

# AGENDA

## Central Area Planning Sub-Committee

Date: **Wednesday, 17th November, 2004**

---

Time: **2.00 p.m.**

---

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

---

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

*For any further information please contact:*

*Ben Baugh, Members' Services,  
Tel: 01432 261882*

*e-mail: [bbaugh@herefordshire.gov.uk](mailto:bbaugh@herefordshire.gov.uk)*

---



**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Central Area Planning Sub-Committee

To: Councillor D.J. Fleet (Chairman)  
Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 6
To approve and sign the Minutes of the meeting held on 20th October, 2004.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	7 - 8
To note the Council's current position in respect of planning appeals for the central area of Herefordshire.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
To consider and take any appropriate action in respect of the planning applications received for the central area of Herefordshire and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
<b>5. DCCE2004/2559/F - BARN ADJACENT TO CASTLE FARM, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BE</b>	9 - 16
Conversion of barn to form one residential dwelling.	
Ward: <b>Hagley</b>	
<b>6. DCCE2004/2174/F - 36 FOLLY LANE, HEREFORD, HR1 1LX</b>	17 - 22
Three storey development of 16 no. 2 bed and 1 no. 1 bed flats.	
Ward: <b>Tupsley</b>	

<b>7.</b>	<b>DCCE2004/2336/F - LAND ADJACENT TO 19 PERSEVERANCE ROAD, HEREFORD, HR4 9SN</b>	<b>23 - 26</b>
	Change of use from former site of demolished dwelling to car sales area with portacabin.	
	Ward: <b>Three Elms</b>	
<b>8.</b>	<b>DCCE2004/3470/T - BULLINGHAM LANE, HEREFORD, HR2 7SA</b>	<b>27 - 30</b>
	Erection of a 15m high telecommunications monopole with 30cm transmission dish and ground level cabinet.	
	Ward: <b>St. Martins &amp; Hinton</b>	
<b>9.</b>	<b>DCCE2004/2943/F - 82 AYLESTONE HILL, HEREFORD, HR1 1HX</b>	<b>31 - 36</b>
	New four bedroom dwelling.	
	Ward: <b>Aylestone</b>	
<b>10.</b>	<b>DCCE2004/2530/F - LAND TO THE REAR OF 107 GORSTY LANE, HEREFORD, HR1 1UN</b>	<b>37 - 42</b>
	Erection of two bungalows.	
	Ward: <b>Tupsley</b>	
<b>11.</b>	<b>CW2002/3441/F - LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD</b>	<b>43 - 58</b>
	Demolition of existing buildings and development of mixed-use scheme comprising Asda food store, community uses, residential development, replacement bowling green/club house, retained tramway and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements.	
	Ward: <b>St. Martins &amp; Hinton</b>	
<b>12.</b>	<b>DATE OF NEXT MEETING</b>	
	The next scheduled meeting is Wednesday 15th December, 2004.	

# **The Public's Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Please Note:**

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

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

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

## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

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





COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 20th October, 2004 at 2.00 p.m.**

**Present:** Councillor R. Preece (Vice-Chairman, in the Chair)

**Councillors:** Mrs. P.A. Andrews, Mrs. E.M. Bew, Mrs. S.P.A. Daniels, J.G.S. Guthrie, R.I. Matthews, J.W. Newman, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling and R.M. Wilson

**In attendance:** Councillors P.E. Harling and T.W. Hunt

**54. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. W.U. Attfield, A.C.R. Chappell, P.J. Edwards, D.J. Fleet, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, Ms. G.A. Powell, D.B. Wilcox and A.L. Williams.

The Sub-Committee noted that Mr. Steve MacPherson, Central Team Leader, was to leave Herefordshire Council to become the Development Control Manager at Gloucester City. Members thanked Mr. MacPherson for his expertise, hard work and support and wished him well for the future.

**55. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**56. MINUTES**

**RESOLVED:**

**That the Minutes of the meeting held on 27th September, 2004 be approved as a correct record and signed by the Chairman.**

**57. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee received an information report in respect of planning appeals for the central area of Herefordshire.

**RESOLVED:**

**That the report be noted.**

**58. TREE PRESERVATION ORDER 507 AT UN-ADOPTED OPEN SPACE TO THE REAR OF DORCHESTER WAY, BELMONT (AGENDA ITEM 5)**

Councillor J.W. Newman, a Local Member, felt that the Tree Preservation Order should be confirmed having regard to the advice of Officers. It was noted that the other Local Members supported this view.

**RESOLVED:**

**That Tree Preservation Order no. 507 be confirmed without modification.**

**59. DCCW2004/1978/F - ADJACENT TO BRECKLANDS, MARDEN, HEREFORDSHIRE  
HR1 3EW (AGENDA ITEM 6)**

*Proposed four bedroom dwelling and garage.*

Councillor J.G.S. Guthrie, the Local Member, commented on the value of the site visit that had been undertaken. Councillor Guthrie referred to the concern of Marden Parish Council that 'access to the site is too narrow to support the vehicular access for two dwellings' but noted that the Transportation Unit had not raised objections and that Officers considered it difficult to sustain an argument that the traffic generated by two properties would be sufficiently detrimental to warrant refusal having regard to the existing use of the driveway. He also advised that some local residents were concerned that the proposal could set a precedent for further development but noted that the site was within the settlement boundary for Marden and commented that there did not appear to be any space for any further development of this kind in this location.

In response to questions, the Central Team Leader advised that parking control through double-yellow lines could not be a condition of any planning permission as a separate traffic order would be required and that the driveway was not to adoptable standards and maintenance issues were not in the control of the Council.

**RESOLVED:**

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

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

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

**2. B01 (Samples of external materials).**

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

**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. 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.

**Informative:**

1. **N15 - Reasons for the Grant of PP.**

**60. DCCE2004/3188/F - 18 HAROLD STREET, HEREFORD, HR1 2QU (AGENDA ITEM 7)**

*Two storey side extension.*

It was noted that a previous application had been refused under the Scheme of Delegation to Officers, by virtue of its scale and design and overbearing impact upon the neighbouring property (DCCE2004/2016/F refers), but this application addressed those concerns and was considered acceptable.

**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. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 105.11A, 105.12A, 105.13A, 105.14A, 105.15A).**

**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. **E17 (No windows in side elevation of extension).**

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

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

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

**Informative:**

1. **N15 - Reasons for the Grant of Planning Permission.**

**61. DCCW2004/2345/O - 79-83 WIDEMARSH STREET, HEREFORD, HR4 9EU (AGENDA ITEM 8)**

*Demolition of existing buildings and construction of mixed use development comprising commercial offices or shops and 17 one bed flats.*

The Central Team Leader advised that it would be difficult to argue for the retention

of the buildings given that the Department of Culture, Media and Sport maintained the view that the existing buildings were not worthy of listing and that the Council had accepted that the buildings could be demolished in 1997. It was noted that, whilst the application as submitted indicated that only landscaping was to be a reserved matter, Officers felt that external appearance, siting, design and landscaping should be reserved matters for future consideration given the sensitive location of this site.

A number of Members spoke in support of the appraisal by Officers.

**RESOLVED:**

**That outline 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.    The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

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

- 5.    Notwithstanding the approved plans visibility splays measuring 2 metres by 2 metres from the back of the footway and along the footway in each direction shall be provided and nothing within these splays shall exceed 0.75 metres in height.**

**Reason: In order to provide for the safety of pedestrians on the public footway.**

- 6.    D01 (Site investigation – archaeology).**

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

- 7.    F18 (Scheme of foul drainage disposal).**

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

**8.    F22 (No surface water to public sewer).**

**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.**

**9.    F16 (Restriction of hours during construction).**

**Reason: To protect the amenity of local residents.**

**10.   H29 (Secure cycle parking provision).**

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

**11.   H27 (Parking for site operatives).**

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

**62.    DATE OF NEXT MEETING**

It was noted that the next scheduled meeting was Wednesday 17th November, 2004.

The meeting ended at 2.11 p.m.

**CHAIRMAN**



**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCE2004/1922/A**

- The appeal was received on 1st October, 2004
- 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 Morrisons Supermarkets
- The site is located at Safeway Stores Plc, Station Approach, Hereford, Herefordshire, HR1 1DN
- The development proposed is Internally illuminated signage
- The appeal is to be heard by Written Representations

**Case Officer: Kelly Gibbons on 01432 261949**

**Application No. DCCW2004/1548/O**

- The appeal was received on 12th October, 2004
- 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. S. Simpkins
- The site is located at Myrtle Cottage, Wellington, Hereford, Herefordshire, HR4 8DT
- The development proposed is Site for detached house and garage
- The appeal is to be heard by Written Representations

**Case Officer: Steve MacPherson on 01432 261946**

**Application No. DCCW2004/1673/F**

- The appeal was received on 22nd October, 2004
- 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. V. Venables
- The site is located at 253 Grandstand Road, Hereford, Herefordshire, HR4 9NR
- The development proposed is New vehicular access and hardstanding
- The appeal is to be heard by Written Representations

**Case Officer: Kevin Bishop on 01432 261803**

**APPEALS DETERMINED**

None

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





**5 DCCE2004/2559/F - CONVERSION OF BARN TO FORM ONE RESIDENTIAL DWELLING BARN ADJACENT TO CASTLE FARM, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BE**

**For: Mr. M. Link, per Hook Mason, 11 Castle Street, Hereford, HR1 2NL**

**Date Received: 9th July, 2004**

**Ward: Hagley**

**Grid Ref: 55919, 42135**

**Expiry Date: 3rd September, 2004**

Local Member: Councillor R.M. Wilson

**1. Site Description and Proposal**

- 1.1 The application site lies to the north of Blackhole Lane, a rural lane, characterised by a mixture of agricultural and residential properties of varying sizes and scale. The application site itself is set back from this lane and lies immediately north of, and in close proximity to Castle Farm Residential Home and comprises a detached traditional two-storey brick, stone and timber clad L-shaped barn. The barn has clearly undergone some external repair to the timber cladded sections recently but the internal timber framing features surprisingly remain intact.
- 1.2 The site is accessed via a single track from Blackhole Lane that runs along the western boundary of Castle Farm (residential home) for approximately 140 metres. To the north west of the site lies a modern agricultural building and two smaller traditional outbuildings/sheds.
- 1.3 The proposal is for the conversion of the L-shaped barn for residential use. This would comprise three bedrooms, two bathrooms, living room, dining room, kitchen/breakfast room, utility and shower room. The application also proposes the retention of the three associated buildings for use as garaging, stables and workshop. Access to the site would be as existing.

