ross on Wye area had experienced high growth with the housing allocation for Ross being largely met. The policy for Ross on Wye was therefore one of general restraint with no new proposals identified and development limited to windfall opportunities (Policy SH5).

In light of the above this application is contrary to the current development plan principally due to its location outside the settlement boundary.

- 6.2 The Unitary Development Plan represents a new plan period with a requirement to find further land to meet the housing needs of the town up until 2011. As part of the preparation of the UDP a study was undertaken to identify all potential housing sites within the town boundary. Once this exercise was complete greenfield sites were considered to meet the town's housing land requirements. Ross is a constrained market town because of its landscape setting and flooding problems making it difficult to identify further development sites. It was considered that Vine Tree Farm would be a suitable greenfield opportunity for housing development and as such has been identified under Policy H2 as an allocation within the deposit Plan. The site is considered capable of delivering 60 units of which 35% (21) are to meet affordable

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housing needs in the town. The application is therefore in accordance with the deposit UDP.

6.3 Paragraph 48 of PPG1 states that planning applications should continue to be considered in the light of current policies in the adopted plan. However, account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption. The weight to be attached to such policies depends upon the stage of plan preparation, increasing as successive stages are reached. The UDP has now progressed through deposit stage and increasing weight can be attached to its policies and proposals. A key question therefore is whether sufficient weight can be given to UDP regarding this site to override the conflict with current statutory policies. In making this assessment the following inter-related factors must be considered.

1. Prematurity
2. UDP representations
3. UDP Phasing of Housing Sites
4. Housing Supply
5. Housing Need
6. Precedent

Prematurity

6.4 A key consideration regarding the principle of development is whether granting planning permission for the proposal would be premature in advance of the adoption of the Unitary Development Plan. Paragraph 47 of PPG1 states that questions of prematurity may arise where a development plan is in preparation or under review, and proposals have been issued for consultation, but the plan has not yet been adopted or approved. In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. A proposal for development which has an impact on only a small area would rarely come into this category; but a refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character.

6.5 Relating this to the application at Vine Tree Farm, it is considered that Ross on Wye is an important settlement and this is reflected in the settlement hierarchy of the plan, however, it is considered that the effect of developing the site would not have significant impact and would not undermine the overall strategy of the plan. 66 houses out of a total of 11,700 houses for the plan period represents only 0.5% of the total and even in Ross it is less than 10% of the overall total planned for the town during the plan period. It is therefore recommended that the issue around prematurity cannot be used as a reason for refusing this planning application.

UDP deposit representations

6.6 34 individual representations were made to this site during the deposit period of the UDP of which 21 were objecting to the site being identified in the plan. These objections centred mainly on landscape and traffic issues as well as the apparent unsustainable location of the site relative to the services and facilities of the town

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centre. In addition there were several strategic objections with individuals promoting alternative sites.

- 6.7 These are all valid objections. It is considered that several of those relating to landscape and access issues can be addressed through the planning application process. However the objections which hold the most weight in planning terms relate to developing in an Area of Outstanding Natural Beauty. The AONB designation places special emphasis on conserving and enhancing the landscape (Policy LA21 of the UDP). Whilst residential development in the countryside necessarily changes the character of that area in this case there are a number of mitigating factors. Although not brownfield land about half of the site is occupied by unattractive and partly derelict agricultural buildings. Furthermore the established planting on the western boundary and attractive stone buildings along the Walford Road frontage restrict views of the site. The southern boundary which is the most sensitive visually would be landscaped as part of the proposal which in time would significantly reduce the impact of the development. It forms a continuation of the town into the immediately adjoining countryside, rather than being surrounded by open land. In these circumstances and given the need for further housing (see paragraph 6.11 below) and the limited sites within the town, it is considered that being an AONB site is not sufficient per se to justify refusal. Nevertheless this needs to be weighed against alternative site identified by objectors.
- 6.8 Ten alternative housing sites have also been put forward in Ross on Wye for consideration at the deposit stage of the plan. Several of these were considered and not supported at the South Herefordshire District Local Plan inquiry. Two alternative sites are similar to Vine Tree Farm as they are of a comparable size, lie outside but adjoining the boundary and within the AONB. One of the sites, Land north of Brampton Road was considered at the local inquiry into the South Herefordshire Local Plan and not supported on landscape and access grounds and these objections are being continued through the UDP. The other site at Arbour Hill again has not been recommended for support through the UDP process again due to access and highway concerns. In light of this it is not considered that these sites provide serious alternatives to the Vine Tree Farm allocation.

Phasing

- 6.9 In relation to phasing the UDP identifies Vine Tree Farm as being developed in the first phase of the plan period 2001 - 2006. In order to meet this requirement the developers argue that the development process needs to be started now in order for them to achieve an end date of 2006. This is accepted.

Housing Supply

- 6.10 During the period 2001 - 2006 it is anticipated that there will be 246 completions made up of 22 commitments, 54 windfalls and 170 from allocations. Allocations therefore make a significant contribution to overall land supply in Ross on Wye. Between 2001 and 2003 there were 57 actual completions in Ross on Wye which represents 23% of anticipated completions. The plan is half way through this phase period which means that completions should be nearer 50%. In addition as at 2003 there are only 75 commitments remaining. These figures demonstrate a significant shortage of land supply within the town. The current application site would add a further 66 to commitments which would then total 142 making a significant contribution to housing supply.

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Housing Need

- 6.11 A Ross on Wye housing needs study has just been completed which clearly demonstrates the need for affordable housing. The final results show net need for 190 affordable homes in Ross on Wye over the next five years. Bearing in mind the land supply situation and the pressing need for affordable homes there is a case for releasing this site early, before the inspector's report, to assist in meeting this need. This site would meet approximately 25% of this overall need making an important contribution.

Precedent

- 6.12 Allowing this application to proceed would not set a precedent for other UDP sites. This is an exceptional case. The Housing Needs Study demonstrates a pressing need for affordable homes and the Housing Land Study illustrates a shortage of housing land in the town. Allowing this site to progress would go along way to meeting this housing need and would keep the land supply going until at least the publication of the inspectors report.

Conclusions

- 6.13 A careful weighing up exercise needs to take place to ensure the integrity of the development plan process is protected while still allowing the town of Ross to evolve allowing genuine housing needs to be met without at the same time creating a precedent which would allow other similar UDP sites coming forward. For the reasons given above it is considered that there are cogent reasons for accepting, in principle, that development of the site should proceed in advance of the adoption of the UDP.
- 6.14 A second set of issues relate to the merits of the submitted scheme. In general the layout and design of the houses are considered to be acceptable, providing some variety and interest. Detailed design concerns have been raised with the applicant and revised drawings will be submitted. Similarly the landscaping scheme, treatment of nature conservation issues and drainage scheme are acceptable and where further details are required or clarification is needed this can be effected by planning conditions.
- 6.15 Traffic issues are of particular concern to local residents. The revisions to the access have met the concerns of the Head of Engineering and Transportation who raises no objection to the principle of additional housing in this location. This recommendation is not dependant upon the implementation of traffic calming measures along Walford Road. The Head of Engineering and Transportation fully intends to implement the scheme this year. However there are a number of uncertainties in the process so that this cannot be guaranteed and if the scheme includes road humps and speed limit changes, with the additional consultation required, it is unlikely to be completed within that time-scale. Even if this proves to be the case the current proposal would not add significantly to traffic hazards along this section of the highway. The new access would meet generally accepted standards of visibility and the volume of traffic along Walford Road would not be excessive for the width and character of this road. Traffic calming measures will be implemented irrespective of whether this application is permitted or refused, and at worst there would be a gap between occupation of the proposed housing and completion of traffic calming. The concerns of local residents are appreciated but it is not considered that the uncertainty regarding implementation is

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grounds to refuse this application. As traffic calming is not necessary before the development can proceed a planning condition linking the two would not meet the tests of acceptable conditions set out in Circular 11/95

- 6.16 It is concluded that there are good reasons to treat this development as an exception to statutory policies and that subject to minor changes the detailed scheme is acceptable. The contributions towards POS and traffic calming and the provision of affordable housing need to be the subject of a planning agreement and this may also be necessary with regard to management of surface water drainage and nature conservation measures.

RECOMMENDATION

That subject to the receipt of acceptable revised drawings:

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision of amenity facilities and traffic-calming measures and management of the surface water drainage arrangements, affordable housing and any additional matters and terms as considered appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional 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 **G01 (Details of boundary treatments)**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
 - 4 **G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
 - 5 **G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
 - 6 **G11 (Retention of hedgerows (where not covered by Hedgerow Regulations))**

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Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

7 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.

8 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.

9 H03 (Visibility splays)

Reason: In the interests of highway safety.

10 H11 (Parking - estate development (more than one house))

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

11 H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

12 H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

13 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

14 H27 (Parking for site operatives)

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

15 H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

INFORMATIVE NOTES

1 HN04 - Private apparatus within highway

2 HN05 - Works within the highway

3 HN08 - Section 38 Agreement details

4 HN09 - Drainage details for Section 38

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- 5 **HN10 - No drainage to discharge to highway**
- 6 **HN13 - Protection of visibility splays on private land**
- 7 **HN19 - Disabled needs**
- 8 **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies

2 DCSW2003/2345/F - STABILISATION OF APPROX 90M OF BANK TO THE DULAS BROOK WITH GABIONS, TO PREVENT BANK EROSION, HORSECROFT, EWYAS HAROLD, HEREFORD, HR2 0EQ

**For: Herefordshire Housing, Thorn Business Park,
Unit 3, Rotherwas Industrial Estate, Hereford, HR2 6JT**

Date Received: 1st August 2003 Ward: Golden Valley South Grid Ref: 38735, 28566

Expiry Date: 26th September 2003

Local Member: Councillor J. B. Williams

1. Site Description and Proposal

- 1.1 The application site follows the southern bank of the Dulas Brook for a length of approximately 90 metres alongside the eastern boundary of the Horsecroft Estate, Ewyas Harold. The Dulas Brook is an important local watercourse about 5 metres wide along the application site, its banks varying in height between one and three metres. The depth of water varies seasonally, at drier times of the year shingle banks are exposed and there are clumps of water plants in places. Shrubby saplings and a few larger trees grow along the banks within the application area. Sections of the bank within and on the opposite bank to the application area have already been shored up with a variety of materials over the years.
- 1.2 The proposal is to instal gabions alongside the riverbank to prevent bank erosion. The gabions would be 2 or 3 metres high, dependant on bank height, one metre deep and filled with stones apart from the top 200mm which would be filled with soil. To ensure stability the gabions would be spiked into the existing river bed with one metre long galvanised spikes and battered back 10 degrees towards the bank. At four points gabions will be set on edge and built into the bank to give extra support. A further gabion would be dug into the bank where the Dulas Brook meets the minor brook to the south so that the flow of water would not be obstructed.

