

A G E N D A

Central Area Planning Sub- Committee

Date: **Wednesday, 9th July, 2003**

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:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

Councillors P.A. Andrews, W.U. Attfield, E.M. Bew, A.C.R. Chappell, S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt, G. Hyde, M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, J.E. Pemberton, Ms. G.A. Powell, Mrs. S. Robertson, D.C. Short, W.J.S. Th

	Pages
1. DATE OF NEXT MEETING	
To note that the next scheduled meeting is Wednesday, 6 th August, 2003 at 2.00 p.m. in the Council Chamber, Brockington, 35 Hafod Road, Hereford.	
2. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	5 - 30
To approve and sign the Minutes of the meeting held on 11th June, 2003.	
5. ITEM FOR INFORMATION - APPEALS	31 - 34
To note the Council's current position in respect of planning appeals for the central area.	
6. HEAD OF PLANNING SERVICES REPORT	35 - 102
To consider and Take any appropriate action on the attached reports of The Head of Planning Services in respect of the planning applications received for the central area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

7. ITEM FOR INFORMATION - ENFORCEMENT

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

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

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

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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

MINUTES of the meeting of the Central Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford, on Wednesday 11th June, 2003 at 2.00 p.m.

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

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, D.C. Short, W.J.S. Thomas, Ms A.M. Toon, D.B. Wilcox and R.M. Wilson.

In attendance: Councillors T.W. Hunt and J.B. Williams.

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

It was noted that, at the Annual Council meeting on 23rd May, 2003, Councillor D.J. Fleet was elected Chairman and Councillor R. Preece was appointed Vice-Chairman of the Central Area Planning Sub-Committee.

The Chairman welcomed the new Members to the Sub-Committee and votes of thanks were expressed for the contributions made by former Members.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. E.M. Bew, G.V. Hyde, Ms G.A. Powell, W.J. Walling and A.L. Williams.

3. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
J.C. Mayson	Item No. 6, Ref. No. 1 - CW2003/0620/F Erection of 6 no. storage silos on concrete base at: GELPACK EXCELSIOR LTD, GRANDSTAND ROAD, HEREFORD, HR4 9NT	Declared a personal interest.
J.C. Mayson	Item No. 6, Ref. No. 2 - SW2003/0590/F Erection of 40 bedroom travel lodge, additional car parking and service areas and use of land and buildings for A3 purposes only (amended plans) at: GRAFTON INN, GRAFTON, HEREFORD, HEREFORDSHIRE, HR2 8ED	Declared a personal interest.

P.J. Edwards	Item No. 6, Ref. No.10 - CW2003/1047/F Construction of access roads and footways to allow for cemetery expansion at: HEREFORD CREMATORIUM, WESTFALING STREET, HEREFORD, HR4 0JE	Declared a personal interest as a Cabinet Member.
J.W. Newman, D.C. Short* and Ms. A.M. Toon.	Item No. 6, Ref. No.11 - CW2003/0721/F Refurbishment of building to form 21 self contained bedsits and flats with communal facilities and supporting staff accommodation at: WOOLDRIDGE COURT, POMONA PLACE, HEREFORD, HR4 0EF	J.W. Newman & D.C. Short* declared prejudicial interests and left the meeting for the duration of this item. Ms. A.M. Toon declared a personal interest.
Mrs. W.U. Attfield, Mrs. M.D. Lloyd-Hayes & J.C. Mayson	Item No. 6, Ref. No. 15 - CE2003/0658/F Change of use from dwelling house into house in multiple occupation at: 2 GRENFELL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2QR	Mrs. W.U. Attfield declared a personal interest. Mrs. M.D. Lloyd-Hayes & J.C. Mayson declared prejudicial interests and left the meeting for the duration of this item.
Mrs. W.U. Attfield, J.W. Newman & Ms. A.M. Toon	Item No. 6, Ref. No. 16 - CE2003/1063/F Proposed new offices, depot & creche at: LEGION WAY, HEREFORD	Mrs. W.U. Attfield & J.W. Newman declared prejudicial interests and left the meeting for the duration of this item. Ms. A.M. Toon declared a personal interest.
Mrs. S.J. Robertson	Item No. 6, Ref. Nos. 17 & 18 - CE2002/3749/O & CE2003/0991/G Erection of 3 no. detached dwellings with garages &; Removal of 2 section 106 agreements (not to cause or permit any other than an elderly person or chronically sick or disabled person to reside within any part of the property or any extension thereto) at: LAND FORMING PART OF LUGWARDINE COURT, LUGWARDINE, HEREFORD	Declared a prejudicial interest and left the meeting for the duration of this item.

[* Councillor D.C. Short felt that he should only declare a personal interest in respect of this application and requested clarification on the matter. The Legal Practice Manager outlined the relevant considerations of the Local Government Act, the Council's Constitution and principles of common law. Councillor Short said that he would, under protest, abide by the advice and asked that the matter be referred to the Standards Committee.]

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 16th April, 2003 be approved as a correct record and signed by the Chairman.

5. ITEM FOR INFORMATION – APPEALS

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

6. REPORT OF THE HEAD OF PLANNING SERVICES

The report of the Head of Planning Services was presented in respect of the planning applications received for the Central Area of Herefordshire.

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

7. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 9th July, 2003.

The meeting ended at 5.15 p.m.

CHAIRMAN

APPENDIX

Ref. 1
HEREFORD
CW2003/0620/F

Erection of 6 no. storage silos on concrete base at:

**GELPACK EXCELSIOR LTD, GRANDSTAND ROAD, HEREFORD,
HR4 9NT**

For: **GELPACK EXCELSIOR LTD. PER CLARKE MATTHEWS
LTD., 16 MUSEUM PLACE, CARDIFF, CF10 3BH**

In accordance with the criteria for public speaking, Mrs. Bennett spoke against the application and Mr. Matthews spoke in support of the application.

Councillor Mrs. P.A. Andrews, a Local Member, felt that the proposed silos would have a detrimental impact on the amenity of the area and on adjoining residential properties. Consequently, Councillor Mrs. Andrews felt that the application should be refused under policy E7 of the Hereford Local Plan. Councillor Mrs. S.P.A. Daniels, another Local Member, supported this.

Whilst noting local concerns, Councillor P.J. Edwards noted that noise and disturbance might be reduced as a consequence of the proposal as it would allow polymer granules to be stored on site, thereby reducing the number of vehicular movements between the site and the existing Holmer Road storage depot.

Councillor D.B. Wilcox questioned the practicalities of recessing the proposed silos into the ground so that the overall height was no greater than the 9-metre ridgeline of the adjacent building. Noting that the report referred to the fact that the '*Environmental Health Section have for a number of years worked with the applicant to try and reduce noise and disturbance for adjoining residents*', Councillor Wilcox asked about success in addressing the issues to date and whether this application would result in a beneficial gain. He also asked how background noise levels had been identified.

The Principal Planning Officer reminded Members that officers did not consider that the six 12 metre storage silos would have a detrimental visual impact on adjoining properties or be overbearing to an extent that would warrant refusal of this application; it was reported that a previous proposal which indicated six 17 metre silos in the same position on site was withdrawn following strong concerns expressed to the applicant by officers. It was noted that further discussions would be needed if Members wanted officers to explore the feasibility of recessing the proposed silos into the ground.

The Environmental Protection Manager advised that a full Acoustic Report accompanied the application and he explained the relationship between background noise, the operation of the proposed equipment and noise attenuation measures.

In response to a question from Councillor R.M. Wilson, the Principal Planning Officer advised that the acoustic boundary fence would not be

more than 2.5 metres in height as a higher fence could have a detrimental visual impact.

A number of Members felt that consideration of the application should be deferred for further investigations.

RESOLVED: That consideration of application CW2003/0620/F be deferred for further investigations.

Ref. 2
GRAFTON
SW2003/0590/F

Erection of 40 bedroom travel lodge, additional car parking and service areas and use of land and buildings for A3 purposes only (amended plans) at:

GRAFTON INN, GRAFTON, HEREFORD, HEREFORDSHIRE, HR2 8ED

For: **BARRINGTON INNS LTD. PER TCP LTD, PO BOX 69, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7WG**

The Principal Planning Officer advised that the Southern Area Planning Sub-Committee on 23rd April, 2003 had deferred consideration of this application for a site inspection. It was noted that, following the May 2003 local elections, this application site was now in the Hollington Ward.

The Principal Planning Officer reported the receipt of a letter of objection from the Association for the Promotion of Herefordshire. He also reported the receipt of further correspondence from the applicant's agent and the receipt of supportive letters from the Chamber of Commerce, Visit Heart of England, the Council's Tourism Development Officer, Dr. & Mrs. A. Heijn and A.P. Sachets Ltd.

In accordance with the criteria for public speaking, Mrs. Layton spoke against the application and Mr. Lyons spoke in support of the application.

Councillor W.J.S. Thomas, the Local Member, noted that the current scheme overcame the reasons for refusal for the previously submitted scheme. He felt, however, that the visual appearance of the proposed new buildings must be improved and suggested that officers be given delegated authority to negotiate this, in consultation with the Local Member and the Chairman.

Councillor A.C.R. Chappell noted the support of the Chamber of Commerce and commented on the need for budget accommodation in Hereford, particularly to serve nearby businesses at Rotherwas. He also noted that the view when approaching the site on the A49(T) from either direction would not be dominated by the new buildings.