**2. Policies**

**2.1 Planning Policy Guidance:**

- |      |   |   |
|------|---|---|
| PPG1 | – | General Policy and Principles   |
| PPG7 | – | The Countryside – Environmental Quality and Economic and Social Development |

**2.2 South Herefordshire District Local Plan:**

- |      |   |                               |
|------|---|-------------------------------|
| GD1  | - | General Development Criteria  |
| SH24 | - | Conversion of Rural Buildings |

**2.3 Unitary Development Plan (Revised Deposit Draft):**

- |     |   |        |
|-----|---|--------|
| DR1 | - | Design |
|-----|---|--------|

- H14 - Re-using Previously Developed Land and Buildings
- HBA12 - Re-use of Rural Buildings
- HBA13 - Re-use of Rural Buildings for Residential Purposes

## 2.4 Supplementary Planning Guidance:

The Re-use and Adaptation of Traditional Rural Buildings

## 3. Planning History

No planning history relevant to barn to be converted however planning history to adjoining Castle Farm is as follows:

- 3.1 SH940565PF - Change of use to residential care home - approved 22 June 1994.
- 3.2 SH950555PF - Conversion of existing garages, squash court and swimming pool into accommodation for people with learning difficulties - withdrawn.
- 3.3 SH950621PF - Conversion of existing garages, squash court and swimming pool into accommodation for people with learning difficulties - refused 26 July 1995.
- 3.4 SH951009PF - Conversion of existing garages and squash courts and swimming pool into accommodation for people with learning difficulties - refused 25 October 1995.
- 3.5 SH960003PF - Convert garage and squash courts into accommodation for people with learning difficulties - recommended for approval subject to Section 106 agreements, but not proceeded with. Deemed withdrawn 13 January 1998.
- 3.6 DCCE2004/0688/F – Two storey extension and redevelopment of existing care home wing – Approved with conditions 19 April 2004.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory consultees

### Internal Council Advice

- 4.2 Head of Engineering and Transportation, response from Transportation Manager: Does not wish to restrict approval or consent.
- 4.3 Head of Conservation: Concludes that the proposal would appear to be acceptable in principle however in order to protect the important historic features of the barn the design issues, with particular reference to the timber framing should be addressed.
- 4.4 Private Sector Housing make the following comment: Egress is down into the living room, an area of higher fire risk. Recommend smoke detectors and possible fire escape window in bedroom 3.

## 5. Representations

- 5.1 Lugwardine Parish Council: No adverse comments.

5.2 Two letters of objection have been received from L.N. Webb and E. Webb of Green Acres and Mr. G. Rivers from the Swallows, Blackhole Lane. Their objections are summarised as follows:

- Main concern relates to increased traffic movements on Blackhole Lane having regard to other recent developments and planning approvals. Special concern relates to large vehicles so close to the side of the listed cottage and the damage that this may have.
- Contrary to the supporting statement, there is not daily movement of vehicles along the lane, but occasional use about a dozen times a month.
- Concern about the genuine use of the marketing procedure.
- If the planning application is allowed, not only will it have a detrimental impact on our property, but also on all the properties and environment around the Blackhole Lane area.

5.3 A third letter of representation has also been received from Craegmoor Healthcare Ltd, the owners of Castle Farm Care Home. This letter is summarised as follows:

- The care home provides accommodation for 9 persons and specialises in the care of adults with learning difficulties. The residents have a range of needs, with 24 hour supervision including treatments that are typically relaxation sessions along with occupation therapy.
- Individuals are liable to outbursts, which may include shouting and including bad language that members of the public may find disturbing or offensive. This behaviour is managed and controlled by care home staff but the outbursts are part of normal behaviour and allow the release of tension for the individual.
- Concern that the proximity of the proposed development directly adjacent to Castle Farm may have a detrimental impact on the amenity of residents and therefore their treatment. Concern that residents of the new property may raise complaints against the home because of the behaviour of persons undergoing treatments, which may impinge upon the operations of the home.
- Proposal is contrary to Policy GD1 in that the proposal should not 'disturb or conflict with adjoining uses'. Policy DR2 of the revised UDP also states that development 'should not prejudice the amenity or continued use of the adjoining land and buildings'.
- The new dwelling, so close to the care home, would have a significant detrimental impact upon the operation of the home, to the detriment of the existing residents, who are a vulnerable group in society.

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

## **6. Officers Appraisal**

6.1 The main issues for consideration in the appraisal of this application are the principles of the conversion of the barn and the physical impact of the conversion on the character and appearance of the traditional barn and surrounding landscape. The effect that the change of use would have on the amenities of the surrounding residents and businesses, highway safety implications and the implications of retaining the additional buildings are also primary considerations.

6.2 The application site lies outside of any of the defined settlement boundaries as allocated in the South Herefordshire District Local Plan. As such, the principle of

residential development is only acceptable under specified exceptions. The conversion of a traditional rural building falls within these specified exceptions subject to meeting the criteria of Policy SH24 of the South Herefordshire District Local Plan and guidance contained within the Council's Supplementary Planning Guidance entitled 'Re-use and Adaptation of Traditional Rural Buildings'. On the basis of the information provided as part of the supporting documentation, it is considered that the applicant has explored alternative uses for the barn. Whilst it would be preferable to see this building remain in agricultural or business use, the close proximity of the residential care home does place some restrictions on suitable uses. The barn is also considered to be in a sustainable location, within 3 miles of Hereford and in close proximity to the villages of Bartestree, Lugwardine and Withington. Subject to satisfying the remaining design, amenity and highway safety criteria, there is no objection in principle to the conversion of the barn for residential purposes.

- 6.3 The physical alterations to the barn should respect the character and appearance of the existing barn, both externally and internally. Externally it would appear that a number of alterations to the original building have been undertaken over the years. However, internally the barn has a number of surviving original timber framing features. Although this is not a listed building, it would be preferable, and consistent with policy, if these timbers could be retained. However, this would require changes to the submitted plans. These alterations could also allow appreciation of the full height of the barn, and the display and retention of the timber framing that is present within the barn. There are also a number of minor external changes, which could improve the overall appearance, which could be explored. In order to comply with the policies and guidance of the Supplementary Planning Guidance the conversion should 'retain the existing building's qualities and essential features' it is therefore proposed that these options are explored and revised plans sought in order to facilitate the retention of the building's traditional qualities.
- 6.4 In considering the impact of a barn conversion scheme, the impact the resulting residential paraphernalia should also be considered. The area shown on the plan to be used as garden to the property extends around the existing barn and associated land. Conditions removing permitted development rights to erect any further buildings or structures, and requiring details of boundary treatments, hard and soft landscaping, can protect the character and appearance of the buildings and landscape.
- 6.5 The barn itself shares a boundary with Castle Farm Residential Care Home and the remainder of the building lies within close proximity. The rear elevation of Castle Farm also overlooks the rear elevation of the barn, although primary windows in this elevation are minimal. In order to overcome this potential conflict, windows and openings in the rear (southern) elevation of the barn are restricted to two ground floor windows and three rooflights. Where glazing is normally used to articulate the 'threshing bay' a timber clad section that is slightly indented has been used. The main aspect of the barn would be north facing, the building itself forming the barrier and providing privacy for occupiers of both buildings.
- 6.6 A letter of representation from the owners of Castle Farm Care Home raises the concerns relating to the possible implications of a residential property in close proximity to the Care Home. Care homes of this nature are often found near to residential properties. There are other residential properties in the immediate vicinity. Whilst these issues may impact on the living conditions of the occupiers of conversion, this is unlikely to be of a degree of severity that would lead to a reasonable reason for refusal

- 6.7 Objections have also been raised to the potential increase in traffic to the lane that runs between Castle Farm and The Swallows. The supporting statement cites the use of the site as a 'builder's yard' although there is no planning history that confirms the change of use of the site from an agricultural use. The access formally provided the main access to Castle Farm and is clearly an existing access serving a number of agricultural buildings. Notwithstanding the minimal current vehicular use that this access benefits from, the access is an existing vehicular access. The Transportation Officer raises no objection to the access and no conditions are recommended. The increase in traffic for one three bed residential property is not considered to be detrimental to the amenities of the occupiers of the adjacent properties. Nor would this proposal increase traffic movements on Blackhole Lane to proportions that would be harmful to highway safety or character of the area.
- 6.8 To the north west of the site lies a large modern agricultural building. In order to ensure that this building is not used for the keeping of livestock, conditions are recommended. It is proposed that this building be retained for use as a workshop, incidental to the enjoyment of the residential property. The retention of the two other buildings for garage and stable buildings would be preferable over new builds and are characteristic of the existing building. Subject to conditional control over the use and retention of these buildings, there are no objections to their retention.
- 6.9 To conclude, there is no objection to the principle of converting this traditional barn. The external treatment of the conversion scheme successfully addresses issues of the overlooking and privacy whilst retaining the character and appearance of the barn. Internally it would be beneficial to explore the internal arrangements to maximise the internal characteristics of the building and the recommendation reflects this. The impact and effect on highway safety and traffic movements has been carefully considered but is unlikely to cause detriment to living conditions or highway safety. As such, a conditional approval, subject to the further discussion and receipt of amended plans is recommended.