2. Policies

2.1 Planning Policy Guidance

- PPG.1 - General Policy and Principles
- PPG.9 - Nature Conservation
- PPG.25 - Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan

- Policy CTC.2 - Protection of Area of Great Landscape Value
- Policy CTC.9 - Development Requirements
- Policy CTC.10 - Protected Species

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy C.8 - Development in Area of Great Landscape Value
- Policy C.13 - Sites of Importance to Nature Conservation Value

Policy C.16	-	Protection of Statutorily Protected Species and Habitats
Policy C.30	-	Open Land in Settlements
Policy C.44	-	Flooding
Policy C.45	-	Drainage
Policy C.46	-	Flood Alleviation
Policy C.47	-	Pollution Control

2.4 Unitary Development Plan – Deposit Draft

Policy S.2	-	Development Requirements
Policy DR.4	-	Environment
Policy DR.7	-	Flood Risk
Policy DR.8	-	Culverting
Policy NC.1	-	Environmental Survey
Policy NC.4	-	Sites of Local Importance to Nature Conservation
Policy NC.5	-	Protected Species
Policy NC.6	-	Protection of Priority Habitats and Species
Policy NC.7	-	Mitigation and Compensation
Policy NC.8	-	Habitat Creation
Policy NC.9	-	Securing the Management of Bio-diversity Features

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - no objection and note that Land Drainage Consent will be necessary for the works proposed (and has already been applied for), but no obstructions or restrictions to flow, impediment to access, tipping or increase in sediment pollution should be allowed.
- 4.2 Open Spaces Society question the accuracy of the application form which states that the proposal would not affect a Right of Way, assert that it would, that this is a material consideration and that a temporary Closure Order would be necessary to expedite the works.
- 4.3 Ramblers Association question why the application form does not state that a Right of Way would be affected. Seek assurances that on completion the footpath surface would be made good, that none of the gabions would form unnecessary steps and that the footpath surface would be made good.

Internal Council Advice

- 4.4 Head of Engineering and Transportation (Southern) has no objection.
- 4.5 Land Drainage Officer - no comment.
- 4.6 Rights of Way Manager states that the proposal would appear to affect public right of way EH.24 and that we do recognise that the work needs to be carried out, ask that the applicant liaise with the Rights of Way Department throughout the project and states that the applicant would need to apply for a temporary Closure Order.

- 4.7 The Chief Conservation Officer requested a survey of the site to assess its importance for protected species and what mitigation measures might be necessary. Requests enhancement of the site through the use of pre-seeded jute or corn mats and a plan for post-construction management before work starts, but has no objection in principle.

5. Representations

- 5.1 Parish Council - no objection.
- 5.2 Three letters of objection have been received from:

Mr. B. L. S. Wells, Stone House, Ewyas Harold, Hereford, HR2 0EU
Fr. Matthew Carney, Belmont Abbey, Hereford, HR2 9RZ
Arkwright Owens, Surveyors, 2 St. Nicholas Street, Hereford, HR4 0BQ (on behalf of
Fr. Carney of St. John Kemble's Church)

The principle points made are:

- that the proposal would create an imbalance in the water/environmental management of Dulas Brook
- would effectively result in a potential destruction of the riparian boundary of Stone House, which includes a group of mature trees. The destabilisation of these would create a physical hazard
- to question whether the applicants have appraised these works, and request a joint consultation with the Environment Agency and affected owners
- question why the Church was not consulted
- that any erosional flood damage arising from the development would necessitate similar stabilisation in time to safeguard the church boundary
- that if erosion were to be inflicted on church land that any necessary stabilisation should be affected at the cost of the Housing Association.

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

6. Officers Appraisal

- 6.1 Rivers are dynamic systems subject to constant change. The erosion and deposition of materials are natural processes which are difficult to control. This proposal is to stabilise the banks of the Brook and to prevent further erosion along one of its sections. There were indications that the banks on and adjacent to the application area have eroded in the past and have been shored up by a variety of means. Officers consider that if permitted it is likely that this proposal would be successful in defending the bank adjoining Horsecroft more effectively than has been the case in the past. The proposed gabions are conventional in appearance and in practice are likely to be largely invisible from most public viewpoints. They do not consider that the proposal would affect the Area of Great Landscape Value adversely or have any significant effect on the character of the adjoining landscape.
- 6.2 The Local Plan states that the Brook has flooded the area in the past but that effective protection is unlikely to be achieved in the foreseeable future. It also includes specific policies which recognise the potential value of flood alleviation measures, subject to there being no increased risk or adverse effect on other land or property. None of the statutory consultees have objected to the proposal and in general officers consider that

subject to the imposition of conditions, it could be acceptable. However the application needs to be considered in light of both the development plan policies and a number of other significant material considerations, notably its potential effects on:

- protected species and their habitats
- the statutory right of way
- adjoining properties
- land drainage and related issues

Protected Species

Officers have been advised orally by English Nature of the need to ensure that no protected species or their habitats would be adversely affected by this proposal. At officers' request therefore the applicant has submitted a survey of protected species and their habitats. In summary the survey found no evidence of water voles or their activity on site or that otters were present along the section of the brook within the application area. It found that the brook could however be used as a corridor by these species but that the proposed works should have little or no impact on any such use. Officers advice is therefore that there are no reasons to refuse this proposal on the grounds that it may adversely affect protected species or their habitats.

Rights of Way

Officers must emphasise that the following comments should only be read in the light of the current application and should not be interpreted as having any bearing on the existence or otherwise of the right of way. Given that proviso however, Members should be aware that the right of way adjoining the application area appears to exist more as a concept than a usable path and in places appears to have either been lost through bank erosion or encroachment by households. It could not be described as either clear on the ground or easily usable throughout its length along this section of the brook. For a purely planning, as opposed to a statutory highways perspective, officers believe that the proposed gabions would create a more stable, clearly identifiable and usable footway along this section of the bank than is currently the case and that the grant of planning permission would enhance rather than diminish access to the brook. The Council's Rights of Way Manager has been informed of this opinion and any subsequent responses will be reported orally.

Effects on Adjacent Properties

Members should be aware that the fears of local people, as expressed in objections to the proposal, are material considerations in themselves apart from any substance there might be to those fears. They should also be aware that there could be some substance to them, in the sense that any reduction in erosion at one point in a watercourse might be transferred elsewhere – but that officers have no evidence that any such transfer would take place here or of the extent of any such transfer. Similar works to those proposed have already been undertaken along both sides of the brook, including works to the waterside boundaries of both Stone House and the Church and there is no suggestion by the expert consultees that these have had significant effects.

PPG.25 states that “the primary responsibility for safeguarding land and other property against natural hazards, such as flooding, remains with the owner. There is no statutory duty ... to protect land or property against flooding ...” The PPG stresses that (in essence) the planning authority needs to be satisfied that any flood or other risk arising from development will be successfully managed with the minimal

environmental effects and that the Environment Agency's advice is of considerable importance in this regard.

The Environment Agency have advised that the proposal would need Land Drainage Consent from them before it could be constructed. It is Government advice that local planning authorities should not seek to duplicate regulatory controls imposed by other bodies or to substitute their own controls for those of such bodies. The Head of Legal Services' advice is that the applicant and objectors have other rights which they could exercise to protect their interests in this matter and that the Council should not seek to intervene in what is a civil matter. Officers' advice is therefore that Members should be aware that in the absence of any specific information, any attempt to refuse this application on the grounds of the need to protect other parties from possible consequential erosion might be impossible to defend at appeal. That advice does not, however, prevent Members from refusing permission on land use grounds, e.g. that the appearance of the gabions was unacceptable, etc, if they felt appropriate.

Land Drainage and Related Issues

As indicated above, these issues are more properly the concern of the Environment Agency. The Council has discretionary powers with regard to watercourses under the Land Drainage Act but it should be noted that the Council's Drainage Engineer had no comments to make on this proposal and that the Environment Agency have no objections to it. There are therefore no suggestions that the application should be refused on the grounds of non-compliance with Policies C.44, C.45, C.46 or C.47.

- 6.3 In conclusion, officers consider that subject to the imposition of conditions this proposal is a relatively simple development which should prevent further erosion of the riverbank adjacent to Horsecroft. Its effects on the wider landscape of the Area of Great Landscape Value would be insignificant and those on the immediate landscape acceptable, both visually and in nature conservation terms. The right of way would be affected but would, if anything, be improved, in that if the statutory line exists it will be protected, if it has been lost the gabions would provide a secure alternative for at least part of the length alongside the brook. There is no evidence that the effects on land drainage would be significant and would, if anything, be controlled by the Environment Agency's issue or refusal of Land Drainage Consent. The objectors' concerns are material but there is no evidence that they are well founded. In the circumstances, and in recognition that other regulatory regimes exist, officers do not consider that these objections can be given much weight, or that permission should be refused.

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. The development shall not be commenced unless and until:
 - a) a plan for post-construction management designed to increase the nature conservation potential of the development, and
 - b) details of pre-seeded matting covers to the gabions,

have been submitted to and approved in writing by the local planning authority, and both the plan and scheme shall be implemented as approved.

Reason: In the interests of the landscape and nature conservation.

- 4. E05 (Restriction on hours of use (industrial))

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

- 5. During the process of constructing the development hereby permitted, no materials capable of trapping or injuring otters shall be left overnight within three metres of the bank of the Dulas Brook.

Reason: In the interests of protecting otters, a statutorily protected species.

INFORMATIVE

- 1. N15 – Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 DCSW2003/1769/F - RESIDENTIAL DEVELOPMENT COMPRISING: THREE NO. 3 BED DETACHED HOUSES, TWO NO. 2 BED SEMI-DETACHED HOUSES AND THREE NO. 2 BED TERRACED HOUSES, MONTROSE, MADLEY, HEREFORD, HR2 9LS

**For: M. F. Freeman Ltd per James Spreckley, MRICS
FAAV, Brinsop House, Brinsop, Herefordshire,
HR4 7AS**

Date Received: 12th June 2003 Ward: Stoney Street Grid Ref: 41920, 38752

Expiry Date: 7th August 2003

Local Member: Councillor D. C. Taylor

1. Site Description and Proposal

- 1.1 This site is approximately 0.2 hectares in area. It comprises the existing bungalow, single storey outbuildings to the north-west and an orchard to the rear or north-west that adjoins the Primary School. Three residential properties adjoin the site on the south-western and south-eastern boundaries of the site. There is a hairdressing salon immediately to the south-west that has occupied a former telephone exchange since the early 1980s.
- 1.2 Access is gained onto Brampton Road, as at present, nearly opposite St. Mary's Church, a Grade I Listed building.
- 1.3 It is proposed to erect 8 dwellings on the site. Two three-bedroom dwellings will be sited either side of the central access serving the development. A further three bedroom dwelling will be sited on the south-western portion of the site, the remaining five dwellings are grouped in a pair and terrace of 3 properties and all have rear elevations facing towards the Primary School. The dwelling houses will be built in red brick.
- 1.4 Two parking spaces are provided within the site for the use of the hairdressing salon.

2. Policies

2.1 Planning Policy Guidance

- PPG.1 - General Policy & Principles
PPG.3 - Housing

2.2 Hereford and Worcester County Structure Plan

- Policy CTC.9 - Development Requirements
Policy H.16A - Housing in Rural Areas

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria

- 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 Requirements

2.4 Unitary Development Plan

There are no policies that are considered to raise issues different from the current Development Plan policies.

3. Planning History

- 3.1 None identified relating to the site.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends that conditions are attached separating foul and surface water discharges from the site.

Internal Council Advice

- 4.2 The Head of Engineering and Transportation recommends that conditions are attached to any grant of planning permission.
- 4.3 The Chief Conservation Officer states that in respect of the setting of the Grade I Parish Church opposite the site, treatment of the frontage elevations of Plots 1 and 2 and of their boundaries are important. He also recommends that a condition requiring an archaeological survey/scheme of investigation be attached to any planning permission.

5. Representations

- 5.1 The applicants' agent states in a covering letter:

- please find enclosed, following pre-application discussions with Officers in Development Control, Forward Planning and Highways
- site is within defined settlement boundary for Madley. It accords with Policies H.16A in the Hereford and Worcester County Structure Plan and SH.8 in the South Herefordshire District Local Plan.

- 5.2 Madley Parish Council make the following observations:

"1. The density of this development is too high on such a small plot and the site location plan does not show all adjacent existing and proposed properties.