Councillor J.G.S. Guthrie, referring to the letters received in support of the scheme, stressed the importance of high quality affordable hotel accommodation in terms of tourism and economic development.

Councillor P.J. Edwards did not feel that the reasons for refusal for the previously submitted scheme had been overcome and expressed his concerns about development in the open countryside, the scale of the

proposals and the link between the new buildings and the existing public house. Whilst noting the need for appropriate hotel accommodation, he was concerned that the development could establish an unwelcome precedent, particularly given the proximity of the site to the approved line of the Rotherwas relief road. He questioned some of the assertions made in the report and felt that drainage and highway safety issues had not been adequately addressed.

The Chairman advised Members that it would be difficult to defend refusal of planning permission on appeal if the Sub-Committee ignored the comments of the Environment Agency and the Highways Agency.

A number of Members concurred with the Local Member that the development was acceptable in principle but improvements to exterior design and materials were needed.

Councillor R.I. Matthews felt that the proposal was contrary to policies in the South Herefordshire District Local Plan. He also commented on highway safety issues and on the need to sustain existing hotels.

The Principal Planning Officer reiterated that the current scheme overcame the reasons for refusal for the previously submitted stand alone building divorced from the Grafton Inn. He advised that, given the landscaping and topography of the site, the proposal would not detract from the wider landscape. He drew attention to the proposed conditions, particularly in respect of highway safety and drainage, and noted that the scale and form of the new buildings could be explored further but the colour of the existing buildings could not be controlled through this application.

The Central Divisional Planning Officer commented that the architectural design approach and landscaping of the scheme would be revisited if that was the wish of the Sub-Committee, however, he reminded Members that the dynamics of the scheme had changed from the previously refused application.

Councillor Edwards proposed that the application be refused on the basis of policies in the South Herefordshire District Local Plan and in the emerging Unitary Development Plan. This motion failed and the following resolution was then agreed.

RESOLVED:

That officers be delegated to negotiate the architectural design approach and landscaping of the scheme, in consultation with the Local Member and the Chairman of the Central Area Planning Sub-Committee. Subject to the receipt of satisfactorily amended plans, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to any conditions considered necessary by officers.

Ref. 3
HEREFORD
CW2003/0223/F

Residential development of 59 no. 2, 3 and 4 bed dwellings, associated roads, drives and sewers on former Bulmers Playing Field including the upgrade of existing cricket and bowling facilities and new pavilion at:

BULMERS SPORTS FIELD, PENTLAND GARDENS, KINGS ACRE, HEREFORD, HR4 0TJ

For: **PERSIMMON HOMES (SOUTH MIDS) LTD. PER MASON RICHARDS PARTNERSHIP, HIGHFIELD HOUSE, 5 RIDGEWAY, QUINTON BUSINESS PARK, BIRMINGHAM, B32 1AF**

This application was withdrawn by the applicant prior to the start of the meeting.

Ref. 4
HEREFORD
CE2002/3819/F

Proposed two storey annexe and balcony at:

THE LARCHES, ST MARGARETS ROAD, HEREFORD

For: **MRS. L. LOBBAN, PER MR. C. GOLDSWORTHY, 85 ST OWEN STREET, HEREFORD, HR1 2JW**

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

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, disagreed with the conclusions in the report. She felt that the scale and massing of the extension was too large for this site and there would be an unacceptable level of overlooking of the adjoining property. Consequently, Councillor Mrs. Lloyd-Hayes proposed that planning permission be refused.

RESOLVED:

Having regard to the policies contained in the approved Hereford Local Plan, in particular to ENV14, H16, CON12 and CON13, it is considered that the proposal is unacceptable in that:-

- 1) Having regard to its size and design it is considered that the extension is visually out of scale and out of keeping with the character of the host building and would neither preserve or enhance the character and appearance of the Conservation Area.
- 2) The balcony at first floor will result in an unacceptable level of direct overlooking to the neighbouring garden of No. 5 Vineyard Road and any activity on the balcony will have an adverse impact upon the amenities enjoyed by the neighbouring property.

Ref. 5
KINGS ACRE
CW2003/0965/F

Tool/implement store and workshop shed at:

**LAND ON SOUTHERN BOUNDARY OF 5 LAMBOURNE GARDENS,
BREINTON LEE, KINGS ACRE, HEREFORD, HR4 0TL**

For: **MR. & MRS. A. RICHARDS, 5 LAMBOURNE GARDENS,
BREINTON LEE, KINGS ACRE, HEREFORD, HR4 0TL**

The Principal Planning Officer reported the receipt of the comments of Breinton Parish Council (concerns were expressed regarding workshop element, otherwise no objections). The receipt of a letter from the applicant was also reported.

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

In response to assertions made by Mr. Richards, the Central Divisional Planning Officer clarified the reasoning behind the advice provided to the applicant.

Noting the concerns expressed in objectors' letters, the Principal Planning Officer advised the Sub-Committee that officers were satisfied that a change of use of the land from agricultural to residential curtilage had not occurred at this stage.

Councillor R.I. Matthews, the Local Member, felt it regrettable that the applicant was not satisfied with the planning process. He also suggested that the question of materials be delegated to officers in consultation with himself as Local Member.

In response to a question from Ms. A.M. Toon about visual impact, the Principal Planning Officer advised that the building would be substantially screened by existing boundary fencing and hedging.

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. **Notwithstanding the details submitted, samples of the roofing material shall be submitted to and agreed in writing with the local planning authority prior to commencement of development.**

Reason: To protect the visual amenities of the area.

3. **The building shall not be used for domestic storage or for the garaging of non agricultural vehicles and shall be used solely for the purposes defined in the applicant's letter dated 3rd May 2003 and for no other purpose. This includes storage**

tools and implements associated with the cultivation and maintenance of the application site.

Reason: To safeguard the amenities of the locality.

Note to Applicant:

1. In relation to Condition 2, the applicant is advised that a box steel profile roof is considered inappropriate in this setting and alternative materials such as felt, slate or tiles should be investigated and agreed with the local planning authority.

Ref. 6
SWAINSHILL
CW2003/0918/O

Site for 3 bedroom dwelling with garage at:

**LINDEN HOUSE, YEW TREE GARDENS, SWAINSHILL,
HEREFORDSHIRE, HR4 0TH**

For: **MR. & MRS. HOWE PER RRA LTD., PACKERS HOUSE, 25
WEST STREET, HEREFORD, HR4 0BX**

Councillor R.I. Matthews, the Local Member, advised that Breinton Parish Council had no objections to the proposal; no formal response had been received prior to the meeting.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission)).**

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

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

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

3. **A04 (Approval of reserved matters).**

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

4. **A05 (Plans and particulars of reserved matters).**

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

5. **F18 (Scheme of foul drainage disposal).**

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

Ref. 7
SHELWICK
CW2002/3772/F

Proposed new bungalow (amendment: relocation of parking spaces to front of Tumbletop) at:

TUMBLETOP, SHELWICK, HEREFORDSHIRE, HR1 3AL

For: **MR. T. & MRS. L. LOTT PER JULIAN SCRIVEN, 5
OVERBURY ROAD, HEREFORD, HR1 1JE**

Councillor Mrs. S.J. Robertson, the Local Member, noted the need to address drainage issues. The Principal Planning Officer commented that the proposed conditions would ensure that satisfactory drainage arrangements were provided.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

Reason: Having regard to the siting and design of the proposed dwelling and its relationship to adjoining properties.

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

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

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

Reason: In the interests of visual amenity and to ensure

dwellings have satisfactory privacy.

9. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

10. **E18 (No new windows in specified elevation) (east).**

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

Ref. 8
HEREFORD
CW2003/0184/F

New entrance gate to allow for occasional parking on part of the sports field, to be restricted and controlled at:

MOOR HOUSE SPORTS FIELD, WIDEMARSH COMMON, HEREFORD

For: **HEREFORD SIXTH FORM COLLEGE (WITH WESTFIELDS FOOTBALL CLUB) PER JAMES MORRIS ASSOCIATES, STOCKS TREE COTTAGE, KINGS PYON, HEREFORDSHIRE, HR4 8PT**

Councillor Mrs. P.A. Andrews, a Local Member, commented on her concerns regarding the principle of the use of this land as a private sports field [application CW2002/1957/F refers] and expressed her concern that this application would have further detrimental impact on the area.

Councillor Mrs. M.D. Lloyd-Hayes expressed concerns about access issues, particularly for emergency vehicles, and commented on her disappointment that the land was used as a private sports field.

Other Members spoke in support of the application and the perceived benefits of the development in general.

Councillor P.J. Edwards suggested that, in order to promote sustainable modes of transportation, cycle parking facilities should be provided as part of any planning permission.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **The parking area hereby approved shall be limited to a maximum of 20 car parking spaces which will be in**

accordance with technical details to be submitted to and approved in writing by the local planning authority. These areas shall thereafter be retained and kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to preserve the character and appearance of the Conservation Area.

4. H29 (Secure cycle parking provision).

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

(NOTE:

In accordance with the Council's Constitution SO 5.10.2, Councillor Mrs. P.A. Andrews wished it to be recorded that she abstained from voting on the resolution detailed above.)

Ref. 9
TILLINGTON
CW2003/1054/F

Improvements to access and track at:

TILLINGTON COURT FARM, TILLINGTON, HEREFORDSHIRE, HR4 8LG

For: **MESSRS. P.R. & A.N. POWELL & T.J. & N.N. GILBERT PER MR. J. SPRECKLEY, BRINSOP HOUSE, BRINSOP, HEREFORD, HR4 7AS**

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

Councillor Mrs. S.J. Robertson, the Local Member, expressed concerns about safety on the adjoining highway and proposed that a site inspection be held as the setting and surroundings were fundamental to the determination. A number of Members spoke in support of this suggestion.