## RECOMMENDATION

**That subject to the receipt of suitably amended plans, Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 C05 (Details of external joinery finishes)**

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

**4 C10 (Details of rooflights)**

**Reason:** To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

**5 C11 (Specification of guttering and downpipes)**

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

**6 E11 (Private use of stables only)**

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

**7 E16 (Removal of permitted development rights)**

**Reason:** To protect the character and appearance of the traditional rural building in accordance with local plan policies.

**8 G01 (Details of boundary treatments)**

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

**9 G04 (Landscaping scheme (general))**

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

**10 G05 (Implementation of landscaping scheme (general))**

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

**11 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.

**12 The buildings marked A and C on drawing number 4770-1-2a shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwellinghouse as such and not for the carrying out of any trade or business.**

**Reason:** To ensure that the buildings are used only for purposes ancillary to the dwelling.

**13 Prior to the commencement of development a block plan showing the residential curtilage to be associated with the dwelling shall be submitted to and approved in writing by the local planning authority.**

**Reason:** To clarify the terms of this permission and to protect the landscape and amenities of the surrounding area.

**Informatives:**

- 1 N03 - Adjoining property rights**
- 2 N14 - Party Wall Act 1996**
- 3 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





## **6 DCCE2004/2174/F - THREE STOREY DEVELOPMENT OF 16 NO. 2 BED AND 1 NO. 1 BED FLATS AT 36 FOLLY LANE, HEREFORD, HR1 1LX**

**For: Richard Harper Estate Development per Planning Solutions, 96 Rock Hill, Bromsgrove, Worcester, B61 7HX**

**Date Received: 21st June, 2004**

**Ward: Tupsley**

**Grid Ref: 52385, 40404**

**Expiry Date: 16th August, 2004**

Local Members: Councillors G.V. Hyde, Mrs. M.D. Lloyd-Hayes and W.J. Walling

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

- 1.1 The 0.19ha application site lies on the north east side of Folly Lane within an Established Residential Area. It presently supports a large detached three storey period house divided into six flats, although presently vacant. The house is positioned to one side of the site with derelict outbuildings to the rear and a lawned area and driveway to the side. The lawned area supports a cedar tree which is subject to a Tree Preservation Order. The boundary with Folly Lane is defined by a retaining wall and initial steep bank, the house standing at a higher level than Folly Lane.
- 1.2 To the north west of the site and attached to the existing house is a contemporary parade of shops, some with flats over. To the rear, south east side and opposite the site, are residential properties.
- 1.3 The proposal is to demolish the existing buildings on the site and erect a three storey block of 16 two-bed flats. The new building would be partly on the footprint of the existing house although with an additional wing projecting to the rear, approximately 1 metre from the rear boundary of the site. The existing access and driveway would be widened, this requiring partial removal of the bank, and 18 parking spaces laid out at the rear. A detached bin store would be provided on the side lawn. The cedar tree would be retained.
- 1.4 This application is a revised submission following the refusal of the previous application on design grounds.

### **2. Policies**

#### **2.1 Hereford Local Plan:**

ENV14	-	Design
H3	-	Design of new residential development
H12	-	Established residential areas – character and amenity
H13	-	Established residential areas – loss of features
H14	-	Established residential areas – site factors
CON21	-	Protection of Trees

## 2.2 Herefordshire UDP (Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
H1	-	Hereford and the market towns
H13	-	Sustainable residential development
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking

## 3. Planning History

- 3.1 CE2001/2621/F - New driveway off Folly Lane. Refused 28th November, 2001.
- 3.2 CE2003/0110/F - Conversion and extension of house into 10 self-contained flats and a new development to provide 6 self-contained flats including associated landscaping and parking. Withdrawn 4th March, 2003.
- 3.3 DCCE2004/0190/F - Three storey development of 16 no. 2 bed flats and 1 no. 1 bed flat. Refused on 7th April, 2004.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency: No objection.
- 4.2 Dwr Cymru Welsh Water: No objection subject to conditions.

### Internal Council Advice

- 4.3 Head of Engineering and Transportation: Recommends conditions.
- 4.4 Head of Conservation: No objection subject to tree protection during construction stage.

## 5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Three objection letters have been received from 10 Whittern Way, 24 Folly Lane and 31 Folly Lane, summarised as follows:
- existing boundary wall with Whittern Way properties should be retained;
  - further bat surveys should be carried out in late spring/early summer;
  - loss of trees/bird habitats;
  - overcrowded development
  - loss of light/overshadowing;
  - detrimental to preserved cedar;
  - noise and disturbance from vehicles;

- additional traffic would cause danger and inconvenience to other users of the highway;
- inadequate parking facilities;
- adequacy of sewer needs to be confirmed
- adequacy of surface water drainage arrangements needs to be confirmed;
- overlooking;
- nuisance from misuse of bin store;
- form of development and number of storeys out of keeping with surroundings.

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

## **6. Officers Appraisal**

6.1 The main issues in this case are the principle of this form of residential development and, if this is accepted, the impact of the specific scheme on the character of the area, residential amenity, the protected tree, wildlife and highway safety. It should be noted that Members previously raised concern relating to design only and as such the reason for refusal dealt explicitly with the design of the proposed block of flats. This application has been revised to address those design concerns. For clarification purposes the other issues are also addressed in this report.

6.2 Regarding the principle, the site lies within an Established Residential Area where residential development is appropriate in accordance with Local Plan policy. The site is presently occupied by flats, albeit in a converted house, and further flats are located over the shops to the side. Redevelopment of this site to provide flats is, therefore, considered appropriate in this particular location and would not be out of keeping with existing development.

6.3 Regarding amenity, Policy H12 of the Local Plan requires the environmental character and amenity of the established residential areas to be protected and, where appropriate, enhanced. Policies H13 and H14 set out specific criteria requiring, in particular, appropriate relationships between proposed and existing developments, adequate means of access and servicing and an appropriate impact on the overall character of the area.

6.4 Having regard to the policy requirements, the proposal is considered to be acceptable within its particular context. The number of proposed flats represents a significant increase over that existing. However, the specific proposal demonstrates that this number can be accommodated, making the best use of the land without detriment to the character of the area or amenity. Specifically, the proposed building is positioned on the site with adequate margins to the boundaries to ensure no adverse overlooking of adjoining properties (approx 22 metre gap with No. 32 Folly Lane and 16 metre gap with the parade of shops). A 13 metre back to flank distance would be achieved with the properties in Whittern Way.

6.5 The design of the proposed building has been re-addressed to take account of the massing, proportions and traditional character of the existing building. The building remains of the same footprint as the previous application and would be constructed from a mix of brick and render with a slate roof and reconstructed stone cills. Interest has also been added with the inclusion of metal railings, the use of a mix of materials, introduction of hipped roofs and dormer style windows. The new building reduces to two storeys at its closest point to the boundary to avoid an overbearing relationship.

The overall height would be slightly greater than the existing building although this would be neither overbearing or discordant within the street scene. Overall the building has been given a much more traditional character and appearance.

- 6.6 The principal front portion of the building would be positioned largely on the footprint of the existing house, thus avoiding any adverse encroachment under the canopy of the protected tree.
- 6.7 Adequate parking is provided in accordance with sustainable 'city-living' principles amounting to one space per unit and one visitor space. Margins to the side of the parking area and driveway would ensure no adverse impact on the amenities of No. 32 Folly Lane. Likewise, the existing boundary wall with adjoining properties in Whittern Way would be retained to safeguard the privacy of these properties. The access drive itself would be widened and generally improved to ensure safety is maximised.
- 6.8 Regarding wildlife, the application is supported by a protected species survey which concludes that no protected species would be adversely affected.
- 6.9 Planning conditions are recommended to ensure that the boundary wall with Whittern Way is retained and that the preserved tree is protected during site works. Conditions are also recommended to reserve the location and details of the bin store and to require a further bat survey to address third party concerns. With these additional safeguards, approval is recommended.

## **RECOMMENDATION**

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

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

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

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

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

**3 B01 (Samples of external materials)**

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

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

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

**5 Foul water and surface water discharges must be drained separately from the site. No surface water and/or land drainage run off shall be allowed to connect, either directly or indirectly, to the public sewerage system.**

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

- 6 Notwithstanding the approved drawings, prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

- 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 G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 9 G03 (Landscaping scheme (housing development) - implementation)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 10 The boundary wall between the site and properties in Whittern Way shall be permanently retained and repaired/made good where required.

Reason: To accord with the terms of the application and safeguard residential amenity.

- 11 G17 (Protection of trees in a Conservation Area)

Reason: To ensure the proper care and maintenance of the trees.

- 12 G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

- 13 G21 (Excavations beneath tree canopy)

Reason: To prevent the unnecessary damage to or loss of trees.

- 14 Prior to demolition of the buildings on the site, hereby approved, a further survey for bats shall be carried out during late spring/early summer and the results submitted for approval, in writing by the Council. No demolition works shall commence until such written approval is given.

Reason: To safeguard the wildlife interests of the site.