2. The access is on to a dangerous, narrow and often congested section of road and there is a risk of damage to the Churchyard wall, which runs along this road.

3. Although the illustrated houses are of a sympathetic design, the application indicates that there are no affordable dwellings on this development.

4. Residents living adjacent to the site are concerned about preservation of/reinstating of their boundaries.
 5. There are still concerns about the sewage problems.
 6. Madley has already had more than its allocation of twenty (20) new dwellings (Ref. Unitary Development Plan) and over development would be detrimental to the rural status of the village.
 7. Any stone walling must be in keeping with the existing stone walls within the village."
- 5.3 Four letters of objection have been received from:

Mrs. T. Mason, Church View, Madley, HR2 9LS
Mrs. M. Macaulay, Rosemary Cottage, Madley, HR2 9LS
Mr. I. H. Telford, The Old Meadow, Brampton Road, Madley, HR2 9LX
Mr. K. Baiton, Holly Cottage, Rosemary Lane, Madley, HR2 9LS

The main points raised being:

- close to north facing boundary
- loss of light to lounge, dining room and kitchen
- alternative access is essential
- narrow (access) road, existing partly used as passing place by a lorry or van when meeting a car
- bus stop opposite Post Office always used by customers and service vehicles
- school is nearby
- no pavement for pedestrians
- additional traffic will exacerbate existing problems
- hedge mentioned to east of property, but no dry stone retaining wall (1814 or earlier) extends to western end of my garden to hairdressers
- pig sty is onto wall, if pig sty removed wall should be made good
- tin shed dividing the two properties will go, how will it be replaced?
- will my sewerage drain that crosses the site be affected?
- will I be able to maintain two walls of my garage?

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 proposal site is within the designated settlement boundary for Madley, and therefore the main issues are those cited by the Parish Council and in representations received. These include the density of the development, over provision in village, whether or not the properties should be affordable or not, the means of access onto the narrow Brampton Road, sewage problems, boundary treatments, and relationship to existing properties around the site.
- 6.2 This proposal site is determined in relation to Policies SH.8, SH.14 and SH.15 contained in the South Herefordshire District Local Plan. The Unitary Development Plan process has not been concluded and therefore reference can only be made to the Development Plan. Whether or not more houses are allocated for Madley is a matter that will be decided within the remit of the Unitary Development Plan, and does not

have a bearing on the determination of this application or indeed other proposals for dwellings that are on sites within the designated settlement boundary.

- 6.3 It is considered that the density of the development is acceptable. There is a variety of house types provided with a predominance of two bedroom dwellings over three bedroom ones. The density of development is comparable with parts of Rosemary Lane. Higher density development in the historic core of villages, such as Madley, is a traditional and sympathetic approach, particularly in the use of terraced housing.
- 6.4 The access is onto a narrow road that is used by a significant amount of motorised and pedestrian traffic, nevertheless it is on the inside of a bend of the Brampton Road providing good visibility for traffic leaving the site and given the width and limited visibility on this stretch of the Brampton Road provides a natural impediment for speeding motorists. The Head of Engineering and Transportation has also been involved in pre-application discussions with the applicant that have resulted in the provision of parking spaces on the site for use in connection with the hairdressing salon, as at present clients of the salon utilise the parking area in front of Montrose as well as the hairdressing salon itself.
- 6.5 Last year Welsh Water were concerned about the capacity of the mains drainage system in Madley, however following a re-appraisal Welsh Water are satisfied that there is sufficient capacity for the development proposed.
- 6.6 The issue of boundary treatment has been raised by other adjoining residents and the Parish Council. Outbuildings would need to be demolished including a pig sty, where stone walling exists the maintenance and repair in the event of damage being caused would be a civil matter between the parties concerned. A planning condition is recommended in any case, so that the local planning authority is satisfied with new boundary treatment which will only probably relate to part of the north-eastern boundary. The roadside boundary needs to be addressed. It should be either a brick or preferably a natural local stone wall. There is red brick walling on the adjacent property at Church View and a stone wall along the length of the road frontage boundary of St. Mary's Church. Matters relating to boundary treatments can be covered by condition or are third party matters outside the remit of Planning legislation and control.
- 6.7 The final issue is the one relating to the layout of the proposed dwellings. Plot 8 will as presently sited have the most impact on any existing dwelling adjoining the site. The three bedroom detached house can be re-sited further into the site away from the boundary with Holly Cottage, as the garage serving the property could be re-sited or possibly deleted from the scheme. Plot 8 is to the north-east of Holly Cottage and therefore issues of overshadowing and loss of sunlight do not arise. The rear garden would at present be in shade during days of the summer and autumn. The upstairs accommodation can also be re-arranged such that the bathroom is brought to the front of the property, as this is the elevation that looks towards the rear garden of Rosemary Cottage. Additionally a restrictive condition will be placed on the south-west facing wall that faces Holly Cottage thereby controlling the possibility of installing first floor windows at a later date, that could potentially overlook the rear garden of Holly Cottage. This condition should also be used in regard to Plot 3 given the proximity of its north-western gable elevation facing Whitehall Place. The re-siting of Plots 3 and 4, and Plots 5, 6, and 7 further south-eastward towards Brampton Road would provide more usable private rear garden areas.

- 6.8 Care will be needed with the materials used in the scheme given the scale of the proposal and its relationship to St. Mary's Church. Plot 8 will need to be re-sited and have the first floor accommodation reconfigured, such that the bathroom is brought to the front of the property. The scheme can be supported with the proviso that the layout is amended and the specific house type for Plot 8 is altered. Notwithstanding the issues raised by the Parish Council and local residents, there are considered to be no reasonable grounds for withholding planning permission for the scheme.

RECOMMENDATION

That subject to the receipt of suitably revised plans, 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. 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. D01 (Site investigation - archaeology)**

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

- 5. E18 (No new windows in specified elevation)**

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

- 6. Foul water and surface water discharges must be drained separately from the site.**

Reason: To protect the integrity of the Public Sewerage System.

- 7. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 8. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

9. G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

10. G04 (Landscaping scheme (general))

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

11. G05 (Implementation of landscaping scheme (general))

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

12. H03 (Visibility splays)

Reason: In the interests of highway safety.

13. H11 (Parking - estate development (more than one house))

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

14. H27 (Parking for site operatives)

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

INFORMATIVES

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

2. HN01 - Mud on highway

3. HN05 - Works within the highway

4. HN10 - No drainage to discharge to highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 DCSW2003/1804/O - SITE FOR ERECTION OF A PAIR OF SEMI-DETACHED HOUSES ON EXISTING BEER GARDEN/CAR PARK, TEMPLE BAR INN, EWYAS HAROLD, HEREFORDSHIRE, HR2 0EU

For: Mr C J W Castle, Hazelwood, Ewyas Harold, Herefordshire, HR2 0EU

Date Received: 16th June 2003 Ward: Golden Valley South Grid Ref: 38788, 28632

Expiry Date: 11th August 2003

Local Member: Councillor J. B. Williams

1. Site Description and Proposal

- 1.1 The application site is on the north-eastern side of the main thoroughfare, the Class III road (C1213) that leads through the core of the village. The site comprises part of the beer garden and car park connected with the Temple Barn Inn, which is immediately to the north-west of the site. Temple Bar Inn is a predominantly stone faced building. On the south-eastern boundary is Hazelwood, a modern rendered bungalow that is also in the ownership of the applicant. Hazelwood and the application site are predominantly above the level of the highway and footpath from which access would be gained. The rear boundary of the site adjoins the south-western boundary of the Primary School.
- 1.2 The proposal entails re-aligning the car park closer to the Temple Bar Inn and by utilising land closer to the boundary of the Primary School. The applicant has already sub-divided the site with the erection of a panel fence running the length of the north-western boundary of the site.
- 1.3 The proposal entails reserving all matters, i.e. means of access, siting, design, external appearance and landscaping for future consideration in the event that planning permission is granted.
- 1.4 The delay in determination has been due to Environment Agency concerns about possible flooding of the site.

2. Policies

2.1 Planning Policy Guidance

PPG.1	-	General Policy & Principles
PPG.3	-	Housing
PPG.25	-	Development & Flood Risk

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2	-	Area of Great Landscape Value
Policy CTC.9	-	Development Requirements
Policy H.16A	-	Housing in Rural Areas Outside the Green Belt

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.8	-	Development within Area of Great Landscape Value
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 Scheme
Policy T.3	-	Highway Requirements

2.4 Unitary Development Plan

There are no policies that are considered to raise issues different from the current Development Plan policies.

3. Planning History

3.1	SH960806PF	Conservatory/Restaurant Extension	-	Refused 02.10.96
	SH961233PF	Side extension to form conservatory/ restaurant including new toilets	-	Approved 10.04.97
	SW2000/0125/F	Location for mobile home for residential use	-	Approved 11.01.01

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency initially submitted a holding objection pending the receipt of further information, including a Flood Risk Assessment (FRA) in line with PPG.25. This has been submitted and the Environment Agency no longer object, however they do recommend that the floor levels of the dwellings are 600mm above the existing ground floor level of the site.
- 4.2 Hyder Consulting, on behalf of Welsh Water, recommends that conditions are attached that separate the foul and surface water discharges from the site.

Internal Council Advice

- 4.3 The Head of Engineering and Transportation recommends that conditions are attached to any planning permission granted.
- 4.4 The Chief Conservation Officer recommends that an archaeological site investigation is conducted prior to works commencing on site.

5. Representations

- 5.1 Ewyas Harold Parish Council make the following observations:

"The Parish Council does object to this application on the following grounds -

- it conflicts with UDP policies
- it is incompatible with existing planning permission
- it will leave insufficient parking space for the Public House
- it will be prejudicial to highway safety."

5.2 One letter of representation has been received from:

Mr. B. C. S. Wells, Stone House, Ewyas Harold, HR2 0EU

The following main points are made:

- development would not be incompatible with the largely residential part of the village centre
- if well designed could contribute to street scene.

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 The main issues are considered to be the suitability of the site for development in respect of flood risk, means of access, size of the site and loss of car parking to the Temple Bar Inn.

6.2 The site is within a Flood Plain. The main road, the Class III road (C1213) is at risk of flooding during the 1 in 100 year flood event. The Environment Agency support the application subject to the imposition of a condition increasing the floor level above the level of the site. This was following receipt of further information required from the applicant that included a Flood Risk Assessment as required by Government advice contained in PPG.25 "Development and Flood Risk."

6.3 The application has to be determined with regard to policies contained in the Development Plan, these are Policies GD.1, SH.8, SH.14, SH.15 and T.3 contained in the South Herefordshire District Local Plan and Policies CTC.2, CTC.9 and H.16A contained in the Hereford and Worcester County Structure Plan. The Unitary Development Plan is not at a sufficient advanced stage for policies contained within it to have a bearing on the determination of this proposal. The above-mentioned policies are concerned with sites being environmentally acceptable in the sense that services are available and or can be economically provided, that a safe means of access can be provided, and that the site in itself is environmentally acceptable. The latter requirement relates to whether or not the development complements the settlement, will not be visually intrusive and would not lead to cramming. It is considered that services can be provided, a safe means of access is available which is endorsed by the Head of Engineering and Transportation. The site is of sufficient width to enable a pair of semi-detached dwellings to be built on it. There is more than sufficient depth of rear garden area backing onto the Primary School for the benefit of residents, there is also no overlooking of the site by surrounding properties. It is stated that the facing materials will be brick, stone and slate, these are materials used in this part of the village. A pair of sympathetically designed dwellings would compliment the village and would reflect Temple Terrace, the other side of Hazelwood, an unprepossessing bungalow on the south-eastern boundary of the site. It is not considered that the development of the site could be construed as cramming as identified in Policy SH.8 contained in the South Herefordshire District Local Plan.