As highway safety issues were discussed, Councillor R.M. Wilson felt it necessary to declare a personal interest as a Cabinet Member.

RESOLVED:

That consideration of planning application CW2003/1054/F be deferred pending a site inspection.

Ref. 10
HEREFORD
CW2003/1047/F

Construction of access roads and footways to allow for cemetery expansion at:

HEREFORD CREMATORIUM, WESTFALING STREET, HEREFORD, HR4 0JE

For: **HEREFORDSHIRE COUNCIL PER HALCROW GROUP LIMITED, 11/12 CASTLE STREET, HEREFORD, HR1 2NL**

The Principal Planning Officer advised that the Environment Agency had suggested deferral to enable the impact of cemetery expansion to be assessed, but it was felt that the recommendation would ensure that outstanding issues were addressed before planning permission was granted.

Councillor D.C. Short, a Local Member, commented on traffic congestion in the vicinity of the site and expressed his concern that the proposal might result in further generation of traffic. He felt unable to support the application unless traffic-calming measures were secured and suggested that the Sub-Committee should undertake a site inspection. Councillor A.C.R. Chappell expressed similar concerns and commented on the need to make urgent progress with future burial facilities through the Unitary Development Plan.

The Chairman reminded the Sub-Committee that the proposed development would only involve the creation of an internal road serving the extended cemetery area. The Principal Planning Officer added that, as there was no provision for additional services on site, the proposal should not significantly increase traffic movements in the vicinity of the site.

Some Members spoke in support of the application.

In response to a concern expressed by Councillor Ms. A.M. Toon, the Principal Planning Officer suggested that the potential for additional parking provision could be explored but this might be limited due to capacity issues. In response to questions from Councillors Mrs. Lloyd-Hayes and Ms. Toon, the Principal Planning Officer noted local concerns about vandalism and advised that, whilst appropriate boundary treatments would be required as part of any planning permission, it was essential that the right balance was found between security and visual impact.

RESOLVED:

Subject to the outstanding comments of the Environment Agency, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:

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

Reason: Required to be imposed by Section 91 of the Town

and Country Planning Act 1990.

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

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

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

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

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

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

(NOTE:

In accordance with the Council's Constitution SO 5.10.2, Councillor D.C. Short wished it to be recorded that he voted against the resolution detailed above.)

Ref. 11
HEREFORD
CW2003/0721/F

Refurbishment of building to form 21 self contained bedsits and flats with communal facilities and supporting staff accommodation at:

WOOLDRIDGE COURT, POMONA PLACE, HEREFORD, HR4 0EF

For: **HOME HOUSING ASSOCIATION LTD. PER DJD ARCHITECTS, INDEPENDENT HOUSE, FARRIER STREET, WORCESTER, WR1 3BH**

A number of Members spoke in support of the application. Some Members expressed their dismay regarding uncharitable comments made in some of the letters of objection.

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. **G02 (Landscaping scheme (housing development)).**

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

3. **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.

4. **No land drainage runoff will be permitted either directly or indirectly to discharge into the public sewer system.**

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

Ref. 12
HEREFORD
CW2003/1021/F
&

Change of use of ground floor and basement to A3 use, alterations to elevations, internal alterations, external flues and ducts:

&

Ref. 13
HEREFORD
CW2003/1023/L

Change of use of ground floor and basement. Internal and external alterations. External ducts and flues. External signage at:

20 BROAD STREET, HEREFORD, HR4 9AP

For: **PIZZA EXPRESS (RESTAURANTS) LTD. PER G4 DESIGN,
THE GREEN, BADBY, NORTHAMPTONSHIRE, NN11 3AF**

In accordance with the criteria for public speaking, Mr. Faulkner spoke against the applications.

The Chairman, in his capacity as the Local Member, expressed his concern that this change of use to A3 could have a detrimental impact if it was allowed to provide take-away facilities at any point in the future. In response, the Principal Planning Officer suggested that a condition could be added to the recommendation to ensure that no take-away facilities would be permitted.

Some Members felt that better use could be made of the site, particularly given the building's sensitive location in the Central Conservation Area.

Councillor A.C.R. Chappell spoke in support of the application; he commented on the reputation of the applicant for sympathetically converting important buildings and remarked on the need to ensure that Hereford was a vibrant and enjoyable place to be.

In response to further concerns expressed by Members about the nature of the applicant's operation, the Central Divisional Planning Officer clarified that the application was for a restaurant and not a fast food outlet. He added that the applicant had significantly amended the proposal to comply with the sensitive conservation requirements of the site and the building and that it would, therefore, be difficult to defend refusal of planning permission on appeal.

Councillor P.J. Edwards commented on the need to carefully control signage, preferably being contained within the building.

Whilst some were uncomfortable with the proximity of the proposal to St. Francis Xavier Church and to the Cathedral Close, a number of Members felt that the proposal represented an acceptable reuse of an

important Listed Building.

RESOLVED:

In respect of CW2003/1021/F that planning permission be granted subject to the following conditions:

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

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

2. **E04 (Restriction of hours of opening (restaurants and hot food takeaways))**

Reason: To safeguard the amenities of the locality.

3. **F37 (Scheme of odour and fume control).**

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

4. **F38 (Details of flues or extractors)**

Reason: In the interests of the amenity of the area.

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

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

6. **B05 (Alterations made good).**

Reason: To maintain the appearance of the building.

In respect of CW2003/1023/L that listed building consent be granted subject to the following conditions:

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

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

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

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

3. **B05 (Alterations made good).**

Reason: To maintain the appearance of the building.

4. **F38 (Details of flues or extractors).**

Reason: In the interests of the amenity of the area.

Ref. 14
HEREFORD
CE2002/3754/O

Proposed site for proposed bungalow at:

LAND AT REAR 27 BARRS COURT ROAD, HEREFORD

For: **MR. D. HEPWORTH, DAVID EDWARDS ASSOCIATES,
STATION APPROACH, BARRS COURT, HEREFORD, HR1
1BB**

Councillor D.B. Wilcox, a Local Member, reminded the Sub-Committee of Councillor A.L. Williams' concerns regarding a similar single storey dwelling on land at the rear of the neighbouring property (CE2002/0363/F refers), particularly regarding the access from Bryngwyn Close and the legalities of land ownership. He suggested that consideration of the planning application be deferred pending the clarification of these issues.

The Principal Planning Officer advised Members that the Bryngwyn Close spur road was considered capable of supporting additional traffic generated by the proposed dwelling. He noted that separate permission would be required from Herefordshire Housing to enable access across a paved area to Bryngwyn Close but stressed that the granting or refusal of this permission would not be prejudiced by the planning decision.

RESOLVED:

That planning permission be granted subject to the following conditions:

1 A04 (Approval of reserved matters)

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

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

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

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

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

4 A05 (Plans and particulars of reserved matters)

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

5 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the

surroundings.

6 E16 (Removal of permitted development rights)

Reason: To protect the amenities and privacy of adjoining properties.

7 The dwelling hereby approved shall be single storey only, and notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows (including flush roof lights) shall be inserted into the roof of the dwelling unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenities and privacy of adjoining properties.

8 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 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.

10 G01 (Details of boundary treatments)

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

11 Access to the site shall be from the Bryngwyn Close spur road only. There shall be no access, vehicular or pedestrian, from No. 27 Barrs Court Road or Barrs Court Road.

Reason: To accord with the terms of the application and ensure the proper planning of the site in the interests of residential amenity.

12 Prior to commencement of the development hereby approved a detailed scheme for the extension of the Bryngwyn Close spur road over the paved area at the north-east end of the application site for the width of the application site shall be submitted to the local planning authority for approval in writing. The scheme shall include pavement, kerb stones and road surfacing to match those used on the spur road, and in accordance with a construction specification also to be agreed in writing with the local planning authority. The scheme shall be carried out in accordance with the approved details prior to the occupation of the dwelling.

Reason: To ensure the proper planning of the site and safeguard highway safety.

13 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.

14 H27 (Parking for site operatives)

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

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

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

16 F22 (No surface water to public sewer)

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

Notes to Applicant:

1 N03 - Adjoining property rights

2 N04 - Rights of way

3 N05 - Council ownership

4 In respect of Condition 12, the applicant is advised to consult Herefordshire Housing as owner of this part of the site, and agree the scheme and specification with Herefordshire Housing prior to submitting the scheme to the local planning authority for approval.

Ref. 15
HEREFORD
CE2003/0658/F

Change of use from dwelling house into house in multiple occupation at:

2 GRENFELL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2QR

**FOR: MRS. A.J. CHESTERTON, DULCI DOMINI, TARRINGTON,
HEREFORDSHIRE, HR1 4HZ**

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

The Chairman, as the Local Member, noted the difficulties with traffic congestion in the area and that the site had no off-street parking provision but, as it was in a sustainable city centre location, any objection on this basis would be difficult to defend.

Councillor J.W. Newman welcomed the application, particularly given the severe shortage of affordable housing in the City.