- 15 H13 (Access, turning area and parking)

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

**Informative:**

**1 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

## **7 DCCE2004/2336/F - CHANGE OF USE FROM FORMER SITE OF DEMOLISHED DWELLING TO CAR SALES AREA WITH PORTACABIN AT LAND ADJACENT TO 19 PERSEVERANCE ROAD, HEREFORD, HR4 9SN**

**For: Mrs. T. Fry per Mr. R. Pritchard, The Mill, Kenchester, Hereford, HR4 7QJ**

**Date Received: 15th July, 2004**

**Ward: Three Elms**

**Grid Ref: 50721, 41362**

**Expiry Date: 9th September, 2004**

Local Members: Councillors Mrs. P.A. Andrews, Mrs. S.P.A. Daniels and Ms. A.M. Toon

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

- 1.1 The application site is a vacant plot of land (formerly a dwelling) that fronts Perseverance Road. To the east of the site lies No. 19, a detached residential property. An access road that forms the western boundary leads to a number of industrial buildings and rear access to Dunelm.
- 1.2 The proposal is to use the site as a car sales area. It is anticipated that approximately 15 cars would be available at any one time. A portacabin would be sited in the southern corner of the site in line with No. 19 Perseverance Road.

### **2. Policies**

#### **2.1 Planning Policy Guidance:**

- PPG1 - General Policy and Principles
- PPG4 - Industrial and Commercial Developments and Small Firms
- PPG13 - Transport

#### **2.2 Hereford Local Plan:**

- Policy ENV14 - Design
- Policy ENV15 - Access for All
- Policy ENV16 - Landscaping
- Policy E2 - Established Employment Areas
- Policy E7 - Criteria for Employment Development

#### **2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):**

- Policy DR1 - Design
- Policy DR13 - Noise
- Policy E5 - Safeguarding Employment Land and Businesses
- Policy E8 - Design Standards on Employment Sites
- Policy T11 - Parking Provision

### **3. Planning History**

- 3.1 None relevant to this application.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 None consulted.

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation, response from Transportation Manager: No objection.
- 4.3 Environmental Health Officer: No adverse comments to make on this application.
- 4.4 Head of Forward Plans: There are no policy objections to this proposal, provided the Case Officer is satisfied that the criteria of Policy E7 are met.

### **5. Representations**

- 5.1 Hereford City Council make the following comments: No objection but suggest the erection of a 3m high fence between site and 19 Perseverance Road and limiting of trading hours to between 9.00am and 6.00pm only.
- 5.2 Two letters of representation have been received. One letter from Miss S. Mifflin of 19 Perseverance Road which raises concerns over the boundary treatment that currently comprises a hedgerow which causes nuisance to pedestrians and drivers.

The second letter is from Edward Bainbridge of 'Burgoyne Group' who write to oppose the proposed change of use for the following reasons:

- The site is directly opposite the road entrance to our premises and we have deliveries of 40' containers to our warehouse on a regular basis. The vehicles bringing the containers will have difficulty in accessing our site if vehicles are parked in the street opposite our entrance.
- We believe that it is likely that there will be an increase in the number of vehicles parked in Perseverance Road if this application is approved, particularly in the area near our site entrance. This will result in an increased risk of accidents and difficulties in site access for commercial delivery vehicles.
- Perseverance Road is used as a 'rat run' during the mornings and evenings, an increase in vehicles parked on the side of the road will cause considerable traffic problems, which are already high in the area around 'Sticky Fingers' play school at the end of Perseverance Road.
- The road is not wide enough for two vehicles to pass when a car is parked by the kerb.



- We would ask that consideration is given to the likely detrimental increase in traffic and road side parking in the event of this application being approved. For the above reasons we wish to register our objections to this application.

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

## **6. Officers Appraisal**

6.1 The main issues in the consideration of the proposal relate to Policy E7 of the Hereford Local Plan. These issues relate to:

- The acceptability of the proposal in terms of its impact on the amenity of neighbouring properties and uses, and impact on the general character of the surrounding area.
- The effect on the local highway network, access, car parking and operational space.
- The visual impact of the proposed portacabin.

6.2 The site lies in an area that has a mix of residential, commercial and industrial uses. There is no objection in principle to the use of the site for car sales, due to its proximity to the industrial and commercial areas. The use is not considered to have an adverse impact on the neighbouring residential or commercial properties.

6.3 The application site already has an access that serves the industrial units to the rear. Whilst it is acknowledged that there is a letter of objection to the introduction of a car sales unit due to the potential increase in car movements, it is considered that the introduction of this use, that would be served by the existing access would not increase the numbers of vehicles using the site to such a level that would cause a hazard to road users or pedestrians.

6.4 The introduction of a portacabin to the rear of the site would be relatively unobtrusive. There would be no immediate impact on the street scene or on the amenities of the neighbouring property. As such the use of a portacabin in this location having regard to the surroundings is considered acceptable.

6.5 There is some concern relating to the boundary treatments around the site, including the access. A detailed plan is requested by condition to show boundary treatments and access arrangements in greater detail.

6.6 To conclude, there are no policy objections to the proposed change of use. The proposal would not have a negative impact on the amenities currently enjoyed by the neighbouring properties and although traffic movements may increase slightly it would not be detrimental to highway safety.

## **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. G01 (Details of boundary treatments).**

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

**3. H15 (Turning and parking: change of use - commercial).**

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

**Informatives:**

**1. N03 - Adjoining property rights.**

**2. N14 - Party Wall Act 1996.**

**3. N15 - Reasons for the Grant of Planning Permission.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**8 DCCE2004/3470/T - ERECTION OF A 15M HIGH TELECOMMUNICATIONS MONOPOLE WITH 30CM TRANSMISSION DISH AND GROUND LEVEL CABINET. BULLINGHAM LANE, HEREFORD, HR2 7SA**

**For: Hutchison 3G UK Ltd, White Young Green, Ropemaker Court, 12 Lower Park Row Bristol, BS1 5BN**

**Date Received: 11th October, 2004      Ward: St. Martins & Hinton      Grid Ref: 50873, 37835**

**Expiry Date: 5th December, 2004**

Local Member: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

**1. Site Description and Proposal**

- 1.1 The site is located on the west side of Bullingham Lane, directly opposite an existing road junction into the former Bradbury Lines Military Camp and some 30 metres north of a railway bridge which separates the site from the residential area beyond.
- 1.2 The properties forming Redhill Avenue and Bailey Brook Road are located some 120 metres to the north of the site but otherwise the immediate locality remains undeveloped. Outline planning permission has been granted, subject to the completion of a Section 106 Agreement for residential development on the land immediately to the west and east of the site.
- 1.3 The application seeks approval for the installation of a 15 metre high slimline telecommunications monopole with a 30cm transmission dish and cabinet.
- 1.4 The application is accompanied by documentation including network coverage plots and details of the application consideration of alternative sites.

**2. Policies**

**2.1 Central Government Guidance:**

PPG8      -      Telecommunications

**2.2 Hereford & Worcester County Structure Plan:**

CTC9      -      Development Requirements

**2.3 Hereford Local Plan:**

ENV13      -      Telecommunications  
H12      -      Established Residential Areas – Character and Amenity  
H21      -      Compatibility of Non-Residential Uses

## 2.4 Herefordshire UDP (Revised Deposit Draft):

S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
CF3	-	Telecommunications

## 3. Planning History

- 3.1 CE2004/3224/T - Erection of 15 metre high telecommunications monopole with 30cm transmission dish and ground level cabinet. Withdrawn 6th October, 2004.
- 3.2 Prior approval was refused for the same applicant at a site on Ross Road, Hereford pursuant to application reference CE2002/3677/T. Refused 6th February, 2003.
- 3.3 CE2001/2757/O - Mixed use development to provide housing, open space, community and local retail uses. Approved subject to the completion of a Section 106 Agreement 1 December, 2003.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None required.

### Internal Council Advice

- 4.2 Head of Environmental Health and Trading Standards: The lateral extent of the ICNIRP Public Exclusion Zone is 5.1 metres, this would appear to impinge on the adjoining land. This exclusion zone would need to be taken into account. As there is no standby generator there should be no noise issue to consider.
- 4.3 Head of Engineering and Transportation: Raises no objection.

## 5. Representations

- 5.1 Hereford City Council raised no objection *'provided that this is an alteration to application DCCE2004/3224/TT'*. Attention is drawn to the planning history above. This confirms that the application referred to was withdrawn on the 6th October 2004.
- 5.2 A single letter of objection has thus far been received from the following source:

- Gough Planning Services, Mill Court, Mill Street, Stafford

The comments raised can be summarised as follows:

1. The Outline planning application for the Bradbury Lines redevelopment site includes a condition requiring that development be carried out strictly in accordance with the approved plans, which includes the Development Masterplan and Design Framework;
2. The Masterplan clearly identifies that the land to the east and west of Bullingham Lane, adjacent to the railway, is to provide housing;

3. The result of the above situation is that residential properties could be as close as 600mm from the mast and ground station;
4. By virtue of the height of the pole it will undoubtedly be overbearing.
5. The mast would be alien to the proposed streetscene, undermining the principles of the redevelopment of Bradbury Line;
6. The ground station and mast represent wholly inappropriate development in front of the proposed housing;
7. A strong phone signal is already available in this area;
8. A previous application for development within Bradbury Lines was refused and this application would be equally detrimental;
9. Other locations on Bullingham Lane were unsuitable due to tree cover. The redevelopment of Bradbury Lines will increase tree cover in this area.