6.4 The final issue is one raised by the Parish Council and relates to the loss of car parking required for the efficient running of the Temple Bar Inn. It is understood that this issue has been the matter of pre-application discussions between the applicant and the Head of Engineering and Transportation. The former part of the car park that was on the proposal site did not cover it in its entirety. There was a beer garden between it and the main road. There is scope to increase the area available closer to

the public house by tidying up the site. It would require planning permission under a separate application to increase the area available further towards the Primary School. There is considered to be sufficient area available in the future for patrons and staff and proprietors of the Temple Bar Inn.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. 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.

2. A03 (Time limit for commencement (outline permission))

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

3. A04 (Approval of reserved matters)

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

4. A05 (Plans and particulars of reserved matters)

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

5. D01 (Site investigation - archaeology)

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

6. E18 (No new windows in specified elevation)

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

7. Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

8. Surface water discharges will only be permitted to discharge to the public surface water sewerage system.

Reason: To prevent hydraulic overloading of the public foul/combined sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

9. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

10. F49 (Finished floor levels (area at risk from flooding))

Reason: To protect the development from flooding.

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. 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.

16. 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.

17. H27 (Parking for site operatives)

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

INFORMATIVES

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

2. HN01 - Mud on highway

3. HN04 - Private apparatus within highway

4. HN05 - Works within the highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCSE2003/3177/F - SINGLE STOREY EXTENSIONS TO FRONT AND SIDE OF DWELLING AT13 SYCAMORE CLOSE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5UA

**For: Mr & Mrs R Hayes per D Kirk & Associates, Flat 2,
11 Station Street, Ross-on-Wye, Herefordshire HR9
7AG**

Date Received: 20th October 2003 Ward: Ross-on-Wye West Grid Ref: 59122, 23057

Expiry Date: 15th December 2003

Local Members : Councillor M R Cunningham and Councillor G Lucas

1. Site Description and Proposal

1.1 This site is located in a large housing estate within the town of Ross on Wye. The existing two storey house has brick external walls, concrete tiles on the roof and tile hanging on the front elevation (first floor level).

1.2 The proposed development is to erect two single storey extensions on each side of the house i.e. one on the northern corner and one on the southern corner. The proposed extension on the northern corner will be a new garage whilst the existing part integral garage will be changed to form living accommodation. A new pitched roof will be formed over the existing flat roofed section of the garage which currently protrudes out at the front of the dwelling. The proposed living room extension on the southern corner of the dwelling will have a sloping lean-to style roof.

2. Policies

2.1 Planning Policy Guidance

PPG.1 General Policy and Principles

2.2 Hereford and Worcester County Structure Plan:

Policy CTC1 Development in Areas of Outstanding Natural Beauty
Policy CTC9 Development Criteria

2.3 South Herefordshire District Local Plan:

Policy GD1 General Development Criteria
Policy C5 Development within Area of Outstanding Natural Beauty
Policy SH23 Extensions to Dwellings
Policy T3 Highway Safety Requirements
Policy T4 Highway and Car Parking Standards

2.4 Herefordshire UDP (Deposit Draft):

Policy S2 Development Requirements
Policy DR1 Design

Policy H18 Alterations and Extensions

3. Planning History

- 3.1 SE2003/1437/F Single storey extensions to front and side - refused 03.07.03
of dwelling

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and and Transportation has no objection.
4.3 The Chief Conservation Officer has no objections.

5. Representations

- 5.1 The Town Council has no objection.
- 5.2 A letter of objection has been received from Mr and Mrs ER Higgins, 12 Sycamore Close, Ross on Wye, Herefordshire HR9 5UA. The main points being:
- studied new plans and must again strongly object
 - the proposed ground floor living room extension has changed little other than the roof line and slight reduction in dimensions,
 - new roof line is an improvement however there are still objections to proposal,
 - the extension will still greatly restrict objectors' light to the two existing ground floor windows on the side of dwelling. These windows are only source of daylight to these two rooms,
 - proposed extension covers a larger area and difficult to visualise its impact on objectors property,
 - proposed extension too close to boundary of objectors' property and window,
 - objections were not considered adequately and are not reflected in the new plans,
 - the current scheme would negatively affect the objectors' family and property.

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 issues relate to the size, design and external materials of the proposed extensions and their affect on neighbouring dwellings. In this case the effect of the proposed side extension (southern corner) on the side ground floor windows to the neighbouring dwelling immediately to the east i.e. No. 12 Sycamore Close is a particular issue. Policies GD1 and SH23 of the South Herefordshire District Local Plan directly relate to these issues.
- 6.2 A previous planning application (ref No SE2003/1437/F) for two single storey extensions on each side of this dwelling was refused planning permission on 3rd July

2003 as it was considered that the proposed extension on the southern corner would adversely affect the residential amenities of the occupants of the neighbouring dwelling by reason of loss of light to the ground floor windows on the side of that dwelling and also over-domination.

- 6.3 The applicants subsequently discussed the proposed development with the case officer and as a result have submitted this revised application. The originally proposed roof on the southern extension has been reduced in height by approximately 1 metre and the design altered so that the side facing gable has been replaced by a lean-to sloping roof. Also the footprint of this extension has been moved away from the neighbours boundary by a further 0.5 metre. As such it is considered that the reasons for refusal in the previous application have been overcome in this current proposal.
- 6.4 The proposed extensions will be in keeping with the scale and character of the existing dwelling and be in matching external materials. The proposed extension on the northern corner of the dwelling will not affect any neighbours. The proposed extension on the southern corner, in its revised form, will not adversely affect the residential amenities of the neighbouring dwelling to the east. The neighbouring dwelling has a single storey lean-to on the side, the outer wall of which is positioned nearly right up to the common boundary of the two properties. There are two small windows (both with obscure glass) in this outer side wall which serves what appears to be a utility room and a w.c. The two dwellings are positioned at an angle to each other. Although the nearest point of the proposed extension is only 1.25 metres away from the neighbours' side wall the other end of the extension is further away. Also the roof of the proposed extension is a sloping lean-to roof. Consequently it is considered that the proposed extension will not adversely take light away from these two windows in the neighbours' side wall.
- 6.5 The proposed development is therefore considered to be acceptable and in accordance with planning policies in particular policies GD1 and SH23 of the South Herefordshire District Local Plan

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 Before any work commences on site full details of the materials to be used externally on the walls (above window level only) on the north east elevation of the living room extension, hereby approved, 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.

INFORMATIVE

- 1 N03 - Adjoining property rights**
- 2 N14 - Party Wall Act 1996**
- 3 N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**6 DCSW2003/3390/F - GENERAL PURPOSE
AGRICULTURAL SHED AND NEW ACCESS ROAD,
PARCEL 2625, HOLYWELL, BLAKEMERE,
HEREFORDSHIRE. HR2 9JW**

**For: J Stevens, Harefield, Almeley Road, Eardisley,
Hereford, HR3 6PP**

**Date Received: 12th November 2003 Ward: Golden Valley Grid Ref: 37270 41247
North**

Expiry Date: 7th January 2004

Local Member: Councillor N. J. J. Davies

1. Site Description and Proposal

1.1 The parcel of land lies to the south of the C1192 Blakemere to Preston-on-Wye road. The land is of a rectangular shape and slopes southerly from the main road, measuring approximately 0.37 ha. The land is within open countryside with Holywell Farm to the west and two residential properties lie to the east, known as Spring Cottage and School House.

1.2 The proposal in its original form was to erect an agricultural building measuring 9144m x 9144m x 4578x, situated to the north-west of the parcel of land. The existing gate would remain and an access track provided. Following negotiations, the scheme has been amended with the size of the building reduced to measure 9144m x 7010m x 3352m.

2. Policies

2.1 Planning Policy Guidance

- | | | |
|-------|---|---|
| PPG.1 | - | General Policy and Principles |
| PPG.7 | - | The Countryside – Environmental Quality and Economic and Social Development |

2.2 Hereford and Worcester County Structure Plan

- | | | |
|------------|---|------------------------|
| Policy A.3 | - | Agricultural Buildings |
|------------|---|------------------------|

2.3 Leominster District Local Plan

- | | | |
|------------------------|---|--|
| Policy A.1 | - | Managing the District's Assets and Resources |
| Policy A.2 | - | Settlement Hierarchy |
| Policy A.70 | - | Accommodating Traffic from Development |
| Paragraph 5.58 page 57 | | |

2.4 Unitary Development Plan

- | | | |
|-------------|---|---------------------------------------|
| Policy S.2 | - | Development Requirements |
| Policy DR.2 | - | Land Use and Activity |
| Policy E.13 | - | Agricultural and Forestry Development |

3. Planning History

- | | | | | |
|-----|---------------|---|---|---|
| 3.1 | NW2002/3537/O | Site for 2 detached houses | - | Refused 14.01.03. Appeal dismissed 09.07.03 |
| | SW2003/2811/S | General purpose agricultural building and proposed new road | - | Planning permission required 09.10.03 |

4. Consultation SummaryStatutory Consultations

- 4.1 The Environment Agency observe: "No objections in principle subject to conditions being attached."

Internal Council Advice

- 4.2 The Head of Engineering and Transportation has no objections.

5. Representations

- 5.1 The applicant has submitted details of support. The main points being:

- calculations as to the justification of the agricultural building
- details of accounts for a 5 year period
- sell honey to local suppliers
- documentation of honey sampling analysed by Herefordshire Council

- 5.2 The Parish Council: No response received to either scheme.

- 5.3 Two letters of objection were received to the original proposal from:

Mr. & Mrs. D. Woolley, Spring Cottage, Blakemere
 Mr. & Mrs. A. Foulds, The Old School House, Blakemere

The main points being:

- Object to the proposed development in this location
- No justification for this development as to the size of the building and how it would make the enterprise efficient.
- The applicant's enterprise is a small scale part time one involving small sheep and a number of bee-hives.
- Enterprise has been in existence for many years and has functioned without the need for an extra large building.
- The issue of highway safety poses an insuperable problem for any development at this site.
- Policy A.1 of Structure Plan seeks to protect the countryside and this point is emphasised in the draft Unitary Development Plan.
- This kind of development by infilling would be totally contrary to guiding principles.
- It would be visually intrusive and that a loss of privacy and amenity would result.

- Considerable amount of disturbance with increased activity and would change character of our property and small hamlet.
- The erection of a high fence or hedge to shield us would be unacceptable as it would cause loss of light.
- Any sort of development whether residential or non-residential would have an adverse impact.
- Area of grassland is smaller than the parcel as there is an unusable area of marsh and scrub.
- Relatively small agricultural enterprise of this nature cannot justify development on substantial scale proposed.
- This site forms part of an agricultural unit, if so, it is detached and remote from the rest of the unit.
- Scale and design of the building would have an adverse visual impact upon the immediate surroundings.
- A recent planning application for residential was dismissed on appeal because of unacceptable loss of highway safety.

Two further letters of objections have been received to the revised scheme from:-

Mr. & Mrs. R. Collins, Carpenters Cottage, Blakemere, Hereford

Mr. & Mrs. D. Woolley, Spring Cottage, Blakemere, Hereford

The main points being:

- Concerns as to a fresh application to utilise the parcel of land.
- Previous application for a dwellinghouse refused because of the concern of traffic along the lane.
- Whether the land is used for residential or additional commercial activity it increases the risk of accidents and noise interference.
- Maintain our previous objections.
- Proposed shed is still of a size that would be unacceptably intrusive for the site and surroundings.
- Applicant has detailed his intentions for his bee-keeping enterprise and it amounts to a proposal for semi-industrial activities in close proximity to dwellings.
- Unsafe access to the public road was a reason for rejection in 2002.
- There is virtually no traffic to and from this parcel and scale of enterprise is bound to generate considerable traffic.
- Application must be rejected on access safety grounds.
- Sympathetic to the applicant's aim to enlarge his small-scale enterprise, however, the scale is inappropriate for plot of land.
- This level of enterprise is more appropriate to a small unit on an industrial site rather than open countryside.