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 number of bedrooms in the house in multiple occupation hereby approved shall be limited to a maximum of five.**Note to Applicant:****1 For the purposes of Condition 2, 'bedroom' is defined as a room for sleeping in, and would include bedsit rooms but not the living room, kitchen, bathroom/toilet or other rooms (including circulation spaces).**

Ref. 16
HEREFORD
CE2003/1063/F

Proposed new offices, depot & creche at:

LEGION WAY, HEREFORD

For: **HEREFORDSHIRE HOUSING, ROGER P. DUDLEY & ASSOCS, BARTLEET HOUSE, 165A BIRMINGHAM ROAD, BROMSGROVE, WORCESTERSHIRE, B61 0DJ**

The Central Divisional Planning Officer showed Members an animated presentation submitted by the applicant to demonstrate how articulated vehicles could enter the proposed depot.

Councillor Mrs. S.P.A. Daniels, a Local Member, noted the quality of the application and the comprehensive nature of the conditions that were proposed.

Councillor A.C.R. Chappell welcomed the proposal but felt that, in order to promote sustainable transport and maintain good relations with staff and clients, the applicant should reconsider the separation of senior management from other staff car parking.

RESOLVED:**That planning permission be granted:****1. Subject to the receipt of suitably amended plans the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to:**

- i) Finance the provision of two bus shelters on Roman Road;**
- ii) Implement a Green Travel Plan;**
- iii) For a period of 12 months provide bus passes for all staff;**
- iv) Provide cycles and safety equipment for the use of staff;**

And any additional matters and terms as she considers

appropriate.

Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:

2. That the Officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.

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 A07 (Development in accordance with approved plans)

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

- 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.

- 7 H27 (Parking for site operatives)

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

- 8 H21 (Wheel washing)

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

- 9 H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance

with both local and national planning policy.

- 10 F25 (Bunding facilities for oils/chemicals/fuels)
- 11 F32 (Details of floodlighting/external lighting)
- 12 F48 (Details of slab levels)
- 13 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

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

- 14 No land drainage run-off will be permitted to discharge to the public sewerage system.

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

Notes to Applicant:

- 1 There are no foul/surface water sewers in this area. It is therefore likely that off-site sewers will be required to connect to the public sewer.
- 2 This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.
- 3 HN01 - Mud on highway
- 4 HN04 - Private apparatus within highway
- 5 HN05 - Works within the highway
- 6 HN10 – No drainage to discharge to the highway
- 7 HN19 – Disabled needs
- 8 N08 - Advertisements

Ref. 17
HEREFORD
 CE2002/3749/O
 &
 Ref. 18
HEREFORD
 CE2003/0991/G

Erection of 3 no. detached dwellings with garages:

&

Removal of 2 section 106 agreements (not to cause or permit any other than an elderly person or chronically sick or disabled person to reside within any part of the property or any extension thereto) at:

LAND FORMING PART OF LUGWARDINE COURT, LUGWARDINE, HEREFORD

For: **TRUSTEES OF LUGWARDINE EDUCATION CENTRE, FLINT & COOK, 4 KING STREET, HEREFORD, HR4 9BW**

In accordance with the criteria for public speaking, Mr. Wood spoke on

behalf of Lugwardine Parish Council, Mr. Hammond and Mr. Akerman spoke against the application, and Mr. Flint spoke in support of the application.

Councillor R.M. Wilson, the Local Member, noted concerns of residents of Lugwardine Court Orchard but recognised that circumstances had changed since the 1991 appeal decision and the signing of the Section 106 Agreements, particularly in that the Settlement boundary had changed to include the application site and the change of use of Lugwardine Court from a nursing home to an educational/community facility. It was noted that any private covenants regarding the site would not preclude the determination of this application.

In response to some Members' concerns, the Central Divisional Planning Officer reiterated that there were reasonable grounds to now remove the Section 106 Agreements as applied to this site and that new residential development for general occupation was acceptable within the Settlements Policy.

RESOLVED:

That:

- 1. The County Secretary and Solicitor be authorised to complete a modification to the existing planning obligation under Section 106 of the Town and Country Planning Act 1990 to remove the occupancy restrictions they impose as they apply to the application site (item 18), and any additional matters and terms as she considers appropriate.**
- 2. Upon completion of the afore-mentioned modification that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission in respect of item 17 subject to the following conditions:**
 - 1 A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
 - 2 A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 - 3 A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 - 4 A05 (Plans and particulars of reserved matters)**

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

5 B01 (Samples of external materials)

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

6 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

7 F22 (No surface water to public sewer)

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

8 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.

9 G01 (Details of boundary treatments)

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

10 G02 (Landscaping scheme (housing development))

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

11 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.

12 G18 (Protection of trees)

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

13 Vehicular access to the application site shall be from Tidnor Lane only.

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

14 H01 (Single access - not footway)

Reason: In the interests of highway safety.

15 H03 (Visibility splays)

Reason: In the interests of highway safety.

16 H05 (Access gates)

Reason: In the interests of highway safety.

17 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

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

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

19 H27 (Parking for site operatives)

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

Notes to Applicant:

- 1 N01 - Access for all**
- 2 N03 - Adjoining property rights**
- 3 N04 - Rights of way**
- 4 HN01 - Mud on highway**
- 5 HN04 - Private apparatus within highway**
- 6 HN05 - Works within the highway**

Ref. 19
HEREFORD
CE2003/0405/F

Retention of existing sheds and variation of condition no. 2 of pp CE1999/2476/F to permit storage of mobile coffee bar(s) and trailer mounted swing boats (amended drawings) at:

10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET

For: **MR. J. GARDNER, HITCHMAN STONE PARTNERSHIP, 14 MARKET PLACE, WARWICK, CV34 4SL**

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

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1 The development shall be carried out strictly in accordance with amended plan no. SK02/78/2A received by the local planning authority on 3rd April, 2003 and only 4 'mobile coffee cart' trailers and one swingboat trailer shall be stored on the application site.**

Reason: To ensure that the development is carried out

strictly in accordance with the amended plan and to control any future storage at the site in the interests of residential amenity.

- 2 The area shown on amended plan no. SK02.78/2A as 'domestic amenity area' shall be used for domestic purposes only and shall not be used for business purposes including the storage of trailers. Within one month of the date of this planning permission the fencing indicated to be erected around the domestic amenity area shall be erected to the satisfaction of the local planning authority and in accordance with the specification shown on drawing 4.1.**

Reason: To ensure that the development is carried out strictly in accordance with the amended plan and to control any future storage at the site in the interests of residential amenity.

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. CW2003/0609/F**

- The appeal was received on 12th June, 2003.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mrs. A. Kent.
- The site is located at 28 Wallis Avenue, Hereford, HR2 7AZ.
- The development proposed is Retention of front gates and fencing panels to top of brick wall.
- The appeal is to be heard by Written Representations.

Case Officer: Miss H. Brown 01432 261947

Enforcement Notice Reference No:EN2002/058/ZZ

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by South Wales Poles and Cables against an enforcement notice issued by Herefordshire District Council.
- The notice was issued 20th March, 2003.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land from that of agriculture to that of the storage of telegraph poles and stores.
- The site is located at Haywood Lodge Farm, Belmont, Hereford.
- The requirements of the notice is to cease the use of the land for the storage of telegraph poles and associated stores and remove the said telegraph poles and associated stores from the land.
- The period for compliance with the requirements is 28 days after the notice takes effect.
- The appeal is proceeding on the grounds set out in sections 174(2)(a), (b) and (c) of the 1990 Act.

Case Officer: Mr. A. Prior on 01432 261932

Enforcement Notice Reference No: EN2003/003/ZZ

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr. B. Morgan against an enforcement notice issued by Herefordshire District Council.
- The notice was issued on 20th March, 2003.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land from that of agricultural use to that of a parking/operating centre for heavy goods vehicles.
- The site is located at Haywood Lodge Farm, Belmont, Hereford.
- The requirements of the notice is to cease the use of the land as an operating/parking centre for heavy goods vehicles.
- The period for compliance with the requirements is 28 days after the notice takes effect.
- The appeal is proceeding on the grounds set out in sections 174(2)(a), (b) and (c) of the 1990 Act.

Case Officer: Mr. A. Prior on 01432 261932

Application No. CW2002/3326/F

- The appeal was received on 4th June 2003.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. & Mrs. D.A. Ashcroft.
- The site is located at Amberley Workshop, land adjacent to Amberley Arms, Marden, Herefordshire HR1 3BS.
- The development proposed is Change of use and conversion of Amberley Workshop to disabled residential property (including dormer windows and balcony) for Mr. and Mrs. D. A. Ashcroft.
- The appeal is to be heard by Written Representations.

Case Officer: Miss H. Brown on 01432 261947

APPEALS DETERMINED**Application No. CE2002/1943/F**

- The appeal was received on 7th November 2002.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. R. White.
- The site is located at 83 Tower Hill, Dormington, Hereford.
- The application, dated 22nd June, 2002, was refused on 6th September, 2002.
- The development proposed was Re-use of existing cottage and retention of roof for residential purposes - the ownership dispute having been settled.
- The main issue is the effect of the proposed development on the character and appearance of the surrounding countryside in the Area of Great Landscape Value.

Decision: The appeal was **Dismissed** on 10th June, 2003

Case Officer: Mr. A. Guest on 01432 261957

Application No. CE2002/3276/F

- The appeal was received on 29th January, 2003.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr & Mrs C.A.J. Perry.
- The site is located at Lower House, Newtown, Holme Lacy, Hereford, HR2 6PH.
- The application, dated 6th November, 2002, was refused on 24th December, 2002.
- The development proposed was Erection of agricultural animal shelter for poultry (ducks, geese and hens).
- The main issue is the effect of the proposed development on the character and appearance of the countryside.