5.3 The deadline for comments 4th November, 2004.

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

## **6. Officers Appraisal**

- 6.1 The application seeks prior approval for the siting and appearance of a 15 metre high slimline monopole with 30cm dish and associated ancillary cabinet and safety sign. The key issues for consideration in respect of the application is primarily the impact of the development upon the character and appearance of the locality. In addition to this guidance set out in PPG8 – Telecommunications and the policy criteria set out in Policy ENV13 of the Hereford Local Plan initially require a technical justification relating to the need for the equipment and information relating to the consideration of alternative sites.
- 6.2 In this case, the network coverage plots identify a clear gap in the applicant's network, which would be largely resolved by the approval of this application. On this basis and having regard to reasons for refusal relating to application no. CE2002/3677/T on the Ross Road, it would not be appropriate to challenge the need for this equipment in the locality.
- 6.3 Furthermore the applicant advises that in addition to the refused site on Ross Road, a further eight locations have been considered including the Grafton Depot, St Martin's Church, a site along the railway embankment and on the former military base. None of these sites have been pursued due to lack of interest on behalf of the site owners, technical failings or failure to meet safe fall distances. The Grafton Depot site was considered for possible co-location with an existing Vodafone site and permission was granted for this (CE2002/0531/T) but it is advised that the owner no longer wishes to progress with additional telecommunications equipment.
- 6.4 In view of the above the options for siting the necessary equipment are limited and it seems unlikely that further locations will come forward.
- 6.5 With regard to the size and design of the monopole it is recognised that at 15 metres it will appear taller than the average streetlight but this said its relatively inconspicuous location with regard to existing properties which are screened by the railway embankment and existing trees and its relationship to other street furniture including two lamp posts and a road sign are such that it is not considered that there will be a seriously detrimental impact upon the character and appearance of the locality and as

such based upon the supporting information it is considered that the proposal will comply with Policies ENV13 and H12 of the Hereford Local Plan.

- 6.6 Careful consideration has been given to the potential proximity of residential development not yet built, but agreed in principle, on the Bradbury Lines development (former SAS camp). The potential impact of this monopole upon the proposed development has been analysed and the Master Plan and Design Framework considered. Additionally, it is considered that on the basis of the current character of the locality, and the confirmation that the equipment complies with the ICNIRP guidelines on maximum public exposure levels, it is not considered that the impact upon the residential amenity of future occupiers of adjacent dwellings sufficient grounds for the refusal of planning permission. It is further pointed out that the final housing layout in this area has yet to be confirmed and as such the lateral extent of the Public Exclusion Zone may be taken into account in the final housing layout. In this case it is therefore considered that the proposal complies with Policy H21 of the Local Plan.
- 6.7 The siting of such equipment in close proximity to residential uses remains a sensitive issue but in view of the proven need, the lengthy site search and the existing characteristics of the locality it is recommended that the application be approved.

## RECOMMENDATION

**That prior approval be granted subject to the following conditions:**

- 1 Prior to the installation of the equipment hereby approved, details of the external finish of the monopole and associated equipment shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason:** To ensure that the materials harmonise with the surroundings in the interest of visual amenity.

### Informative:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

## Background Papers

Internal departmental consultation replies.

## **9 DCCE2004/2943/F - NEW FOUR BEDROOM DWELLING AT 82 AYLESTONE HILL, HEREFORD, HR1 1HX**

**For: Mr. Gough per RRA Architects, Packers House, 25 West Street, Hereford, HR4 0BX**

**Date Received: 4th August, 2004**

**Ward: Aylestone**

**Grid Ref: 52318, 41031**

**Expiry Date: 29th September, 2004**

Local Members: Councillors D.B. Wilcox and A.L. Williams

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

- 1.1 The application site comprises part of the rear garden to a detached bungalow that is set back from but fronting Aylestone Hill. This bungalow currently benefits from two vehicular accesses, the first from Aylestone Hill and the second from Walney Lane. The latter directly serving the portion of the garden that would be subdivided to form the application site. The eastern boundary of the site has a line of mature Leylandii trees and the rear boundary has a mix of brick wall and landscaping.
- 1.2 The site lies within the Aylestone Hill Conservation Area which is characterised by large detached properties set in extensive grounds with a variety of trees which cover the hill and line of the road. The properties along the Aylestone Hill frontage have a strong building line of dwellings set back from the highway with mature gardens and landscaping adding to the character of the area.
- 1.3 The proposal comprises the subdivision of the rear garden of the detached bungalow with the erection of a fence. The proposed dwelling would be a two storey, four bed dwelling set back from the road frontage by some 12 metres and behind the building line of the two adjacent dwellings. The distance between the rear of No. 82 and the proposed dwelling would be approximately 6 metres, with the distance between the proposed dwelling and adjacent two storey dwelling being 4.5 metres. Access to the site is via the existing Walney Lane entrance with a turning and parking area to the front of the dwelling. The mature trees along Walney Lane frontage and adjacent to the access would remain.

### **2. Policies**

#### **2.1 Planning Policy Guidance:**

PPG3	-	Housing
PPG15	-	Planning and the Historic Environment

#### **2.2 Hereford Local Plan:**

Policy ENV14	-	Design
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H13	-	Established Residential Areas – Loss of Features
Policy H14	-	Established Residential Areas – Site Factors
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals

- Policy CON14 - Planning Applications in Conservation Areas
- Policy CON19 - Townscape

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft);

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S3 - Housing
- Policy DR1 - Design
- Policy H13 - Sustainable Residential Design
- Policy H16 - Car Parking
- Policy HBA6 - New Development within Conservation Areas

### 3. Planning History

- 3.1 None relevant to this application.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water - recommends conditions relating to foul and surface water drainage.

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation - has no comment to make on this application.

### 5. Representations

- 5.1 Hereford City Council - raises no objection in principle but there is concern as to the adequate drainage of the site.
- 5.2 One letter of objection has been received from Alan M. Press (FRICS) on behalf of T. Jones of No. 80A Aylestone Hill and is summarised as follows:

"The construction of a four bed roomed dwelling house within the curtilage of 82 Aylestone Hill would form a precedent for future applications for similar development within curtilage of properties in the Aylestone Hill area. Up to the present development in the Aylestone Hill area has been carefully regulated in order to protect the environment of the area. It is considered that if permission is granted in this instance, and as previously intimated, there will undoubtedly be a considerable number of further applications, which increase the density of housing and in some respects "ruin" the present environment.

The rear first floor windows of the proposed four bed roomed house will overlook the private car parking and patio area to the rear of No. 80A Aylestone Hill. Without doubt, my clients privacy will be invaded should the development proceed.

Although strictly not a planning matter, I have to point out to you that the application for planning permission form as completed by the applicant is incorrect in respect of proposed foul drainage connections. I note that under Clause 3B relating to the disposal of foul waer, that it is stated that the proposed property will be connected to the main sewer. At present there is an easement or right relating purely to the existing



property upon the curtilage of 82 Aylestone Hill, in that effluent water from the existing habitable dwelling is transposed via an alkathene pipe pumping main to the foul drainage system within the curtilage of my client, i.e. 80A Aylestone Hill. This legal right or easement relates purely to the existing habitable dwelling upon the curtilage of 82 Aylestone Hill and no other dwelling. It cannot be stated therefore that the new dwelling will be connected to the main sewer.

Also in relation to the foul drainage, the existing foul drainage collection "pit" is at present located virtually beneath the site of the proposed new four bedroomed house."

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

## **6. Officers Appraisal**

6.1 The issues for consideration in the appraisal of this proposal are:

- The principle of development.
- The impact of the development on the character and appearance of the Conservation Area.
- The impact of the proposed dwelling on the amenities of the neighbouring properties.
- Highway safety.
- Drainage.

6.2 The application site lies within an established residential area as designated in the Hereford Local Plan. As such the introduction of residential uses is considered acceptable subject to complying with Policies H12 to H14. These policies look to ensure that the environmental character and appearance of the surrounding area is protected and the issues listed above are resolved to the satisfaction of the Local Planning Authority.

6.3 The detached bungalow at No. 82 Aylestone Hill is not of any particular historic or architectural merit. It respects the character of the Conservation Area in that it is set back from the highway with a large private gardens space to the front and side of the plots. The subdivision of this garden to the rear would not alter the character of the most prominent and visual part of the Conservation Area, indeed the property would only be visible from a public viewpoint along Walney Lane.

6.4 The design of the dwelling has taken careful consideration of the massing and scales of the two dwellings on either side of this property. The height of the main bulk of the dwelling being lower than that of the two storey dwelling to the east at a ridge height of 7.3 metres, and reducing further still to the west as it moves towards the bungalow to a ridge height of 6.7 metres. It represents a good transition in size and scale between the two properties and sits comfortably in the street scene. The frontage to Aylestone Hill is unchanged and the important spaces to the front of the existing bungalow retained. As such it is considered that the character and appearance of the Conservation Area is, in this instance, preserved in accordance with Local Plan Policy.

6.5 The design of the dwelling has taken into consideration the proximity and positioning of the neighbouring properties. To the rear of the proposed property lies No. 80A Aylestone Hill. In order to prevent an introduction of overlooking leading to a loss of privacy the rear elevation of the dwelling has only three upper floor windows. The first is a stairway window, at a relatively high level; the second, which is a dormer window

in the lower westerly section of the dwelling is a bedroom window. Having regard to this lower level dormer window (maximum height 4.5 metres) and the height of the existing rear boundary wall overlooking to the rear of the property is not considered to be detrimental to the occupiers of the adjoining property. The third window is a roof light inserted to allow light to bedroom 2. Although high level, a condition ensuring the use of obscure glazing is suggested. All other windows in the rear elevation are at ground level only.