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 impact of the proposal on the rural surroundings, highway safety and neighbouring properties.
- 6.2 The parcel of land measures 82m x 32m and provides a buffer zone of trees to the west with scattered trees and hedging to southern and eastern boundaries. The area

to the north-west is set back and cannot be seen from the roadside. The agricultural building would be situated to the north-west against the backdrop of the trees and in relation to the existing agricultural building at Holywell Farm.

- 6.3 The Hereford and Worcester County Structure Plan Policy A.3 seeks to ensure that agricultural buildings are sited and designed so as to harmonise with the surrounding area and not in isolation. Paragraph 5.58 of the Leominster District Local Plan considers the advice set out in the Hereford and Worcester County Structure Plan Policy A.3 and PPG7 provides adequate information and does not impose further constraints. Whilst the parcel of land forms part of the agricultural unit, it is felt that the other site would be in isolation and prominent in the landscape. The adjoining Holywell Farm helps to eliminate its isolation in that it forms a partial backdrop to its siting. In terms of the impact upon the rural surrounding area, the building has been reduced and is visually screened within the wider context of the countryside.
- 6.4 Having regard to highway concerns and the previous appeal dismissed as to the unacceptable loss of highway safety. No objections have been raised by the Head of Engineering and Transportation, due to the existing access and gate not being altered for the proposal. The land is used at present for bee-keeping and the agricultural building would help to sustain the enterprise and provide adequate storage for this purpose. The increase of activity from the site would not have an adverse effect upon the existing road network.
- 6.5 The concerns raised from the adjoining neighbours with regards to privacy and loss of amenity, it is considered that the distance between the nearest point of the building and the garden of Spring Cottage would be some 23 metres. It is considered that having regard to this distance, the presence of the conifers and hedging would not lead to an unacceptable loss of privacy and amenity. Furthermore, the applicant is willing to undertake further landscaping around the agricultural building.
- 6.6 It is considered that the revised scheme is considered to be acceptable and in accordance with planning policies, in particular A.3 of the Hereford and Worcester County Structure Plan and A.2 and A.70 of the Local Plan.

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. B10 (Details of cladding (agricultural and industrial buildings)**

Reason: To minimise the visual impact of the development.

- 4. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the**

bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

- 5. F03 (Restriction on specified activities)

Reason: To protect the amenities of nearby properties.

- 6. G04 (Landscaping scheme (general))

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

- 7. G05 (Implementation of landscaping scheme (general))

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

INFORMATIVES

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

- 2. It is the responsibility of the applicant to ensure that the spring, located on this site, is not affected as a result of this development.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCSW2003/3551/F - PROPOSED 6 NO STABLES, TACK AND HAY BARN, DUNGSTEAD, CREATION OF HARD STANDING AND GRAZING FOR HORSES, LAND AT PETERCHURCH, PART PARCEL NO 9100, PETERCHURCH, HEREFORDSHIRE

**For: Mr & Mrs D. L. Hancorn per Thompsons
Agriculture House, Tillington Road, Hereford, HR4 9QJ**

Date Received: 27th November 2003

Ward: Golden Valley North

Grid Ref: 34886, 38094

Expiry Date: 22nd January 2004

Local Member: Councillor N. J. J. Davies

1. Site Description and Proposal

- 1.1 The site is on the south-western side of the Class II road (B4348). The existing splayed entrance to the site is 160 metres to the south-east of the junction of the B4348 and the C1209 and C1195 roads. This site is also used by traffic in connection with the sewage works further to the south-west of the application site via a surfaced roadway.
- 1.2 There is a well established boundary of trees on the north-western boundary of the site.
- 1.3 It is proposed to erect 6 timber stables, a hay store and tack room and dungstead, 31 metres from south-west of the metalled edge of the B4348 road. The building will be 36 metres wide and 28.8 metres long, and 3 metres to the ridge. It will be shiplap or feather edge boarded under a black coloured corrugated Onduline roof.

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 Requirements

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 ED.3 - Employment Proposals Within/Adjacent to Settlements
Policy ED.8 - Farm Diversification

2.4 Unitary Development Plan

There are no policies that are considered to raise issues different from Development Plan policies.

3. Planning History

3.1 None relating to the site.

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency has no objection.

Internal Council Advice

4.2 The Head of Engineering and Transportation recommends that conditions be attached in the event that planning permission is granted.

5. Representations

5.1 The applicants' agent states:

- proposed to erect six timber stables, hay store and tack room on a small parcel of land severed from the main field by a roadway serving a sewage works
- land too small a parcel to farm profitably
- level and well suited for buildings
- intend to run a livery unit within ambit of Policy ED.8 (SHDLP): it would contribute to the diversification of agriculture
- supply of feedstuffs to the unit could be from the clients own farm
- an amended access will be created in line with Highways Department.

5.2 Peterchurch Parish Council make the following observations:

"Council have no objections to this application."

5.3 One letter of objection has been received from:

F. M. Harvey & R. J. Fishenden, Little Brook, Peterchurch, HR2 0SF

The main points being:

- the dungstead would be close to a watercourse (The Well Brook) concern with run-off and pollution
- lack of sufficient area of land to exercise 6 horses
- main road inappropriate for exercise of horses. Unsafe road. Close to 30mph, vehicles increasing/decreasing speed or ignoring speed limit
- accident on road inevitable.

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 considered to be three main issues, and these relate to highway safety, the suitability of the site and the possible pollution of The Well Brook.
- 6.2 This site has a splayed metal fenced entrance providing a reasonable level of visibility amenity. This, however, can be improved upon as discussed by the applicant and a Highways Officer prior to submission of this application. It is considered that vehicles would be able to leave and enter the site safely.
- 6.3 This piece of land is within the Area of Great Landscape Value, it is a flat area of land that has structures on it already, with the sewage works and well established screening on the north-western boundary of the site. It is not considered that the building would detract from the amenities of the landscape given that it is set back from the highway and the ridge height is 3 metres.
- 6.4 The potential for pollution is a matter for the Environment Agency, and given that the Environment Agency has no objection it is considered that subject to best practice being undertaken by the applicant as advised by the Environment Agency, there is not considered to be a reason in itself for withholding planning permission.
- 6.5 It is considered that the proposal complies with Policies GD.1, C.1, C.8, ED.3 and ED.8 contained in the South Herefordshire District Local Plan in respect of the means of access and highway implications, the siting and purpose of the building and that it is an appropriate form of farm diversification for this particular site within the designated Area of Great Landscape Value. The pollution issue raised is not one, given the stance of the Environment Agency, that makes it an issue that can sustain a reason for refusal.

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. B01 (Samples of external materials)

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

4. H01 (Single access - not footway)

Reason: In the interests of highway safety.

5. H03 (Visibility splays)

Reason: In the interests of highway safety.

6. H05 (Access gates)

Reason: In the interests of highway safety.

7. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

8. H13 (Access, turning area and parking)

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

9. H27 (Parking for site operatives)

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

INFORMATIVES

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

2. HN01 - Mud on highway

3. HN04 - Private apparatus within highway

4. HN05 - Works within the highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCSE2003/3554/F - REMOVAL OF CONDITION 3 FROM PERMISSION SE2003/1859/F AT WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6PZ

For: Wye Lea Leisure Ltd per M E Thorne & Co, The Ridge, Buckcastle Hill, Bridstow, Ross On Wye

Date Received: 28th November 2003 Ward: Llangarron Grid Ref: 58156, 25636

Expiry Date: 23rd January 2004

Local Member: Councillor Mrs J A Hyde

1. Site Description and Proposal

- 1.1 Planning permission (SE2003/1859/F) was granted in August 2003 for a two-storey extension to the manager's house at Wye Lea Country Manor to provide additional bedroom, reception and office facilities, a relief manager's bedroom and a detached garage. This house is attached to former stables which were converted into holiday cottages in the 1980's. These small cottages are close to the main entrance to this large holiday centre and to the C1271 road which links Wye Lea to the A49 at Bridstow. The holiday cottages but not the house were restricted by planning condition and Section 52 Agreement to holiday use only. The applicant's intention is to use the latter (Dobbin Cottage) as a manager's house and add a third bedroom and upstairs bathroom (half of the upper floor of the extension). The remainder of the extension's upper floor would be a relief manager's bedroom with bathroom and small kitchen, which would be accessed through the ground floor offices and reception.
- 1.2 The permission included a condition (No. 3) limiting occupation of the manager's house to a person solely employed at the holiday centre or as holiday accommodation. The current application is for removal of this condition.

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 H20	Housing in Rural Areas
Policy TSM1	Tourism Development
TSM5	Tourist Accommodation
Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC2	Area of Great Landscape Value

2.3 South Herefordshire District Local Plan

Policy SH23	Extensions to Dwellings
Policy TM1	General Tourism Provision
Policy TM5	Proposals for Self-catering Accommodation
Policy C5	Development within AONB
Policy C8	Development Within Area of Great Landscape Value
Policy GD1	General Development Criteria

3. Planning History

3.1	SH850877PF	Conversion to form 3 holiday cottages, improvements to existing cottage and erection of covered swimming pool.	- Permitted 25.08.86	
	DCSE/2003/1859/F	Extension to manager's house to provide additional bedroom, reception and office facilities and relief manager's bedroom and detached garage.	- Permitted 14.08.03	-

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non statutory consultations required.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection to the grant of permission.

5. Representations

5.1 The applicant's agent has submitted a letter in support of the application. This is reproduced in full in the Appendix.

5.2 Parish Council strongly objected to this planning application.

5.3 One letter has been received from Ross on Wye and District Civic Society which points out that whilst not able to comment on the technical planning issues the Society objects to any change in the conditions which would permit wider usage.

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 background to this application needs to be appreciated. An application for 6 further holiday units plus a detached manager's house and reception/office building was dismissed on appeal in 2002. The Council accepted that the units and reception/office building were small-scale tourism development and as such in accord with tourism policies. A revised application for 6 units has subsequently been granted permission. The Inspector agreed with the Council that the proposed house was not justified but indicated that there was a need for a manager of this large site. The

extension to Dobbin Cottage described in paragraph 1.1 above was subsequently submitted.

6.2 The extension is large and would not be acceptable other than as tourism development. Policy TM5 requires that new build accommodation for self-catering accommodation be limited by condition preventing change of use for residential use (i.e. non-holiday use). It is appreciated that this policy does not relate specifically to holiday centres such as Wye Lea but the aims of the policy can reasonably be applied to this case. The imposition of this condition in relation to the new accommodation accords therefore with this policy. This can only be achieved by restricting the whole unit. However the extension to Dobbin Cottage adds only about 30m² (less than 40%) to the floor area of that small dwelling. It is considered that it would be disproportionate to restrict the major part of the property for such a small extension. Furthermore the applicant accepts that it would be appropriate to restrict the remainder of the extension (the relief manager's accommodation by condition, the ground floor would need a separate grant of permission for residential use). It is concluded therefore that there is no significant planning benefit from the disputed condition and it is not therefore necessary.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 The relief manager's bedroom and associated accommodation outlined in red on the plan attached to this permission shall only be occupied by a person employed at Wye Lea Country Manor holiday centre or as holiday accommodation and shall not be used as a separate residential dwellinghouse.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission in this location without the special need to provide on-site accommodation.