Decision: The appeal was **Dismissed** on 16th June, 2003

Case Officer: Miss K. Gibbons on 01432 261949

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

CENTRAL AREA PLANNING SUB-COMMITTEE

9TH JULY, 2003

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
SITE VISIT				
1	Messrs. P.R. & A.N. Powell & T.J. & N.N. Gilbert	Improvements to access and track at Tillington Court Farm, Tillington, Herefordshire, HR4 8LG	CW2003/1054/F	32 - 35
DEFERRED APPLICATION				
2	Levantine Limited	Local centre (Class A1 and A3) with car parking and ancillary works at 109-111 Belmont Road, Hereford, HR2 7JR	CW2002/3803/F	36 - 42
APPLICATIONS RECEIVED				
3	Harper Group Construction Ltd.	Proposed housing development for 14 no. dwellings at land at Newtown Road, adjoining No. 18, Hereford	CE2003/1090/F	43 - 47
4	Mr. R. Mitchell	Proposed extension at 134 Hampton Dene Road, Hereford, HR1 1UJ	CE2003/1499/F	48 - 50
OBJECTOR: MRS HEATH (133 HAMPTON DENE RD)				
5	Mr. N. Griffiths	2 no. proposed dwellings and carports at land at rear of Talbots Farm, The Grove, Sutton St. Nicholas, Hereford	CW2003/1019/F	51 - 55
6	Mr. N. Griffiths	Demolition of agricultural buildings at Talbots Farm, The Grove, Sutton St. Nicholas, Hereford	CW2003/1020/C	51 - 55
7	Mr. G. Boardman	Proposed new dwelling at 3A Folly Lane, Hereford, HR1 1LY	CE2003/0795/F	56 - 60
8	Mr. & Mrs. C. Dickerson	Demolition of existing garage, store and w.c. Erection of two storey garage, solar, with bathroom and workroom over at Beechcroft, Fownhope, Hereford, HR1 4PA	CE2003/1383/F	61 - 64

9	West Mercia Police Authority	Demolition of existing building and construction of joint agency interview facility at Hereford & Worcester Constabulary, Ross Road, Hereford, HR2 7RJ	CE2003/1183/F	65 - 68
10	West Mercia Constabulary	Proposed new single storey police post with associated parking and service area at land at Belmont Vortex, Goodrich Grove, Hereford, HR2 7DB	CW2003/1181/F	69 - 73
11	Thomas Smith & Sons	Erection of five houses at land at 137 Kings Acre Road, Hereford	CW2003/1062/RM	74 - 78
12	Wyevale Nurseries Ltd.	New glass house and dispatch building, new tractor shed and water tank, reposition of gas storage tank at Wyevale Nurseries Ltd., Veldifer Lane, Kings Acre, Hereford, HR4 7AY	CW2003/0937/F	79 - 82
13	Mr. & Mrs. P.H. Steadman	Site for 3 single dwellings at site to rear of Penglais Gardens, Lower Bullingham, Hereford, HR2 6EG	CE2002/3097/O	83 - 90

1 CW2003/1054/F - IMPROVEMENTS TO ACCESS AND TRACK AT TILLINGTON COURT FARM, TILLINGTON, HEREFORDSHIRE, HR4 8LG

**For: Messrs. P.R. & A.N. Powell & T.J. & N.N. Gilbert
per Mr. J. Spreckley, Brinsop House, Brinsop,
Hereford, HR4 7AS**

Date Received: 4th April 2003 Ward: Burghill, Holmer & Lyde Grid Ref: 47870, 45908

Expiry Date: 30th May 2003

Local Member: Councillor Mrs. S.J. Robertson

This application was deferred at last month's meeting to enable a Members' site visit which was undertaken on the 23rd June 2003. During the site meeting Members asked if information can be provided by the applicant with regard to average visitor numbers to the site having regard to the variety of uses which are undertaken. The applicant's agent has confirmed that the mountain boarding site attracts on average 20-30 people during weekends and during school holidays with numbers much reduced during week days in school term times. The pick your own and farm shop attracts between 100 and 150 cars per day during the peak season with the numbers dropping to 10 to 20 per day during the low season.

The report and recommendation on this item remain unaltered with the exception of Section 5 - Representations which include a summary of additional comments made by the applicant's agent following the deferral of this item at last month's meeting.

1. Site Description and Proposal

1.1 The application site is located on the west side of the A4110 Hereford to Portway road. This application seeks full planning permission for improvements to an existing agricultural point and the creation of a new access driveway which contains two passing bays. The access drive runs in a westerly direction and is intended to link to an existing track off Tillington Court Farm. At present whilst an agricultural access is clearly evident on site, the introduction of this significantly improved access and track will generate significantly more vehicle movements, both for agricultural purposes and for the diversification schemes operating on the Court Farm site. These uses include fishing, pick your own fruits and mountain boarding.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development within the open Countryside
Policy ED6	-	Employment in the Countryside
Policy T3	-	Highway Safety Requirements

2.2 Unitary Development Plan (Deposit Draft):

Policy S2	-	Development Requirements
Policy E11	-	Employment in the Countryside
Policy E12	-	Farm Diversification
Policy RST13	-	Rural and Farm Tourism Development

3. Planning History

- 3.1 There is no planning history on the land directly subject to the application, however it should be noted that Court Farm provide facilities for fishing, pick your own fruit and operate a mountain board centre between April and October.

4. Consultation Summary

- 4.1 None.

5. Representations

- 5.1 Burghill Parish Council: The Parish Council do have reservations about this application.

1. There is concern that the upgraded agricultural track will be used to access the pick your own and mountain boarding businesses. The entrance to the track is on a very dangerous stretch of road where a 60 mph speed limit is operable. Houses opposite already experience difficulty when leaving their drives.
2. If the track is for purely agricultural purposes then these higher vehicles will be able to see over the top of hedges and therefore a new gate would suffice rather than a wide visibility splay.

- 5.2 Two letters of objection has been received, the first from Mr. & Mrs. Stokes, Dew Cottage, Lower Portway, Burghill. The second letter is signed by three local residents, Mr. & Mrs. J. Ball and Family, No. 1 Yew Tree Cottage, Lower Portway; Mr. Clifford & Ms L. Hunder Roy, 3 Lower Portway Cottage, Lower Portway and Mrs. G.P. Jeffrey, 2 Yew Tree Cottages, Lower Portway.

- Our main concern is road safety for ourselves and other road users in making this access to Tillington Court Farm. With the pick your own fruit and mountain boarding centre traffic generated to this access would be entering the site in one of the few safe overtaking places between Hereford and Canon Pyon. With several minor accidents in the last 12 months and two major accidents previous to them, we feel this access will be dangerous unless something is done to slow the traffic down and restrict overtaking.

- 5.3 The applicant's agent wishes to emphasise that this is a family owned and run farming business that is attempting to diversify away from subsidised arable and livestock farming. The diversification projects are rural in nature attracting visitors to the countryside and providing valuable rural employment. There are currently three full time employees and eleven part time employees and this is a business which deserves the strongest support from the Council.

The proposed improvements to the access arrangements are suggested by the Divisional Surveyor following a pre-application consultation and site visit. They are based on an assessment of existing traffic speed along this stretch of the A4110 and the proposed visibility splays of 215 metres in each direction are not theoretical standards, they are a realistic assessment required for visibility based on existing traffic speed on this road. Whilst it is recognised that a number of properties fronting this stretch of road have substandard access arrangements, the proposed improvements to this existing agricultural access meet the most stringent standards applied by the Divisional Surveyor.

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 principal issues in this case are the visual and landscape impact of the proposed access and driveway and that of highway safety.
- 6.2 The site is located in the open countryside where Policy C1 of the South Herefordshire District Local Plan resist development unless in particular it is for the purpose of agriculture or forestry. Whilst this proposal clearly will provide agricultural access to Court Farm, it is also intended to serve the pick your own fruit and mountain boarding centre which operate as part of the approved farm diversification schemes on the land. At present the Court Farm site is accessed from the west of the farm and this proposal will give access from the east (Canon Pyon road).
- 6.3 Having carefully assessed the visual impact of the proposed access and the resulting crushed down driveway, it is not considered that this will be detrimental to this area of open countryside and no objections are raised. The proposed driveway will run across a relatively low section of land and will not be prominent in the wider landscape.
- 6.4 No objections have been raised by the Divisional Surveyor with regard to highway safety subject to four conditions on the access. Whilst traffic speeds are high on the adjoining highway with a properly constructed and surfaced access and significant visibility splays as indicated on the submitted drawings, the proposed scheme is not considered to be detrimental to highway safety. New entrance gates would be set back 10 metres from the adjoining carriageway to allow agricultural vehicles to clearly leave the adjoining highway.
- 6.5 Concerns have been raised by both the Parish Council and the local resident who has commented on the application with regard to the use of the site for mountain boarding and pick your own fruit. At present access is taken from the west of Tillington Court Farm and passes a number of private residential properties. Whilst traffic speeds are higher on the A4110, with the inclusion of the conditions suggested the access to the site is considered acceptable in this instance.

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. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
- 3. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
- 4. **H01 (Single access - not footway) (5 metres)**
Reason: In the interests of highway safety.
- 5. **H03 (Visibility splays) (2 x 215 metres).**
Reason: In the interests of highway safety.
- 6. **H05 (Access gates) (10 metres).**
Reason: In the interests of highway safety.
- 7. **H06 (Vehicular access construction).**
Reason: In the interests of highway safety.