- 6.6 Windows are proposed in the east elevation of the dwelling facing the adjoining property on Walney Lane. The mature trees offer a complete screen to the adjoining property. However to ensure privacy an obscure glazing condition is suggested to the en-suite bathroom.
- 6.7 Having regard to the relationship with the existing bungalow, the orientation of the bungalow is mainly forward facing. The introduction of a fence or landscape boundary between the two properties could alleviate some of the conflicts but the relationship between the two properties is not so adverse as to offer a reason for the refusal of the application. A condition relating to boundary treatments is recommended to ensure that a suitable boundary is implemented and retained to provide for a well planned development.
- 6.8 Access to the site is by way of the existing access. Whilst this is not an ideal access in its current form, minor alterations to ensure visibility is improved can be made without detriment to the character of the lane. These can be controlled via a condition. It should however be noted that this access already serves the existing bungalow and this has been taken into account in the consideration of its acceptability. The widening of the access would lead to a loss of important mature trees that would alter the character of this part of Walney Lane and the Conservation Area and as such this is not requested.
- 6.9 The application form indicates that drainage of the site would be to the main sewerage system. Welsh Water raise no objection to this and as such there is no objection to this proposal in principle. The letter of objection as outlined in Section 5 raised the concerns relating to easements across their land to connect to the mains system. This is a legal matter between the two owners. Conditions are recommended as per advice from Welsh Water. Any deviation from this would require a further application for the variation of the condition.
- 6.10 To conclude, the siting, design, massing and proportions of the proposed dwelling sits comfortably within the street scene and wider Conservation Area. The design successfully addresses any potential overlooking or privacy issues and the access and parking arrangements are also satisfactory. Having regard to this the proposed development is considered to be in accordance with Local Plan policy and approval with conditions is recommended.

## 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. E16 (Removal of permitted development rights).**

**Reason:** Having regard to the character of the application site and amenities of the neighbouring properties.

**4. E17 (No windows in side elevation of extension).**

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

**5. E19 (Obscure glazing to windows).**

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

**6. G01 (Details of boundary treatments).**

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

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

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

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

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

**9. 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.

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

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

**11. 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.

**12. 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.

**Informatives:**

1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.
2. N03 - Adjoining property rights.
3. N14 - Party Wall Act 1996.
4. N15 - Reasons for the Grant of Planning Permission.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

# **10 DCCE2004/2530/F - ERECTION OF TWO BUNGALOWS AT LAND TO THE REAR OF 107 GORSTY LANE, HEREFORD, HR1 1UN**

**For: Mr. G. Dyer per Mr. N. La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE**

**Date Received: 8th July, 2004**

**Ward: Tupsley**

**Grid Ref: 53380, 39303**

**Expiry Date: 2nd September, 2004**

Local Members: Councillors G.V. Hyde, Mrs. M.D. Lloyd-Hayes and W.J. Walling

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

- 1.1 The application site comprises part of the large rear garden of a large detached two storey property that lies within the Hampton Park Conservation Area. Access to the site would be formed from Gorsty Lane and would run along the southern boundary of the plot for some 36 metres in a subdivided rear section of garden that forms the application site. The existing dwelling would retain its existing vehicular access. The distance between the existing dwelling and the western boundary of the site is 20 metres, therefore leaving a 20 metre by 24 metre area of garden for the existing dwelling. The application site therefore measures some 28 metres wide by 47 metres in length (approximately) excluding the vehicular access. The boundaries to the site area are a mix of hedgerow, leylandii trees and timber fencing. There are residential properties to the east and north of the application site whose rear aspect faces onto the site.
- 1.2 The proposal comprises the creation of a new vehicular access from Gorsty Lane, involving the removal of a portion of the mature leylandii hedgerow and low wall that currently forms the boundary with the highway. This access is proposed to be 3.2 metres in width and leads into a turning and parking area for each of the two proposed bungalows. The proposed layout includes two 'plots' each with identical 2-bed bungalows, with attached garages. These are set in a staggered position with the parking and turning areas to the front of each property.

## **2. Policies**

### **2.1 Planning Policy Guidance:**

PPG3 - Housing  
PPG15 - Planning and the Historic Environment

### **2.2 Hereford Local Plan:**

Policy ENV14 - Design  
Policy H3 - Design of Residential Development  
Policy H12 - Established Residential Areas – Character and Amenity  
Policy H13 - Established Residential Areas – Loss of Features  
Policy H14 - Established Residential Areas – Site Factors  
Policy CON12 - Conservation Areas

Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON19	-	Townscape

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas

### 3. Planning History

3.1 None relevant to this application.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water - recommends conditions relating to foul and surface water drainage.

#### Internal Council Advice

4.2 Head of Engineering and Transportation - recommends refusal of the application for the following reasons:

The introduction of any new or alternatively the adaptation and use of any existing access to serve the proposed development involving additional vehicles slowing down and making turning movements, together with the presence of waiting vehicles on the carriageway of the adjoining road would be contrary to the interests of highway safety.

The track which it is proposed to gain access is unsuitable in its present form to serve the proposed development.

The layout indicated on the deposited plan accompanying this application is at variance with the requirements of the County Council's Design and Guide and Specification for Residential Roads.

Although this response is a recommendation of refusal it could be possible to issue a conditional consent on this site if the following matters were addressed.

- a) The access to the two bungalows is single track from the road way as far as the existing house. This will lead to the hazardous situation of one vehicle leaving the site and one vehicle entering the site to find that they cannot complete the manoeuvre. This will cause the vehicle to put on its brakes half on and half off the footway causing a hazard to other road users. If however the width of the access was widened to take two vehicles as far as the existing 107 Gorsty Lane House this problem would be resolved.

- b) The turning head at the rear of 107 Gorsty Lane will have to be properly delineated and the parking spaces shown on any revised proposals for this development to ensure that adequate space has been left for vehicles to enter and leave the property in forward gear by turning within the turning space.
- 4.3 Head of Conservation - notes that the proposed bungalows are bland and banal. However given the surrounding buildings are modern there would be no impact on the setting of the Conservation Area. To conclude, the bungalows would have a minor impact on the Conservation Area.

## **5. Representations**

- 5.1 Hereford City Council - raises concern at proper foul and surface water drainage and concern at standard of access on to Gorsty Lane.
- 5.2 Four letters of objection have been received from Nos. 13, 15 and 17 Sudbury Avenue and 1 Litley Close which raise concerns relating to the following:
- Should be a bungalow and not a 'dormer' type bungalow and that restrictions to any additional changes and permitted development rights should be removed.
  - Concern relating to layout and subsequent privacy.
  - Impact on highway safety due to substandard access.
  - Emergency services access.
  - Concern that the density of the development is too great in comparison to the character of the surrounding area.
  - Loss of privacy.
  - Additional/introduction of noise and disturbance due to proximity of new dwellings.
  - Retention of hedgerows.
  - Greater density of housing would have a negative impact on wildlife.
  - Drainage concerns - in particular the route and capacity of connection to mains.
  - Boundary fence dispute.
- 5.3 Letters of support and explanation have also been submitted by Mr. Mant, the owner of 107 Gorsty Lane who clarifies issues relating to the boundary dispute (not relevant to this application) and an offer to improve the quality of the boundary hedge between the properties.

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

## **6. Officers Appraisal**

- 6.1 The issues for consideration in the appraisal of this proposal are:
- The principle of development.
  - The impact of the development on the character and appearance of the Conservation Area.
  - The impact of the proposed dwelling on the amenities of the neighbouring properties.
  - Highway safety.
  - Drainage.

- 6.2 The application site lies within an established residential area as designated in the Hereford Local Plan. As such the introduction of residential uses is considered acceptable subject to complying with Policies H12 to H14. Whilst this allows for some residential development, it is important that character and amenity is not unduly adversely affected by a proposal. The site also lies within the Conservation Area and as such the impact on the character of the surrounding area is increased in sensitivity.
- 6.3 One of the concerns in relation to this application is the impact of the introduction of two dwellings onto the site. After making a site visit and assessing the proposal it is considered that the two proposed bungalows would represent an unacceptable form of development. The introduction of two dwellings in the rear garden of 107 Gorsty Lane would be an over development of the site leading to an unacceptable change in the character of the area. Two dwellings appear cramped and sit somewhat uncomfortably within the surroundings thus being detrimental to the character of the Established Residential Area and Conservation Area.
- 6.4 The site is also overlooked by properties on Ryder Close. In particular No. 5, a two storey dwelling which lies in close proximity to the boundary (3.5 metres) and clearly overlooks what would be the private amenity space to the proposed bungalow on Plot 1. There is also a degree of overlooking from those dwellings that lie to the rear of the site on Sudbury Avenue. The fact the proposed dwellings are bungalows does restrict the potential for overlooking from the proposed to existing dwelling. However, the introduction of two properties in such close proximity to the existing dwelling is likely to impact in terms of additional noise and disturbance, in particular with vehicles movements between the two existing dwellings serving the two new properties.
- 6.5 Notwithstanding the above, in terms of design, whilst a bungalow would be the preferred and sensible option given the location and its surroundings, the design is somewhat simplistic in its form with a lack of fenestration detail. The reasoning behind this is to prevent an adverse impact on the adjoining proposed dwelling. However, the design does little to enhance the Conservation Area.
- 6.6 There is an objection from the Head of Engineering and Transportation to the single width access that serves the site as originally submitted. An amended plan has been submitted which widens the first 10 metres of the access to a width of 4.2 metres which meets the minimum standard and could alleviate some of the concerns relating to a conflict between two vehicles using the driveway at the same time. However, visibility and manoeuvring would still be restricted, and in light of the nature of the highway and close proximity to the blind bend to the south there are continued highway safety concerns.
- 6.7 The application form indicates that drainage of the site would be to the mains sewerage system. Welsh Water raises no objection to this and as such there is no objection to this proposal in principle. The letter of objection raised the concerns the capacity of the mains but Welsh Water have not raised this concern. Conditions are recommended.
- 6.8 To conclude, the proposal for two 2-bed bungalows set in the rear garden of the existing detached property are considered to represent an over intensive cramped and uncomfortable form of development leading to an adverse impact on the character of the surrounding area. The siting of the properties is also likely to have adverse amenity implications whilst in its present form, and having regard to the site restrictions, access is constrained and would compromise highway safety. Having



regard to this the proposed development is considered to be unacceptable in its current form as such a recommendation for refusal is proposed.