INFORMATIVE

1. N15 – Reason(s) for the grant of planning permission

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

M.E.Thorne & Co.

THE RIDGE, BUCKCASTLE HILL, BRIDSTOW, NR. ROSS-ON-WYE, HEREFORDSHIRE. HR9 6QF Telephone / Fax (01989) 563317

Martin E. Thorne BSc C. Eng MICE

Architectural, Town Planning
Civil & Structural Engineering
and Surveying Services

26 November 2003

The Planning Officer,
The Herefordshire Council,
PO Box No. 230,
Blueschool House,
Hereford HR1 2ZB

For the attention of Mr S Holder

Dear Sir,

PROPOSED EXTENSION TO MANAGER'S HOUSE AT WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE FOR MR COLIN BATEMAN

I would refer to my meeting on 10 November last in your offices with Messrs M Willmont and S Holder to discuss the content of Mr Holder's letter dated 22 October in reply to mine of 22 September, when I wrote to object to what was to us the arbitrary and unacceptable imposition of an occupancy condition on the Manager's House at Wye Lea in the Planning Permission dated 14 August 2003 issued under ref. no. DCSE2003/1859/F.

Mr Holder made the point in his letter dated 22 October that the Manager's House would be comprised of *'the existing dwelling plus part of the extension'*, while the extension, designed to provide Reception and Office facilities for the existing holiday centre at Wye Lea Country Manor, together with a Relief Manager's Bedroom and a third bedroom for the adjoining existing Manager's House, *'was only acceptable as an expansion of the holiday complex rather than a residential unit and hence the conditions 3 and 4'*.

At my meeting with Mr Willmont and Mr Holder, Mr Willmont likened this scenario to that which had arisen in the past when a farm worker's dwelling had been approved on an existing farming enterprise but only subject to an agricultural worker's occupancy condition being imposed on the existing farmhouse. While we would all accept the validity of such a condition, in order to avoid the farmhouse then being sold off separately, this analogy is not relevant in this instance and, frankly, will not do, for the simple reason that no new dwelling was sought in this application, merely a one-bedroom extension to the existing Manager's House plus the Reception and Office facilities and Relief Manager's Bedroom referred to above.

The only complication is the fact that the proposed additional bedroom would comprise a 'flying freehold' over the other facilities which we completely accept would not be acceptable other than as an expansion of the existing holiday complex, as already stated by Mr Holder. However, the existence or otherwise of a 'flying freehold' is of itself of no relevance in planning terms and does not justify the imposition of an occupancy condition on the existing Manager's House, where none previously existed. Furthermore, it would generally be held that a one-bedroom extension of an existing two-bedroom cottage in the countryside would be entirely in accord with Planning Policy and would readily be approved if no other objection was apparent.

SE03/3554/

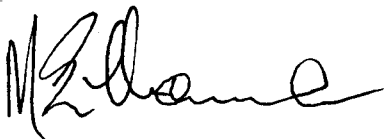
We remain of the opinion, therefore, that though Condition 4 is justified and acceptable, Condition 3, which imposes an occupancy condition on the existing Manager's House, is not justified, is not acceptable and should be removed, regardless of the fact that one cannot anticipate this property being anything but immediately and permanently linked with the existing holiday enterprise at Wye Lea. In short, this is a matter of principle where we believe that the Planning Department has overstepped its authority.

At our meeting, when you were not able to justify the inclusion of Condition 4 in any other terms other than those to which I have referred above, I agreed to try and conceive of a condition that might be imposed instead of the existing Condition 4. I have to say that I have failed in this and see no alternative but to seek your formal removal of the offending Condition, hence the enclosed Planning Application which seeks the Removal of Condition 3 as imposed on permission DCSE2003/1859/F.

In considering this application, I would point out that your Authority's previous refusal to grant planning permission for development on this site which included a new Manager's House, which could have readily had an occupancy condition attached to it, does not justify the imposition of the same occupancy condition on what (apart from Wye Lea House) is the only 'free' dwelling on this site. I would also point out that using Dobbin Cottage, as it has hitherto been known, as the Manager's House has been forced upon the applicant by your Authority's refusal of the previous application which makes it doubly unacceptable for you now to seek to impose an occupancy condition on this dwelling.

I have previously pointed out that I know of no clause in the Planning Act nor any Planning Policy which supports the imposition of an occupancy condition on the Manager's House and you have thus far not been able to disabuse me of this fact. Indeed, may I again request such details if you consider that there are any. In the absence of such convincing argument, I hope that you will agree that Condition 4 is not justified either by the Planning Act or by Policy and agree to its removal as I must advise you that the applicant intends to pursue this matter to appeal, if necessary. However, I trust that that will not be necessary and that you will approve the enclosed application.

Yours faithfully,



Martin Thorne

**9 DCSE2003/3316/F - TWO STOREY EXTENSION,
DESIGN HOUSE, BULLS HILL, ROSS ON WYE,
HEREFORDSHIRE HR9 5SD**

**For: Mr & Mrs R Porter, Design House, Bulls Hill,
Ross-on-Wye, Herefordshire, HR9 5SD**

Date Received: 3rd November 2003 Ward: Kerne Bridge Grid Ref: 59719, 20392

Expiry Date: 29th December 2003

Local Member: Councillor Mrs. R. F. Lincoln

1. Site Description and Proposal

- 1.1 The application premises comprise a two-storey detached house set in a large garden. The property is on an elevated location on Bulls Hill with the land falling away to the north-east. The house is positioned close to the north-western boundary with the adjoining house (Linden Lea). These properties are located a short distance along an access track that leads to the east off the Wythall - Bulls Hill road. The house is of stone construction but appears to have been considerably extended and altered in character.
- 1.2 It is proposed to extend this stone cottage by the erection of a two-storey extension at the south-eastern end. This would create an 'L' shaped property with the ridge of the extension at right angles to the axis of the existing house. The gable of the extension would project forward of the front of the house by about 1.9m. The width of the extension (about 5.5m) would be slightly smaller than the depth of the existing house (about 6m). The front and rear elevations would be of stone with the end elevation rendered. Dormer style windows would be inserted in the end elevation, plus a mixture of casement and patio-style windows.

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 H.20 - Housing in Rural Areas
Policy CTC.1 - Areas of Outstanding Natural Beauty
Policy CTC.2 - Areas of Great Landscape Value

2.3 South Herefordshire District Local Plan

Policy SH.23 - Extensions to Dwellings
Policy C.5 - Development in Area of Outstanding Natural Beauty
Policy C.8 - Development in Area of Great Landscape Value
Policy GD.1 - General Development Criteria

3. Planning History

- 3.1 There is no record of any applications.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection to the grant of permission. The development would not appear to affect public footpath WA32 (Wye Valley Walk) which passes close to the site.

5. Representations

- 5.1 The Parish Council comment as follows:

"The Parish Council is concerned about the size of this proposed extension in relation to the existing cottage (H18.2). The gable end front elevation and its front extension beyond the line of the building were considered to dominate the cottage. The proposed very large windows to the rear elevation facing Howle Hill road and to the garden were not considered compatible with the cottage. Any extension should be in matching stone and not a concrete substitute."

- 5.2 Open Spaces Society states that the proposal does not appear to have a physical effect to the interest it represents.

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 This house, although of stone construction, is not of traditional size, being much deeper than is typical. The new extension is similar in scale, with identical eaves and ridge heights so that the roof pitch is more or less the same as the existing house. The extension would increase the footprint of the house by about 45% and the cubic capacity by about 50%. This is considered to be at the limits in terms of increase in size that would comply with the Council's policies for domestic extensions. Policy SH.23 requires that extensions should not be the dominant feature and should be in keeping with the mass and scale of the existing dwelling. In this case the house is already wide and a further increase in width would not be pleasing. An 'L' shape with the width of the extension similar to that of the depth of the existing house is therefore an appropriate form of development. The proposed extension projects only 1.9m forward of the house and marginally to the rear. Visually then it is not considered that this would appear to be unduly dominant.
- 6.2 The fenestration is similar to that of the existing dwelling, which includes dormers, casement windows of various sizes and patio doors. Nevertheless the submitted scheme is not ideal and it is considered that improvements could be ensured through a planning condition. The front and rear elevations would be of matching stone.

Rendered elevations or extensions are commonly found on predominantly stone houses and it is not considered that this is grounds to refuse 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. **B01 (Samples of external materials)**

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

- 3. **Notwithstanding the approved drawings, the fenestration of the extension shall not be as shown but in accordance with details, which shall include the size, type and materials of construction which have been submitted to and approved in writing by the local planning authority.**

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

INFORMATIVE

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 SE2002/3827/F - PROPOSED NEW DWELLING FOR STAFF ACCOMMODATION AT YE HOSTELERIE HOTEL, GOODRICH, ROSS-ON-WYE HEREFORDSHIRE.

For: Ye Hostellerie per D Kirk and Associates, Flat 2, 11 Station Street, Ross-on-Wye, Herefordshire HR9 7AG

Date Received: 23rd December 2002

Ward: Doward

Grid Ref: 57480, 19445

Expiry Date: 17th February 2003

Local Member: Councillor Mrs R Lincoln

1. Site Description and Proposal

1.1 The application site is a small area of land about 20m x 15m to the south of the car park of Ye Hostellerie, Goodrich, and surrounded by the rear gardens of Mesquita and The Pippins in Castle Lane to the east and south and of James Cottage and the Village Hall to the west. The site is part of the gardens attached to Ye Hostellerie Hotel but is not intensively cultivated and is separated from the hotel buildings by the car park. It is proposed to erect a dwelling for staff accommodation on this plot of land.

1.2 The house would be 'T'-shaped, with the leg a hipped roof single-storey building and the arm two-storeyed. The maximum lengths would be about ...m and 9.5m respectively. The house would be sited towards the southern apex of the site, about 4.5m from the boundary with Mesquita, and about 1m from the boundaries with The Pippins and James Cottage. It would be of stone construction with a slate roof. Apart from a roof light in the west facing roof slope first floor windows would be restricted to the gable ends. The site slopes downwards to the west and it is proposed to site the new building at the lowest possible level by cutting into the slope about 1.6m. There are 23 car parking spaces at the hotel and it is not proposed to increase this provision. Vehicular and pedestrian access would be through the hotel's car park.

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 CTC1 Area of Outstanding Natural Beauty
 Policy CTC2 Area of Great Landscape Value
 Policy H18 Housing in Rural Areas
 Policy H16A Housing in Rural Areas

2.2 South Herefordshire District Local Plan

Policy SH8 New Housing Development Criteria in Larger Villages

Policy SH14	Siting and Design of Buildings
Policy SH15	Criteria for New Housing Schemes
Policy C5	Development within AONB
Policy C8	Development Within Area of Great Landscape Value
Policy C29	Setting of a Listed Building
Policy GD1	General Development Criteria
Policy TM3	Extensions to Hotels and Inns

3. Planning History

- 3.1 SH960826PO Dormer bungalow and garage - Refused 16.10.96

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water confirm that a foul connection from the proposed dwelling can be made to the public sewerage system. This is on the understanding that the developer will remove effectively 218m² of surface water of roof area from an existing building on the site, which currently drains to the public combined sewerage system and redirect the surface water to soakaways. The information that they have supplied has shown that the proposals will provide betterment to the public sewerage system. However they would request that conditions and advisory notes be imposed within the planning permission.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection to the development.
- 4.3 Chief Conservation Officer does not object in principle though reservations are expressed regarding the width of the single-storey section and hipped roof.
- 4.4 Head of Environmental Health raises no objections to the proposal.