Notes to Applicant:

- 1. **HN01 - Mud on highway.**
- 2. **HN04 - Private apparatus within highway (North).**
- 3. **HN05 - Works within the highway (North).**
- 4. **HN10 - No drainage to discharge to highway.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**2 CW2002/3803/F - LOCAL CENTRE (CLASS A1 AND A3)
WITH CAR PARKING AND ANCILLARY WORKS AT
109-111 BELMONT ROAD, HEREFORD, HR2 7JR****For: Levantine Limited per The Development Planning
Partnership, Haywood House North, Dumfries Place,
Cardiff, CF10 3GA****Date Received: 16th December 2002 Ward: St. Martins & Grid Ref: 50420 38910
Hinton****Expiry Date: 10th February 2003**

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

This application was reported to the Central Area Planning Sub-Committee on the 19th March 2003. The application was deferred at that meeting for discussions to be held with the Highways Agency and the applicant with a view to providing a safe pedestrian crossing point and parking restrictions at the front of the site. Following discussions, the applicant and Highways Agency have been unable to identify an exact location for a crossing having regard to the existing nature of Belmont Road and the existing access points. In light of these complications, the applicant has indicated a willingness to provide a pelican crossing/highway safety improvements as and when the conditions of the trunk road are suitable. This financial contribution can be secured through a Section 106 Legal Agreement. Officers consider the contribution should be made for a period of up to 10 years. The applicant has offered £15,000 on which a response from the Highways Agency is awaited.

In light of the above whilst the report below remains unaltered, the recommendation has been amended to incorporate the above.

1. Site Description and Proposal

- 1.1 The site comprises of a rectangular parcel of land located on the southern side of Belmont Road which covers an area of 0.26 hectares. The site is at present unused having last been used for car sales. In the northern corner is a two storey building which was last used for car sales on the ground floor with a flat providing accommodation above. Previously the site has been used as a petrol filling station. Adjoining the site are the Catholic Church, school playing fields and houses (Nos. 119-125 Belmont Road) which are sited at a right angle to Belmont Road.
- 1.2 The proposal is to demolish the existing building (No. 109) and construct a new local centre comprising of three retail units (Class A1) and one smaller A3 unit (hot foods/takeaway). The building as proposed is set back on the site and has a floor area of 1,043 square metres gross. The development will be served by 33 car parking spaces. The two existing vehicular access points onto the site will be closed and a new central access point created off Belmont Road. Amended plans which have been submitted following concerns raised on pedestrian and cyclist safety indicate two pedestrian/cycle access points into the site and two areas of secure cycle parking facilities. To its maximum point the building measures 8 metres in height.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG6	-	Town Centres and Retail Development
PPG24	-	Planning and Noise

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy ENV15	-	Access for All
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H13	-	Established Residential Areas – Loss of Features
Policy H14	-	Established Residential Areas – Site Factors
Policy H21	-	Compatibility of Non-residential Uses
Policy S1	-	Role of Central Shopping Area
Policy S13	-	Local Shopping Centres
Policy T11	-	Pedestrian Provision
Policy T12	-	Cyclist Provision

2.3 Herefordshire Unitary Development Plan (Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR8	-	Small Scale Retail Development
Policy TCR13	-	Local and Neighbourhood Shopping Centres
Policy TCR15	-	Hot Foot Takeaway Outlets
Policy T11	-	Parking Provision
Policy T6	-	Walking
Policy T7	-	Cycling

3. Planning History

3.1	HC900175PF	Redevelopment of petrol filling station including demolition of existing house. Approved 19/06/1990.
	HC920390PF	Use of land for the display and sale of cars. Approved 21/08/1992.
	HC970092PF	Use for land for the display and sales of cars. Refused 22/05/1997.
	HC970290PF	Change of use of use from dwelling to car sales office with flat above. Approved 21/01/1998.
	HC970292PF	Change of use for display of and sales of cars. Approved 21/01/1998.

CW2000/0180/F Proposed new 60 bed care home and demolition of 109 Belmont Road. Approved 16/08/2000.

4. Consultation Summary

- 4.1 Welsh Water: As the site has current planning permission for a 60 two bedroom nursing home, the proposal will clearly discharge less foul flows into the public sewer system compared to the previous permission. Therefore having regard to the existing position on site, we have no objection to the proposed development subject to conditions.
- 4.2 Highways Agency: In general, the Highways Agency has no objection to the principle of this development subject to several issues being satisfactorily resolved.

5. Representations

- 5.1 Hereford City Council: Has no objection to the application.
- 5.2 South Wye Regeneration Partnership: The site is not identified by the South Wye Regeneration Partnership within its overall strategy, and the development outlined appears well laid out, I would however make the following comments:

At The Oval nearby, which I presume counts as a local centre, at least one shop has been vacant for over a year and the current proposal for this shop is of a non-commercial nature. Also, a shop at another local centre nearby, Hinton Road, has been vacant since June 2002. It would therefore appear that the existing local centres nearby are not thriving. Any new development which draws trade away from these centres, may have a detrimental effect on sustainability, to the extent that impacts on their future viability.

- 5.3 Six private letters of objection/concern have been received from Father Martin Donnelly, Parish Priest, 101 Belmont Road, Hereford; Mrs. D. Jones, 100 Belmont Road, Hereford; Dr & Mrs. A. Hutchinson, 98 Belmont Road, Hereford; A.J. Main, Belmont Veterinary Centre, 94 Belmont Road, Hereford; Mrs. S.Marriott, 125 Belmont Road, Hereford and Mr. H. Evans, Headteacher, Our Ladys Catholic Primary School, Boycott Road, Hereford.

- It is considered that a shopping centre in this area would only increase the difficulties that are already experienced in keeping adjoining sites secure. Many people living in the vicinity of the school use the grounds as a shortcut which is a particular concern for personal safety.
- Strong concerns are expressed about an excessively busy road and the additional traffic that the proposal will generate which will lead to additional congestion and be dangerous for local highway users and particularly children.
- Concerns are also expressed about disturbance to local residents and the possible increase in litter and general inconvenience by those who live around the site.
- The issue of need is raised by many residents who consider that they are close enough to the city centre or to other small shopping facilities and that the proposal is not required. There is also concern about late night disturbance from any video retailer or burger bar/pizza premises that could occupy the site. Concerns are

expressed about potential for large congregations of youths who may cause disturbance.

- Strong concerns are raised about potential for HGV delivery lorries which will disturb local residents early in the morning and the fact that there is no service area associated with the scheme.
- Whilst I can see benefits for the local community I am very concerned about the safety of children at the adjoining school if the development is realized and the potential for strangers to walk through the playground as a shortcut from Boycott Road/Walnut Tree Avenue to Belmont Road.

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 site has been primarily used for commercial purposes in recent years but is currently unused. Apart from the two storey building (109 Belmont Road) the site is entirely hard surfaced. The Hereford Local Plan identifies the site as being within an established residential area though its most recent use as a site for car sales has only recently ceased and an existing planning permission has been approved for a 60 bed nursing home. As such in dealing with this application, it is considered that the key issues are the acceptability of retail and one A3 unit in this location, the impact of the development on adjoining residential and other land uses and the access and transportation issues associated with the scheme.

6.2 With reference to advice contained in PPG6 (Town Centres and Retail Development) and having regard to the size of the unit which is proposed, in this instance the development does not have to be accompanied by a Retail Impact Assessment. However following concerns expressed by Officers a Retail Impact Assessment has been undertaken to demonstrate the impact of the three retail units and one A3 unit on existing local centres and the vitality and viability of the city centre. Having regard to Policy S11 of the adopted Hereford Local Plan which sets out six requirements for retail development outside the city centre, the scheme is considered generally acceptable. It will have very little impact on the vitality and viability of the city centre.

6.3 Clearly with a use which generates traffic throughout the day and into the evening there is potential for disturbance to the local residents particularly Nos. 119-125 Belmont Road. In dealing with this proposal, regard should be had to the existing planning permission on site which allows car sales and also an unimplemented planning permission which approved a 60 bed roomed nursing home. Having regard to the impact on the adjoining residential properties, Officers advised that the building should be set back on the site with car parking to the front. This significantly reduces the visual mass and bulk close to private residential properties which is considered an improvement on the previously approved scheme. With reference to general disturbance and noise issues, this issue has also been carefully considered and control over opening hours and delivery times are considered important material planning issues in this case. Given that no provision is allowed for servicing to the rear of the units, there is potential for conflict with visitors to the site should deliveries take place during peak periods. With this in mind conditions are suggested which not only control the opening hours of the four units themselves but also control the time for deliveries to and from the site in order to protect the amenities of local residents and improve on-site safety for all.

- 6.4 With regard to access and transportation related issues, the proposal intends to close the two existing vehicular access points onto the site and create one central vehicular access. There are 33 car parking spaces indicated including three disabled spaces. Following concerns expressed by the Highways Agency and Officers, improvements have been made to provide on-site cycle storage facilities and provide two safe pedestrian links from Belmont Road to the front of the retail units without the need for any pedestrian/vehicular conflict. Subject to the outstanding Highway Agency's comments on the revised plans incorporating these changes, it is considered that the issue of highway safety and accessibility have been suitably addressed. Furthermore, it should be noted that the location of the site should give a high pedestrian footfall to and from the proposed units meeting with the Council's objectives for sustainable development.
- 6.5 In conclusion it is considered that the proposed development is acceptable in principle and the design, siting and layout of the scheme will not have any detrimental impact on immediate neighbours to the site. Whilst the concerns expressed by local residents have been carefully considered, there is not a material planning objection which would justify refusal of the scheme and as such subject to the conditions set out a positive recommendation is made.