## RECOMMENDATION

That planning permission be refused for the following reason:

1. Having regard to adopted Policies H3, H13, H14, ENV14, CON12, CON13 and CON14 of the Hereford Local Plan, the proposed erection of two detached bungalows is considered to be unacceptable for the following reasons:

The development would represent an over intensified use of the land leading to a cramped and inappropriate form of development. As such the proposal would be detrimental to the character of the surrounding area and therefore failing to preserve the character and appearance of the Conservation Area.

The introduction of two residential properties in this location would lead to an adverse relationship between the surrounding existing and the proposed dwellings in particular in terms of overlooking and privacy.

Furthermore, the development of this nature would be expected to generate traffic and activity that would involve additional vehicles slowing down and making turning movements, together with the presence of waiting vehicles on the carriageway of the adjoining road. This coupled with the substandard access width, minimal visibility and restricted access would be a form of development contrary to the interests of highway safety.

Decision: .....

Notes: .....

.....

## Background Papers

Internal departmental consultation replies.



**11 CW2002/3441/F - DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF MIXED-USE SCHEME COMPRISING ASDA FOOD STORE, COMMUNITY USES, RESIDENTIAL DEVELOPMENT, REPLACEMENT BOWLING GREEN/CLUB HOUSE, RETAINED TRAMWAY AND FLOOD DEFENCE WALL, PARKING, SERVICING, LANDSCAPING, NEW ACCESSES AND OTHER HIGHWAYS INFRASTRUCTURE IMPROVEMENTS AT LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD**

**For: Asda Stores/Eign Enterprises Ltd. per RPS Group Plc, 3rd Floor, Park House, Greyfriars Road, Cardiff, CF10 3AF**

**Date Received: 29th November, 2002      Ward: St. Martins &      Grid Ref: 50612, 39257  
Hinton**

**Expiry Date: 21st March, 2003**

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

### **UPDATED REPORT**

Members will recall that this planning application was considered at its meeting on 1st December, 2003 where it was resolved that

“It was the decision of the Members of the Central Area Planning Sub-Committee that they were minded to grant planning permission for the proposal on the grounds that there were significant local benefits in the form of new investment in jobs, urban regeneration of the conservation area, improvements to the local road infrastructure and provision of community facilities. Members considered that these benefits outweighed the policy concerns outlined in the report. In addition, Members placed considerable weight on the financial contribution being offered by the developer to the Environment Agency towards the cost of the Hereford Flood Alleviation Scheme.”

Subsequently the planning application was referred to the Government Office for the West Midlands (GOWM) for consideration of the ‘call-in’ procedure. On the 25th May 2004 the GOWM informed the Council that the Secretary of State was satisfied that the issues raised did not relate to matters of more than local importance and that the planning application should be decided by Herefordshire Council.

In considering this decision the Secretary of State had regard to:

- i) sustainable development as set out in Planning Policy Guidance Note 1 (Revised): general Policy and Principles;

- ii) sustainable and enhancement of the vitality and viability of existing centres; as set out in Planning Policy Guidance Note 6 Town Centres and Retail Developments;
- iii) inappropriate development on undeveloped and undefended (functional) flood plains as set out in Planning Policy Guidance Note 25: Development and Flood Risk.

Since this resolution Officers have been preparing the detailed Section 106 Agreement and draft Decision Notice. In accordance with Paragraph 65 of PPG25 (Development and Flood Risk) the Environment Agency have been further advised of the Council's decision to grant planning permission. They have been furnished with the proposed Section 106 Agreement and the draft planning conditions. The Environment Agency response has necessitated this report. They have raised the following issues:-

### **Section 106 Agreement**

The developers have offered a £2 million contribution towards the Hereford Flood Alleviation Scheme (HFAS) and it is proposed that the contribution is available for a five year period. The Environment Agency consider that this period is too short as there is no guarantee that the scheme would be progressed within that timescale. Members will be aware that the developer's contribution to the HFAS formed a material consideration when they resolved to support the application. Members may consider that the five year period is warranted to drive through the delivery of the scheme.

### **Draft Conditions**

The Environment Agency have raised concerns regarding the following conditions.

#### **Condition 30**

**"The development hereby approved shall not be occupied until a full detailed specification of the on site flood protection scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first use of the retail store hereby approved."**

The Environment Agency do not want the development commenced until a full specification, including timetable of the on-site flood protection scheme, including defence structure, flood storage, flood proofing and wider site construction programme has been submitted to and approved by the Local Planning Authority in consultation with the Environment Agency. Your Officers have recommended that the submission and consideration of the above details including their installation is undertaken before occupation of the buildings and that the approved scheme is completed prior to the first use of the retail store. This is considered reasonable, it allows the development of the site and Flood Defence Scheme but restricts occupation until the on site works are completed.

#### **Condition 32**

**"The retail unit hereby approved shall not be brought into use until the crèche, community and health centre, and residential block have been constructed on site in accordance with an agreed construction timetable. The occupation of the crèche, community centre, health centre and residential elements hereby approved shall be in**

**accordance with the timetable to be submitted to and approved in writing by the local planning authority.”**

The Environment Agency are not willing to agree to the occupation of the crèche, community and health centre and residential block until the completion of the alleviation scheme flood defences on the south bank downstream of Greyfriars Bridge. These developments formed a fundamental material consideration when the application was supported by Members.

Your Officers have recommended that ‘a timetable be agreed’. This timetable when submitted will be discussed with the Environment Agency. They consider that this is not robust enough to ensure that the occupation is in accordance with the flood defence scheme.

### **Conclusions**

Full compliance with the Environment Agency’s requirements carries with it a real risk that the developer will construct the retail store whilst delaying the construction of the housing and community facilities until there is a firm prospect of the Hereford F.A.S. being constructed.

The environmental benefits and community facilities were considered by Members to be key considerations in deciding to approve the development. Officer advice is that the wording of the conditions above provides sufficient flexibility to allow the full development to proceed whilst going some way to addressing the continuing objections of the Environment Agency.

### **RECOMMENDATION**

**That the Environment Agency be informed that it is the Council’s intention to issue planning permission in accordance with the details as set out above.**



# DRAFT DECISION NOTICE

Town and Country Planning Act 1990  
Planning and Compensation Act 1991

## PLANNING PERMISSION

**Applicant:**

Asda Stores/Eign Enterprises Ltd.  
c/o Agent

**Agent:**

RPS Group Plc  
3rd Floor  
Park House  
Greyfriars Road  
Cardiff  
CF10 3AF

---

Date of application: 29th November 2002

Application code: **CW2002/3441/F**

Grid ref: 50612,39257

---

Proposed development:

**SITE:** Land to the west of the A49(T) and north of Belmont Avenue, Belmont, Hereford

**DESCRIPTION:** Demolition of existing buildings and development of mixed-use scheme comprising Asda food store, community uses, residential development, replacement bowling green/club house, retained tramway and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements.

---

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. .), except where otherwise stipulated by conditions attached to this permission.

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

3. No development on the store or residential block shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Sample panels of the approved material shall be constructed and inspected on site and development shall be carried out in accordance with the approved details.

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

Continued

## DRAFT DECISION NOTICE

4. No development or other site works shall take place until the applicants or their agents or successor in title, have secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicants and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service. Items of prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the Archaeological Service before commencement of any development.

Reason: To ensure that the exceptional archaeological interest of the site is recorded and also to ensure that archaeological excavation can take place within an acceptable timescale that will not be compromised by other site works or factors.

5. The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside hours of 07.00 and 22.00 Monday to Saturday and 10.00 and 17.00 on Sundays.

Reason: To safeguard the amenities of the locality.

6. The retail use hereby permitted shall only be open to customers between 08.00 and 22.00 Monday to Saturday and between 10.00 and 17.00 on Sundays.

Reason: To safeguard the amenities of existing residential properties in the locality.

7. The sale of non food or non convenience goods shall not take place from more than 40% of the total net sales area of the supermarket hereby permitted.

Reason: In order to define the terms under which this permission is granted and having regard to policies in the Local Plan which seek to protect the vitality and viability of the city centre.

8. The A1 retail use hereby approved shall not include the provision of hairdressers, travel and ticket agencies or post office facilities unless specifically agreed in writing by the local planning authority.

Reason: In order to define the terms under which permission is granted and having regard to policies in the Local Plan which seek to protect the vitality and viability of the city centre. Retaining such uses within the city centre would also promote link trips from the development site in accordance with sustainable principles.

9. Before the development hereby permitted is occupied a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from any plant equipment to be installed on site. The development shall be carried out in accordance with the approved details.

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

10. The residential development hereby permitted shall not be begun until a scheme for protecting the proposed dwellings from noise from the adjoining highway network has been submitted to and approved by the local planning authority; and all works which form part of the scheme shall be completed before any of the dwellings are occupied.

Reason: To protect the residential amenities of the future occupiers of the properties.

Continued



## DRAFT DECISION NOTICE

11. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times unless specifically agreed in writing by the local planning authority: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

12. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of any of the buildings hereby permitted.

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

13. There shall be no, direct or indirect, discharge of surface water to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

14. Prior to the commencement of development a scheme for the diversion of the existing on site sewerage system has been submitted to and approved in writing by the local planning authority. No buildings hereby permitted shall be occupied until such improvements have been completed.

Reason: To prevent pollution of the water environment.