5. Representations

- 5.1 Parish Council has no objections to the proposal.
- 5.2 4 letters of objection or expressing concerns have been received. In summary the following points are made:
- (i) very close to recent bungalow development and The Pippins and first floor windows would look down the row of gardens and at the bungalows causing serious loss of privacy and be obtrusive especially viewed from Mesquita
 - (ii) building plot inappropriate as covers 81m² on 270m² whereas all other properties nearby have large gardens - a bungalow would be more in keeping; a single-storey building of 81m² should be adequate as staff accommodation
 - (iii) intended for member of proprietors family but concern expressed at consequences if they needed to move (say) to a larger house : would be holiday accommodation or overflow accommodation for hotel. Queried why staff accommodation could not be provided within hotel and pointed out that suitable properties in immediate vicinity (e.g. James Cottage) have come on the market recently

- (iv) concern that adjoining gardens may subside due to groundworks proposed
- (v) planning permission refused in mid 1990's for house on this plot and assured that it was too small for a dwelling
- (vi) no finished floor level is specified and local plan omits The Pippins and Mesquita

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 site is within the village of Goodrich as defined in Part III of the Local Plan. In principle therefore new residential accommodation is acceptable. The key issues are considered to be whether it would be in character with the area, bearing in mind that Ye Hostellerie is a listed building and the affect on the amenities of neighbours.
- 6.2 This site is smaller than nearby residential plots. Nevertheless the space between the proposed house and adjoining buildings is comparable to that between existing houses. Nor would the building look cramped on the plot as it would appear to be within a larger area. The building would not have a road frontage, being set well back from the road but is similar in the latter respect to the complex of dwellings known as The Square, to the north of Ye Hostellerie. The Council's Conservation Officer has no objection to a two-storey structure as this is in keeping with the setting within the curtilage of the listed hotel and near to James Cottage, a traditional two-storey stone cottage. It is considered therefore that the proposal would not be out of character with the area. Consequently although this proposal could be considered as "backland development" it would not be unacceptable.
- 6.3 There are three aspects to the second issue. Firstly the house would be close to the boundary with Mesquita (about 4.5m). However the proposed house would be at a significantly lower level as not only would the ground level of the application site be reduced but the rear garden of Mesquita rises steeply to the finished floor level of the bungalow. Furthermore the nearest section of the proposed house would be single-storeyed with a hipped roof. There would be a distance of about 16m between the two buildings (12m from Mesquita's conservatory) and a further 5m between Mesquita and the two-storey section. These factors would ensure that although clearly in view from Mesquita the new residential accommodation would not be overbearing.
- 6.4 Secondly the first floor windows would overlook adjoining gardens. The window in the south elevation is only 1m from The Pippins and it would be reasonable to require this window to be obscurely glazed. The northern elevation window is a minimum of about 12m from the boundaries with the houses in Castle Lane and this is a view at an acute angle, more direct views would be further away. The rear gardens of these properties are about 12m in length and it is normal for gardens to be overlooked from a distance equivalent to their length. Thus although there would be a loss of privacy it is not considered to be so serious as to justify refusal of permission.
- 6.5 Thirdly the two-storey section would in part be about 1m from the rear garden of James Cottage and to the west and would cause some overshadowing. The garden however is not directly to the rear of the cottage and there are no windows in the rear of the

cottage. It is considered therefore that there would not be significant harm to residential amenities.

- 6.6 For the reason given above it is concluded that the proposal would respect the character of the area and setting of the listed building and not cause serious harm to the amenities of neighbours.
- 6.7 The applicant has agreed to reduce the size, in particular the width, of the single storey section, to meet the concerns of the Chief Conservation Officer.

RECOMMENDATION

That subject to the receipt of suitably amended plan, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional 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 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

6 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.

7 F18 (Scheme of foul drainage disposal)

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

8 E16 (Removal of permitted development rights)

Reason: [Special Reason].

9 E18 (No new window in specified elevation)

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

10 E19 (Obscure glazing to windows)

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

11 The occupation of the dwelling shall be limited to a person solely or mainly employed at Ye Hostellerie Hotel and any resident dependants.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission in this location without the special need to provide on-site accommodation.

INFORMATIVE

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCSE2003/3203/F - CONVERT REAR SHOWROOM TO TWO SELF-CONTAINED FLATS AND REDEVELOP REAR YARD TO PROVIDE FOUR SELF-CONTAINED FLATS WITH COURTYARD LANDSCAPING AT OLD BAKERY MEWS, 12 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EG

For: Mr F Fryer per B S Technical Services, The Granary Studio, Lower House, Bryngwyn, Raglan NP15 2BL

Date Received: 3rd November 2003 Ward: Ross-on-Wye West Grid Ref: 60067, 24421
Expiry Date: 29th December 2003

Local Member: Councillor M R Cunningham and Councillor G Lucas

1. Site Description and Proposal

- 1.1 The application site comprises a walled yard at the rear of the three-storey building (12 Brookend Street, Listed Grade II) which fronts Brookend Street, together with the extension to the rear of that building. The yard is partly occupied by single-storey structures and used as a car repair workshop; the extension is part of a retail showroom. The extension and part of the workshop abut a substantial Georgian house (Mill House) and another vehicle repair garage. To the west and north of the site is Fontaine Court, blocks of flats for elderly people. It is proposed to erect a two-storey and single-storey building in the yard to form 4 flats and to convert the extension into a further two residential units.
- 1.2 Planning permission and listed building consent for an earlier scheme to develop 6 flats was refused in September 2003 for the following reasons:
1. The proposed development would be within the Wye Valley Indicative Floodplain and no flood alleviation scheme is proposed. The development would conflict therefore with Government Guidance in PPG25 "Development and Flood Risk" and Policy C44 of the South Herefordshire District Local Plan.
 2. The proposed development would overload the existing public sewerage system and would result therefore in additional environmental pollution. As a consequence the proposal would conflict with GD1 and Policy C47 of the South Herefordshire District Local Plan.
 3. The proximity of the proposed north eastern block of flats and the size of this building would be overbearing in relation to the adjoining block of flats at Fontaine Court and thereby harm the amenities of the occupiers of those flats and the character and appearance of this part of the Ross-on-Wye Conservation Area. The proposal conflicts therefore with Policies SH14 and C23 of the South Herefordshire District Local Plan.

4. The design and density of this proposed development would harm the character and setting of this listed building and thereby conflict with Policies C27B and C29 of the South Herefordshire District Local Plan.
- 1.3 The revised current scheme is for the same number of units. The extension would be increased in height at eaves and ridge levels by about 1m, with the gable end wall rebuilt (rendered blockwork) and a new slate roof to replace the Onduline sheeting. This would form a two-storey building with a flat on each floor. The first floor flat would be accessed off an existing external staircase and apart from an window at the south-eastern end would be lit by rooflights. The single-storey structures around the south-western and south-eastern walls of the yard would be replaced by two-storey buildings except for the northern corner which would be single-storeyed. In addition an 'L' shaped 2-storey building would join these new perimeter buildings with the existing extension. The heights of the buildings would vary, decreasing in height in progression away from the existing extension.
- 1.4 The open centre of the yard would be landscaped (mainly hard surfacing) but no car parking or private gardens would be provided. The pedestrian access off Brookend Street would be via an entrance below the upper floors of the frontage building.

2. Policies

2.1 Planning Policy Guidance

PPG13	Transport
PPG15	Planning and the Historic Environment
PPG25	Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan

Policy H16	Location of Growth
Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC2	Area of Great Landscape Value
Policy CTC9	Development Requirements

2.3 South Herefordshire District Local Plan

Policy C23	New Development Affecting Conservation Areas
Policy C25	Demolition and Redevelopment
Policy C27B	Alterations or Additions to Listed Buildings
Policy C28	Demolition of a Listed Building
Policy SH5	Housing Land in Ross on Wye
Policy SH14	Siting and Design of Buildings
Policy SH15	Criteria for New Housing Schemes
Policy GD1	General Development Criteria
Policy 3(Part III)	Infill Sites for Housing
Policy 5(Part III)	Housing in Build-up Areas

3. Planning History

3.1	SH860398PF	Alterations and renovation to shop.	- Permitted 28.05.86
	SH860399LA	Alterations and extensions to shop	- Consent

SH892036PF	Demolition of sheds and construction of shop with workshops over.	-	28.05.86 Permitted 02.05.90
SH892037LD	Demolition of sheds and construction of shop with workshops over.	-	Consent 02.05.90
SE2003/2299/F	Convert rear showroom to 2 flats and redevelop rear yard to provide 4 flats with courtyard landscaping.	-	Refused 23.9.2003

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has now considered the flood risk assessment and withdraw their objection to the application subject to conditions.
- 4.2 Welsh Water have withdrawn their initial objection on the basis of information supplied by the applicant's agent and confirm that a foul connexion from the proposed development can be made to the public sewerage system. This is on the understanding that the existing surface water connection from the site, which discharges approximately 240m² of impermeable area to the public sewerage system, is removed and the surface water flows from the proposed development are drained to soakaways. The information that they have supplied has shown that the proposals will provide betterment to the public sewerage system. However we would request that conditions and advisory notes be imposed within the planning permission.

Internal Council Advice

- 4.3 Head of Engineering and Transportation has no objections to the proposals.
- 4.4 Head of Environmental Health has no objections to make.

5. Representations

- 5.1 The applicant's agent states, in a covering letter, that:
- (i) scheme has been redesigned to reduce overall height of rear flat development following meetings with officers,
 - (ii) objection from Welsh Water has been overcome by diverting storm water into a large soakaway in the centre of the courtyard,
 - (iii) a hydrological assessment by consultant hydrologist has proved that during the floods since 1947 the site has not been affected. The evidence on site does not indicate that the site is prone to flooding.
- 5.2 Town Council express concerns about the lack of car parking provision and also concerns about the proposed density of the development and the effect on the infrastructure of the area.
- 5.3 Two letters of objection have been received which make the following points:
- (i) too near boundary walls and will block out light for some of flats in Fontaine Court,
 - (ii) occupant of one flat considers increased height on boundary would block the sun and light from lounge and patio,

- (iii) view for some occupants will be ruined and just see a high wall,
- (iv) devalue 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 earlier scheme for 6 flats was refused planning permission on four grounds: flooding, drainage, harm to residential amenities and to the character of the listed building. The applicant's agents have now satisfied the concerns of the Environment Agency and Welsh Water regarding, respectively, the likelihood of flooding and satisfactory drainage. These grounds of refusal do not therefore apply to the current scheme.
- 6.2 The main change to the proposals has been the reduction in height of the new buildings. As noted in paragraph 1.3 the flats would step down in height as the buildings progress around the perimeter of the site, with the end section single-storeyed. This would result in a more pleasing appearance which is less visually obtrusive. In relation to the amenities of neighbours the single-storey section would project forward of the adjoining block of flats (Fonteine Court) but would only be a little higher than the existing boundary wall and hence would not be unduly obtrusive. A number of windows would face windows in the Fonteine Court flats but privacy would either be protected by the boundary walls and new buildings or the distance/angle of view would mitigate the problem. An exception to this would be the first floor window in the gable end of Fonteine Court but this does not light a living room. It is appreciated that the buildings would be taller than the existing lean-to structure. Nevertheless the section closest to residents of Fonteine Court would be partly in front of Millbrook House, a taller building, which already limits views. Millbrook House is mainly single aspect, facing south-west but there are two windows in the rear elevation the outlook from which is already restricted by the existing extension. Increasing the height of the latter and the new buildings would have only a small adverse impact on daylighting. It is considered therefore that the current proposals would not harm significantly the amenities of neighbours. This development would ensure a more attractive outlook than the present vehicle repair workshop.
- 6.3 The reduction in height and in scale of the new buildings and their more varied profiles would result in a more attractive range of building, which do not compete visually with the listed building. The development would be a considerable improvement on the unattractive yard and it is considered that the character of the Conservation Area would be enhanced.
- 6.4 A number of windows in the new building which abut the site boundary overlook the adjoining properties (repair workshop and drying area for Fonteine Court). The applicant has agreed to revise the scheme so that windows face into the courtyard or use rooflights.
- 6.5 As noted above no off-street parking would be provided. This is a town centre site and, following national advice, the Head of Engineering and Transportation does not require such provision as the full range of facilities and services are within easy walking distance.