RECOMMENDATION

- 1) **That the County Secretary and Solicitor be authorised to complete a Section 106 Town and Country Planning Act 1990 planning obligation for the developer to contribute the sum of £15,000 for a period of 10 years to be used towards highway safety improvements in the vicinity of the application site and deal with any other appropriate and incidental terms, matters or issues.**
- 2) **Upon completion of the aforementioned obligation Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions and any other conditions considered necessary by Officers:**
 1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 2. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
 3. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
 4. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
 5. **G13 (Landscape design proposals).**
Reason: In the interests of visual amenity.

6. G01 (Details of boundary treatments).

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

7. The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 7.00 am to 6.00 pm Mondays to Fridays and 7.00 am to 1.00 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

8. The uses hereby permitted shall not be open to customers between the hours of 10 pm and 7.00 am daily.

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

9. F09 (Sound insulation of plant and machinery).

Reason: To safeguard the amenity of the area.

10. 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: 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.

11. F18 (Scheme of foul drainage disposal).

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

12. F22 (No surface water to public sewer).

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

13. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

14. F35 (Details of shields to prevent light pollution).

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

15. F38 (Details of flues or extractors).

Reason: In the interests of the amenity of the area.

16. F41 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution.

- 17. F42 (Restriction of open storage).**

Reason: To protect the appearance of the locality.

- 18. G33 (Details of walls/fences (outline permission)).**

Reason: In the interests of residential and visual amenity.

- 19. H27 (Parking for site operatives).**

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

- 20. 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.

- 21. H17 (Junction improvement/off site works).**

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

- 22. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 23. H08 (Access closure).**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

Notes to Applicant:

- 1. HN04 - Private apparatus within highway.**
- 2. HN05 - Works within the highway.**
- 3. N03 - Adjoining property rights.**
- 4. N08 – Advertisements.**
- 5. N12 - Shopfront security.**

Decision:

Notes:

3 CE2003/1090/F - PROPOSED HOUSING DEVELOPMENT FOR 14 NO. DWELLINGS AT LAND AT NEWTOWN ROAD, ADJOINING NO. 18, HEREFORD

For: Harper Group Construction Ltd., per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, HR1 2JW

Date Received: 8th April 2003

Ward: Three Elms

Grid Ref: 51093, 40841

Expiry Date: 3rd June 2003

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 site covers 0.15 ha of generally level land located on the north-east side of Newtown Road. It is presently occupied by low rise, older industrial buildings in use for both Class B1 and B2 purposes. To the sides and opposite the site are residential properties and an hotel. To the rear is the line of the Herefordshire and Gloucestershire Canal, presently infilled and in use as business 'yards' including a Council depot which has access by means of a right of way across the application site.
- 1.2 The proposal is to clear the site and erect 14 residential units fronting Newtown Road (comprising 6 x 2 bedroom flats, 1 x 3 bedroom maisonette and 7 x 4 bedroom houses). All the units would be contained in three storey terrace blocks which would 'read' as town houses in the general street scene. The south-east end unit would incorporate at ground floor level a vehicular access through to the back of the site where parking would be provided for 18 cars together with access to the rear gardens. The right of way to the business yards beyond the site would be maintained although in a slightly modified position.
- 1.3 The applicant has offered to convey the land to the rear of the application site containing a section of the former to the canal to the Herefordshire and Gloucestershire Canal Trust and obligate future owners of the houses to make an annual payment of £200 per property for the whole life maintenance costs of the canal.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H3	-	Design of new Residential Development
Policy H6	-	Amenity Open Space Provision in Smaller Schemes
Policy R15	-	Herefordshire and Gloucestershire Canal

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density

2.3 The site is located within the Edgar Street Grid Study Area.

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

4.1 Dwr Cymru Welsh Water: Recommends conditions and advisory notes.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Four letters of objection have been received from Nos. 17, 32 and 34 Newtown Road and the Herefordshire and Gloucestershire Canal Trust summarised as follows:

- More houses will aggravate parking problems in Newtown Road.
- Welcome architectural detail but disappointed that development is not more imaginative in treatment of the canal.
- Support contribution towards canal restoration but request higher annual payment than that proposed and actual restoration works to be carried out.

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 residential development, and if this is accepted, the appropriateness of the proposed design and layout (with specific reference to mix and parking provision), and implications for the long term restoration of the canal.

6.2 The site and immediate surroundings comprise 'white land' in the Hereford Local Plan, although the dominating land use is residential. Within this context the existing industrial use is considered by modern standards to be a non-conforming use and a potential bad neighbour. Redevelopment of the site for residential purposes is, therefore, considered appropriate as a matter of principle.

6.3 The proposal is for a mixed development totalling 14 units. It is a high density scheme which is considered appropriate having regard to the character of the area and the sustainable location, and the requirements of PPG3. The proposal provides a balanced mix of 2, 3 and 4 bedroom units which would sustain a mixed community, again in accordance with PPG3.

6.4 The design of the units is traditional to match the form of established residential development in Newtown Road. All of the units would read as three storey town houses with appropriate 'breaks' in the otherwise continuous front and rear elevations to achieve an appropriate domestic scale and avoid a bulky appearance. Overall, the design achieves satisfactory frontage repair which would enhance the appearance of Newtown Road.

- 6.5 The high quality of the design is extended to the rear elevation with similar attention to detail and appropriate relief. Car parking is provided to the rear, and this would be visible from the canal. However, at this particular point the canal is, and always was, very much at the back of established development, and consequently this is not considered to amount to a reason for objecting to the proposed development. Materials (including car park surfacing) and treatment of boundaries would be controlled by planning condition.
- 6.6 The proposal would provide off-street parking for 18 vehicles, this amounting to 1.3 spaces per unit. Having regard to the sustainable city centre location where there is access to public transport, together with the emphasis in PPG3 to discourage use of the motor car, this provision, together with existing on-street parking in front of the units, is considered to be adequate. Future policy H16 of the Unitary Development Plan will impose a maximum provision of 1.5 spaces per dwelling, with no minimum level of provision, and the proposal is considered to be in accordance with this. Existing parking 'problems' encountered by residents in Newtown Road stem from the majority of the houses having no off-street provision. It would be unreasonable to expect the proposed development to accommodate any shortfall in the area of 'overprovide' for the intended housing. Having regard to this, together with the adequacy of on-site provision, it is considered that an objection based on wider parking related issues could not be sustained in this case.
- 6.7 The applicant has agreed to transfer ownership of the adjacent area of canal in his ownership to the Canal Trust and commit future owners of the houses to the making of a contribution towards maintenance of the canal in perpetuity. Policy R15 of the Local Plan states that the Council will encourage the improvement and restoration of the canal, and it is considered that the applicant's obligation would achieve this. The Canal Trust would like a greater contribution. However, having regard to the relatively small scale of the overall proposal and the requirement of the obligations Circular for such obligations to be 'reasonable' and appropriately related in size and scale to the development proposed, the commitment by the applicant is considered appropriate. Therefore, a Section 106 Agreement is recommended requiring, firstly, transfer of the land contained within the former route of the canal to the Canal Trust; secondly, the setting up of a holding account which would be 'ring-fenced' outside normal revenue accounts and administered by Herefordshire Council for restoration and maintenance of the canal, with each property obliged to contribute £200 pa (inflated annually to the retail price index) in perpetuity; and thirdly, requiring the applicant to carry out exploratory excavations of the canal.

RECOMMENDATION

1. **That the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to require the applicant at his own expense to:**
 - (i) **convey the land contained within the former route of the canal to the Herefordshire and Gloucestershire Canal Trust;**
 - (ii) **obligate any future purchasers of the approved units to make an annual payment of £200 per property (inflated annually to the retail price index) for the maintenance cost of the canal route in Herefordshire to Herefordshire Council in perpetuity; and**

- (iii) carry out initial substrata exploratory excavation activities to establish the extent and structural nature of the canal on behalf of the Herefordshire and Gloucestershire Canal Trust,

and any additional matters and terms as she considered appropriate.

2. Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to officers be authorised to issue planning permission subject to the following conditions:

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

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

2. A07 (Development in accordance with approved plans) ((drawing nos. 170.10, 170.04A, 170.05A, 170.06A, 170.08A, 170.09A and 170.012).

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

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

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

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

6. 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.

7. G01 (Details of boundary treatments).

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

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. H01 (Single access - not footway).

Reason: In the interests of highway safety.

- 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. H27 (Parking for site operatives).

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

- 13. H29 (Secure cycle parking provision).