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

16. Prior to the first use of the development hereby permitted a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and shall remain in use unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

17. Details of any external lighting proposed to illuminate the development, including cowls, louvres or other shields to be fitted to reduce light pollution, shall be submitted to and approved by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details with all shields retained in perpetuity and there shall be no other external illumination of the development.

Reason: To ensure a satisfactory form of development in the interest of amenity and highway safety.

18. No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

Continued

## DRAFT DECISION NOTICE

19. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the buildings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

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

20. No development hereby permitted shall be occupied until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the buildings are occupied. Development shall be carried out in accordance with the approved details.

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

21. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

22. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

23. No development hereby approved shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved before the first use of the store. These details shall include proposed finished levels or contours and gradients; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (eg. drainage power, communications, cables, pipelines, etc. indicating lines, manholes, supports, etc.); retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity.

24. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:

Continued

## DRAFT DECISION NOTICE

(a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.

(b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.

(c) Any alteration of soil levels under the crown spread of any tree or group of trees to be retained shall be agreed in writing by the local planning authority prior to the work commencing.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

25. No development shall be occupied until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In the interests of visual and residential amenity.

26. With the exception of the bowling club element of the scheme, no development may commence until arrangements for temporary access to the development and for temporary traffic management has been submitted to the local planning authority for approval in consultation with the Highways Agency. Thereafter all temporary access to the site and temporary traffic management shall be in accordance with the approved plans.

Reason: To enable the A49 trunk road and A465 trunk road to continue to be an effective part of the system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to the flow on those routes by traffic excepted to be generated by the development and to protect the interests of road safety on the trunk road.

27. No part of the development may be occupied until the local planning authority in consultation with the Highways Agency has certified the highway works for the proposed site access and gyratory junction as completed in writing. This shall be in accordance with details to be submitted to and approved in writing prior to the works commencing.

Reason: In the interests of highway safety and to enable the A49 trunk road and A465 trunk road to continue to be an effective part of the system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to the flow on those routes by traffic excepted to be generated by the development and to protect the interests of road safety on the trunk road.

28. Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

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

Continued

## DRAFT DECISION NOTICE

29. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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

30. The development hereby approved shall not be occupied until a full detailed specification of the on site flood protection scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first use of the retail store hereby approved.

Reason: To minimise the risk of flooding in the interests of a satisfactory form of development.

31. The retail unit hereby approved shall not be brought into use until the creche, community and health centre, and residential block have been constructed on site in accordance with an agreed construction timetable. The occupation of the creche, community centre, health centre and residential elements hereby approved shall be in accordance with the timetable to be submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory form of development that preserves or enhances the character and appearance of the Conservation Area and to reduce risk associated with potential flooding of the application site.

32. The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.

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

33. Prior to the commencement of development a detailed Badger Management plan including a working and method statement shall be submitted to and approved in writing by the local planning authority in consultation with English Nature. The agreed timetable for works shall be implemented on site to ensure the established badger setts are managed during the construction phases.

Reason: In the interests of nature conservation and to ensure adequate measures in place for this protected species.

34. A Green Transport Plan containing measures to promote alternative modes of transport for staff and visitors of the retail store including a schedule for its implementation shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any building on site. A detailed written record shall be kept of the measures undertaken to promote green transport initiatives and shall be made available for inspection by the local planning authority upon request.

Continued

## DRAFT DECISION NOTICE

Reason: To clarify the terms of the permission and to ensure that a range of sustainable transport alternatives are available and promoted to users of the site in accordance with sustainable objectives of Herefordshire Council and Central Government.

35. Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the first use of the site.

36. A detailed car park management plan shall be submitted to and approved in writing by the local planning authority prior to the first use of the retail store hereby permitted. The agreed car parking policy shall be implemented prior to the first use of the store and shall only be varied if agreed in writing by the local planning authority.

Reason: To ensure the car parking facilities operate in an effective and efficient manner and enable linked trips to the city centre in accordance with sustainable objectives of Herefordshire Council and Central Government.

37. There shall be no insertion of any additional retail floor space including a mezzanine floor within the retail unit hereby approved.

Reason: To protect the vitality and viability of the city centre.

38. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

39. Development shall not begin until an Order has been made to allow the existing public right of way crossing the application site to be diverted or stopped up.

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

40. Before the development is first occupied a scheme for the provision of 110 cycle stands, plus separate cycle parking for the residential development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and be available prior to the first use of the site.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

41. Flood warning notices shall be erected and maintained in numbers, positions and with wording all to be approved by the local planning authority prior to commencement of the development. The notices shall be kept legible and clear of obstruction.

Reason: To minimise the flood related danger to people in the flood risk area.

Continued

## DRAFT DECISION NOTICE

42. Prior to the commencement of development, an Evacuation Management Plan (EMP) for the retail, creche, and community/health facilities shall be submitted to and approved in writing by the local planning authority in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedures for evacuation of persons and property (including vehicles), training of staff; and method and procedures for precautionary timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan. Thereafter the approved plan/s shall be adhered to by the facility occupiers, for the lifetime of the facilities/buildings, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the flood related danger to people in the flood risk area.

43. Prior to commencement of development details of the surface water drainage arrangements from the service yard areas shall be submitted and approved by the local planning authority in consultation with the Environment Agency. The approved scheme shall be completed in accordance with the approved details prior to use of the retail store.

Reason: To prevent pollution of the water environment due to the proximity of the service yard to the River Wye cSAC.

44. 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.

45. Prior to the first use of the retail unit hereby approved a full specification of the fixtures and fittings for the community health centre and creche facilities shall be submitted to and approved in writing by the local planning authority. The approved specification shall be installed in accordance with a timetable to be agreed prior to their first use.

Reason: To ensure a satisfactory form of development that provides adequate community facilities.

### Informatives:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
2. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

Continued

## DRAFT DECISION NOTICE

3. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
4. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.

5. The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief issued by the Highway Authority and their design shall include any necessary amendments to the existing system.
6. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
7. This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
8. This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application). Separate application should be made to Herefordshire Council in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992.
9. The applicant is reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built. It is also an offence to take or destroy an egg of any wild bird even where that is done pursuant to lawful authority or requirement if the taking or destroying could reasonably have been avoided in carrying out the prescribed or authorised work on the hedge. The applicant is further reminded that Part 1 of the Wildlife and Countryside Act 1981 sets out the statutory protection which is afforded to wild animals and plants. Some animals are also protected under their own legislation (for example the Protection of Badgers Act 1992).
10. You are advised to contact English Nature (Herefordshire and Worcestershire Team), Bronsil House, Eastnor, Ledbury, Herefordshire to obtain the relevant licence for undertaking work on or adjacent to an existing badger sett.
11. Flood proof construction is outlined in the Agency's booklet "Damaging Limitation - How to make your Home Flood Resistant" and ODPM guidance for improving the flood resistance of domestic and small business properties, "Preparing for Floods" on [www.safety.odpm.gov.uk/bregs/floods](http://www.safety.odpm.gov.uk/bregs/floods).

Continued

## DRAFT DECISION NOTICE

12. The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

### Hereford Local Plan:

ENV1 - Land Liable to Flood  
ENV2 - Flood Storage Areas  
ENV3 - Access to Watercourses  
ENV4 - Groundwater  
ENV7 - Noise  
ENV8 - Contaminated Land  
ENV9 - Energy Conservation  
ENV11 - Infrastructure  
ENV14 - Design  
ENV15 - Access for All  
ENV16 - Landscaping  
ENV17 - Safety and Security  
ENV18 - External Lighting  
H3 - Design of Residential Development  
H4 - Residential Roads  
H6 - Amenity Open Space Provision in Small Schemes  
H7 - Communal Open Space  
H12 - Established Residential Areas - Character and Amenity  
H14 - Established Residential Areas - Site Factors  
H21 - Compatibility of Non-residential Uses  
S1 - Role of Central Shopping Area  
S11 - Criteria for Large Scale Retail Development  
CON12 - Conservation Areas  
CON 13 - Conservation Areas - Development Proposals  
CON14 - Planning Applications in Conservation Areas  
CON16 - Conservation Area Consent  
CON17 - Conservation Area Consent - Condition  
CON18 - Historic Street Pattern  
CON19 - Townscape  
CON20 - Skyline  
CON21 - Protection of Trees  
CON23 - Tree Planting  
CON35 - Archaeological Evaluation  
NC1 - Sites of National Importance  
NC2 - Sites of International Importance  
NC5 - Wildlife Network  
NC6 - Criteria for Development Proposals  
NC7 - Development Proposals - Habitat Creation and Enhancement  
NC8 - Protected Species  
NC9 - Infrastructure Works  
NC10 - Management Agreements  
NC11 - Access to Wildlife Site  
NC12 - Community Involvement  
T2 - Highway and Junction Improvement  
T3 - Traffic Calming  
T5 - Car Parking - Designated Areas  
T6 - Car Parking - Restrictions

Continued



# DRAFT DECISION NOTICE

T7 - Car Parking - Short Stay  
T8 - Park and Ride  
T11 - Pedestrian Provision  
T12 - Cyclist Provision  
T13 - Pedestrian and Cycle Routes  
R2 - Deficiencies in Public Open Space Provision  
R11 - Urban Open Space  
R13 - Public Rights of Way  
SC1 - Health Care  
C4 - Day Nurseries  
SC7 - Hunderton Infant School

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Central Planning Services  
PO Box 230  
Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB

**Decision Date:**

**2004**

**DRAFT DECISION NOTICE**

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

## NOTES

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 3 months of the date of the Council's decision if the date of the application is on or after 05/09/03 or 6 months of the date of the Council's decision if the date of the application was before 05/09/03. Both the date of the decision and the date of the application are clearly shown on the front of this notice. Forms are available from the Planning Inspectorate at Room 3/08B Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