RECOMMENDATION

That subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional 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 C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 3 G04 (Landscaping scheme (general))

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

- 4 G05 (Implementation of landscaping scheme (general))

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

INFORMATIVE

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 SE2003/3209/J - REMOVE ONE THUJA AND WORKS TO TWO GROUPS OF BEECH TREES TO REMOVE SOME LOWER BRANCHES, RAISE CANOPIES, TIP BACK LATERAL GROWTH, RESHAPE AND REDUCE MODERATELY IN HEIGHT AT HUNSDEN MANOR, WESTON UNDER PENYARD, ROSS ON WYE

For: M F Freeman Ltd, Ruardean Works, Varnister Road, Nr Drybrook, Glos GL17 9BH

Date Received: 28th October 2003

Ward: Penyard

Grid Ref: 63412330

Expiry Date: 23rd December, 2003

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 The trees in question are located within the grounds of Hunsden Manor. The Thuja is within a Group covered by Tree Preservation Order Hunsden Manor Hotel, Weston Under Penyard, designated in 1989. The Beech trees are within another group covered by a recent Order designated in 2003 and which has yet to be confirmed.
- 1.2 The proposal is to remove a Thuja that extends within 1.5 metres from the north elevation of a recently constructed dwelling. The tree itself is some 17.5m high and as a whole has a slight lean to the east.
- 1.3 Prior to the imposition of the Tree Preservation Order upon the beech trees in 2003, some major crown lifting and trimming works were undertaken. It was also proposed to do some further works as part of this application although the applicant has now written to withdraw these.

2. Policies

- 2.1 South Herefordshire District Local Plan:
C.17 – Tree Management
- 2.2 Herefordshire Unitary Development Plan (Deposit Draft):
LA5 – Protection of trees, Woodlands and Hedgerows
- 2.3 Hereford and Worcester County Structure Plan:
CTC11 – Trees and Woodlands

3. Planning History

- 3.1 Planning permission for four houses with garage block and new access (code SE2002/3900/F) was granted on 20th February 2003. Conditions were imposed to protect trees subject to the Tree Preservation Order upon the site together with other trees shown to be retained in a landscaping scheme which was to be prepared.

Further information on the subject of this report is available from Mr W N Bloxsome on (01432) 261783

4. Representations

- 4.1 The applicant's arboricultural consultant has provided a report in relation to the thuja. He expresses concern for the continued stability and safety of this tree. He considers the tree is likely to cause ongoing problems with regard to its potential to cause light loss and shading of the nearby property. However, his main concern is in relation to the adequacy of the tree's roothold. The soil is considerably restricted by the construction of the new dwelling and a section of new stonewall. The original soil level has been reduced by 1 metre as a result of levelling the building plot. Considerable root loss will also have occurred. In combination, these are likely to lead to a loss of stability and there is a significant chance that the tree could be uprooted in advance weather conditions. A reduction in the height of the tree would lessen wind resistance but the tree's shape would be lost.
- 4.2 Weston Under Penyard Parish Council comments as follows:
- "Regarding the thuja, councillors feel that it should be kept, with major pruning to improve stability."
- 4.3 Representations have been received from Mrs G D Lodge of Rudge House Farm, Weston Under Penyard. The main points raised are:
- a) not against the removal of the thuja as there are two mature trees nearby;
 - b) one or two new specimens could be replanted nearby to replace it;

5. Officers Appraisal

- 5.1 It is advised that the concerns regarding the adequacy of the thuja's roothold are justified and confirmed by the Council's arboricultural adviser. The nearby house has been constructed closer than that recommended by BS5837(1991) which is the British Standard guidance for trees in relation to construction.
- 5.2 A reduction in height would reduce the potential risk but this would also seriously diminish the tree's visual character and amenity. Pressure would remain for continued works to maintain the tree at a reduced level or for its removal. Essentially in the existing circumstances the tree is not an appropriate specimen for its location.
- 5.3 Should the Council wish to refuse the application to fell the tree, it should be mindful of locality and the applicant's right to compensation for loss or damage suffered as the result of the Council's decision. The tree is not considered to be of such special or outstanding amenity value for an Article 5 certificate to be issued.
- 5.4 It is considered that the tree's removal is justified on arboricultural grounds and it should be replaced by a more appropriate species.
- 5.5 Negotiations with the applicant upon the further works to the beech trees have resulted in the withdrawal of this element of the application. It was agreed that further stress through the moderate reduction that would effectively reduce the amount of foliage on the trees could be detrimental to their safe, useful life expectancy at this point in time. However minor works may be appropriate at some point in the future given the form, structure and location of the trees.

RECOMMENDATIONS

Consent to fell the Thuja be GRANTED subject to the following conditions:

1. The works shall be carried out in accordance with BS3998 recommended for works to trees.

Reason: In the interest of good tree management.

2. The Thuja tree hereby approved to be felled shall be replaced by one standard tree of such species and in a location to be agreed in writing with the local planning authority. The replacement tree shall be planted within 12 months of the removal of the tree subject to this approval.

Reason: To maintain the visual and environmental quality of the site and surrounding area.

3. The works must be begun not later than the expiration of two years from the date of this permission.

Reason: To ensure the that works hereby approved are appropriate to the specific application for which they were approved, in view of the likely growth of the tree or trees in question.

NOTE: This approval does not grant consent for works to the line of beech trees, proposals for which were withdrawn in the applicant's communication dated 5th January, 2004.

Background Papers

1. Development Control File SE2003/3900/F
2. Herefordshire Unitary Development Plan (Deposit draft)
3. South Herefordshire District Local Plan
4. Hereford and Worcester County Structure Plan
5. Tree Preservation Orders – a Guide to the Law and Good Practice (DETR, March 2000)
6. BS 5837:1991 – Guide for Trees in relation to Construction (BSi)
7. BS 3998:1989 – Recommendations for Tree Work (BSi)

13 SE2003/3510/J – CUT BACK CEDAR TREES TO CREATE MINIMUM CLEARANCE OF 6M OVER NEW ACCESS AND ADJACENT TO A40 AND REMOVE DEADWOOD AT HUNSDEN MANOR, WESTON UNDER PENYARD, ROSS ON WYE**For: M F Freeman Ltd, Ruardean Works, Varnister Road, Nr Drybrook, Glos GL17 9BH****Date Received 14th November, 2003
Expiry Date: 9th January, 2004****Ward: Penyard****Grid Ref: 63422328**

Local Member: Councillor H. Bramer.

1. Site Description and Proposal

- 1.1 This relates to two Cedar trees in the grounds of Hunsden Manor. These are protected as individual trees T1 and T2 in Hunsden Manor Hotel, Weston Under Penyard Tree Preservation Order 1989.
- 1.2 The submitted proposal indicates minor work to create clearance over the new access road in front of Hunsden Manor and where the trees border the A40. A clearance height of 6m was originally indicated. However, following negotiations this has been modified to 5m by the applicants arboricultural consultant after more accurate measurements were taken. In relation to the tree on the south east side of the new access road (T1) removal of one bough (about 150mm (6") diameter) is proposed. This had previously been cut back to leave it with no more than a small cluster of foliage. Some other minor trimming works are also proposed.

2. Policies

- 2.1 South Herefordshire District Local Plan:
C.17 – Tree Management
- 2.2 Herefordshire Unitary Development Plan (Deposit Draft):
LA5 – Protection of trees, Woodlands and Hedgerows
- 2.3 Hereford and Worcester County Structure Plan:
CTC11 – Trees and Woodlands

3. Planning History

- 3.1 Planning permission for four houses with garage block and new access (code SE2002/3900/F) was granted on 20th February 2003. Conditions were imposed to protect trees subject to the Tree Preservation Order upon the site together with other trees shown to be retained in a landscaping scheme which was to be prepared.

Further information on the subject of this report is available from Mr W N Bloxsome on (01432) 261783

4. Representations

4.1 The applicant's arboricultural consultant has provided a report in relation to the two trees. The reason for the works is to avoid damage to high-sided vehicles such as removal trucks, etc. He reports that recent impacts with high-sided vehicles travelling at speed along the A40 have been observed.

4.2 Weston Under Penyard Parish Council advise:

"After consideration, councillors have asked me to reply that in their opinion no work is necessary to the cedars: the site foremen compared the height of the lowest branches to a 6m pole and it was felt that the clearance seemed acceptable for any vehicle to pass and the cedars appear to meet existing highways standards.

4.3 Representations have been received from Mrs G D Lodge of Rudge House Farm, Weston Under Penyard. Comments included:

- a) there is uncertainty about which branches are to be affected.
- b) the trees deserve special consideration due to their age and importance.
- c) tall vehicles appear to travel under the trees without any problem
- d) on driveway, removal of limb previously partly cut back would not be detrimental to the shape of the tree, nor would the proposal for the trimmer branch.

5. Officer Appraisal

5.1 Officers have sought to clarify the extent of the proposed works with the applicant's agent. It has now been agreed that a clearance height of 5m would be more appropriate after more accurate measurements were taken with a ranging pole. It was found that the original height just touched a major limb that was not intended for removal. The 5m clearance applies only to material directly over the carriageway and no additional pruning is proposed for growth on either side, even though this may hang below 5 metres. The pruning will be confined to minor shoots and some branches. No major limbs are to be removed; as previously indicated the largest bough to be removed is a single limb which is 150mm(6") in diameter and which has previously had works to cut it back to leave no more than a small cluster of foliage. The applicant's arboricultural consultant has supplied photographs highlighting the areas for attention.

5.2 Both trees are of outstanding visual amenity and of local importance. The impact of such minor works, however, will not be detrimental to this amenity. This proper and timely removal may avoid accidental damage that could be detrimental to the tree's health and form. A watching brief during work would ensure the visual amenity and health of the trees is properly controlled.

RECOMMENDATIONS

It is recommended that Consent be GRANTED for works to the trees covered by a Tree Preservation Order subject to the following conditions:

1. The works hereby approved shall be carried out to provide a clearance of 5 metres above the carriageway in accordance with the agent's letter and illustrations dated 6th December, 2003.

Reason: For the avoidance of doubt.

2. Ten clear working days notice of commencement of the tree works hereby authorised shall be given in writing to the local planning authority (LPA) and access during works shall be afforded to the LPA's representative to undertake an arboricultural watching and advisory brief.

Reason: To ensure works are carried out in accordance with the consent.

3. The works hereby approved shall be carried out in accordance with BS 3998: 1989

Reason: To ensure the works are carried out in accordance with good arboricultural practice and maintain the visual quality of the site and surrounding area.

4. The works must be begun not later than the expiration of two years from the date of this permission.

Reason: To ensure the that works hereby approved are appropriate to the specific application for which they were approved, in view of the likely growth of the trees in question.

Background Papers

1. Development Control File SE2003/3900/F
2. Herefordshire Unitary Development Plan (Deposit draft)
3. South Herefordshire District Local Plan
4. Hereford and Worcester County Structure Plan
5. Tree Preservation Orders – a Guide to the Law and Good Practice (DETR, March 2000)
6. BS 3998:1989 -