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

Notes to Applicant:

- 1. HN01 - Mud on highway.
- 2. HN04 - Private apparatus within highway.
- 3. N01 - Access for all.
- 4. N02 - Section 106 Obligation.
- 5. N03 - Adjoining property rights
- 6. N04 - Rights of way.
- 7. N14 - Party Wall Act 1996.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 CE2003/1499/F - PROPOSED EXTENSION AT 134 HAMPTON DENE ROAD, HEREFORD, HR1 1UJ

For: Mr. R. Mitchell, 134 Hampton Dene Road, Hereford, HR1 1UJ

Date Received: 19th May 2003

Ward: Tupsley

Grid Ref: 52912, 39530

Expiry Date: 14th July 2003

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

1. Site Description and Proposal

1.1 The site lies within the Established Residential Area known as Hampton Dene but lies outside the Conservation Area. The property is one of two pairs of semi-detached Victorian cottages. The property is set back approximately 1.5 metres from the edge of the pathway and is separated by a boundary wall. The dwelling currently has a single storey conservatory to the side elevation and a detached garage and driveway to the north. There is a distance of 9.5 metres between the side elevation of the dwelling and the boundary with the neighbouring bungalow. Immediately behind the dwelling lie the garages associated with the flats on Old Eign Hill and the properties narrow garden runs alongside this for approximately 42 metres behind the detached garage.

1.2 The application is for the erection of a two storey extension that will project 4 metres to the north side of the existing dwelling. The extension has been set back slightly from the front building line and the roofline has been set down from the existing ridge. The application includes an attic bedroom and as such a velux window to the rear and gable window in the end elevation in the same position as existing are proposed. The proposed materials are as existing.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policies and Principles
PPG3	-	Housing
PPG13	-	Transport

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy H16	-	Alterations and Extensions

3. Planning History

3.1 There is no history relevant to this application.

4. Consultation Summary

4.1 None.

5. Representations

5.1 Hereford City Council: No objections to this planning application.

5.2 One letter of objection has been received from A.E. Heath of 133 Hampton Dene Road on behalf of her mother and makes the following points:

- The house in question is one half of two pairs of unique Victorian period cottages of circa 1897. To put such a massive extension doubling the size of the property out of proportion to the other three houses will ruin the facade and the character of the house. The other houses in question cannot extend their properties to this extent as there is no room for expansion and therefore it would look off balance and odd. I feel therefore that the proposed extension does not enhance the local environment and it has in my opinion a detrimental impact on the appearance of the surrounding area/houses as stated previously.
- According to the plans the roof level is also dropped so therefore is out of kilter with the three other houses.
- My mother's house is directly opposite where the proposed new extension is to be built. Her house is on a lower elevation and the two storey extension will block light especially in the winter months when the sun is lower in the sky. This house has been there for over 30 years and the extension will overshadow her right to light.

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 As detailed in Section 1 of this report the application site consists of a semi-detached dwelling located within an Established Residential Area. The main issues to consider in relation to this proposal are:

- The effect of the proposed extension on the character and appearance of the dwelling, the surroundings and street scene.
- The impact on the residential amenities of the neighbouring properties.
- Highway safety.

6.2 The extension is a relatively typical, simple two storey extension that has applied the principle of lowering the ridge line and setting the extension back to create the appearance of subservience to the existing dwelling. The existing conservatory will be removed. The impact of this extension on the appearance of the front elevation is minimal. Although the extension does increase the bulk of the dwelling it is not considered to be of such a size and mass that would be cause for concern. It would be in character and keeping with the existing dwelling and surroundings and would not be detrimental to the overall appearance of the semi-detached dwellings. Given the distance between the dwellings and sympathetic design of the extension, this will not be obtrusive on the street scene.

- 6.3 The impact on the neighbouring properties in terms of overlooking would be no more intrusive than existing. The only window/opening to be inserted in the gable end which would directly affect No. 130 would be the window in the attic. No. 130 is a bungalow that is set back from No. 134. A window is already present in the same position in the existing dwelling. A condition can be used to control the insertion of any other windows or openings in this elevation.
- 6.4 The neighbour has raised concerns about the impact of the extension, both on the appearance of the dwelling and on the loss of light to No. 133 Hampton Dene Road. The distance between the two properties would be approximately 22 metres and as such is unlikely to cause any direct harm to the living conditions of the occupiers. The design, bulk, massing and overall appearance of the extension is relatively sensitive and would not so incongruous or out of keeping that it would be a reason for the refusal of the application.
- 6.5 The property would become a four bedroom dwelling. There are three car parking spaces available, two on the driveway and one garage space. This is in accordance with the advice of the Hereford Local Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 CW2003/1019/F - 2 NO. PROPOSED DWELLINGS AND CARPORTS AT LAND AT REAR OF TALBOTS FARM, THE GROVE, SUTTON ST. NICHOLAS, HEREFORD

For: Mr. N. Griffiths per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, HR1 2JW

6 CW2003/1020/C – DEMOLITION OF AGRICULTURAL BUILDINGS AT TALBOTS FARM, THE GROVE, SUTTON ST. NICHOLAS, HEREFORD

For: Mr. N. Griffiths per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, HR1 2JW

Date Received: 15th May 2003

Ward: Sutton Walls

Grid Ref: 53490, 45193

Expiry Date: 10th July 2003

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

1.1 The application site comprises of a parcel of land measuring 0.195 hectares on land between The Talbots and Millway on the south-eastern edge of Sutton St. Nicholas. It presently comprises of a modern agricultural hay building which is served by a single access point on land to the north of The Talbots. As identified in both the existing South Herefordshire District Local Plan and the emerging Unitary Development Plan, the site is shown to be within the settlement boundary and also within the designated Sutton St. Nicholas Conservation Area.

1.2 These applications seek Conservation Area Consent to remove the existing building on site and full planning permission for the erection of two detached houses. The two dwellings which are linked by single storey car ports are identical four bedroomed designed units.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG15	-	Planning and the Historic Environment

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH8	-	New Housing Development Criteria in Larger Villages
Policy C23	-	New Development affecting Conservation Areas
Policy C24	-	Demolition in Conservation Areas

Policy C25 - Demolition and Redevelopment

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1 - Design
Policy S2 - Development Requirements
Policy H4 - Main Villages – Settlement Boundaries
Policy H13 - Sustainable Residential Design
Policy H14 - Reusing Previously Developed Land and Buildings
Policy HBA6 - New Development within Conservation Areas
Policy HBA7 - Demolition of Unlisted Buildings within Conservation Areas

3. Planning History

3.1 There is no record of any previous applications which are directly relevant to this proposal.

4. Consultation Summary

4.1 None.

5. Representations

5.1 Sutton Parish Council: In view of the amended plans to reduce the plot size, we feel the plot is overdeveloped for the size. The development of two houses will totally dominate the adjoining properties and there may be a light issue. We feel the development will be too intrusive. We would like to suggest a site visit.

5.2 Seventeen letters of objection have been received on this application. The comments raised in those letters can be summarised as follows.

- The proposal represents overdevelopment of the site which would be detrimental to the designated Conservation Area. The plot is far too small and as such the proposed dwellings will look cramped and obtrusive in such a setting.
- The proposal is served by a substandard access which will have a detrimental impact on adjoining neighbours. The access track is totally unsuitable for residential development.
- The scheme will have a harmful impact on adjoining neighbours involving potential loss of light, a loss of privacy and direct overlooking. This sort of overcrowding in a village context is unnecessary. This development would put additional pressure on adjoining farmland for the expansion of the village which has been subject to a number of developments in recent years.

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 key issues in considering these applications are the acceptability of the demolition of the existing building on site, the principle of residential development in this location, the impact of the proposal on the character or appearance of the Conservation Area and any access and highway related concerns.

- 6.2 The site is currently occupied by a modern agricultural building which contributes little to the appearance of the designated Conservation Area. Having regard to the policy requirements for demolition in such areas, no objections are raised to its removal.
- 6.3 With regard to the principle of residential development on this site, it should be noted that Sutton St. Nicholas is identified in both the existing South Herefordshire District Local Plan and the emerging Unitary Development Plan as a larger village. The application site (as amended 15th May 2003) shows the site contained within the settlement boundary and Sutton St. Nicholas Conservation Area. Given this location within a settlement boundary, it is considered that the principle of this small residential development is acceptable when considered against the six criteria of Policy SH8 in the South Herefordshire District Local Plan and Policy H4 of the emerging Unitary Development Plan.
- 6.4 As noted above the site lies within the designated Sutton St. Nicholas Conservation Area where all new development should either preserve or enhance the existing character or appearance of the area. Careful consideration has been given to the siting, design and layout of this site, especially with regard to its impact on adjoining properties and potential for overlooking. The designs themselves are a relatively traditional approach using red brick and slate tiles. Whilst concerns have been expressed from local residents with regard to overlooking and potential for the development to overshadow adjoining properties, neither of these issues would give rise to a sustainable planning objection. The dwellings measure 7.5 metres to the ridge and windows have been positioned in such a way that direct overlooking or interlooming would not be possible. Whilst the siting of Plot 1 will be closer to existing properties on Millway than the existing hay barn, this is not in itself a reason for refusal. Notwithstanding this point, Officers have tried to address the concerns raised by local residents and at the time of writing this report, amended plans are awaited which revise the siting of Plot 1 to increase the building to building distance between this unit and those properties on Millway. As submitted the building to building distance is approximately 13 metres, however it is anticipated revised plans will provide approximately 17 metres between the units by replacing the proposed single car port with a detached single garage. Assessment must be made to the siting, height and scale of the building and on balance, subject to the satisfactory receipt of these amendments, this element of the scheme is considered acceptable.
- 6.5 In summary, the siting, design and scale of the proposed dwellings are considered appropriate in this instance and subject to satisfactory materials, the development should both preserve and enhance the character and appearance of the locality.
- 6.6 Some concerns have been expressed by local residents with regard to the suitability of the access proposed to serve the two dwellings. The Head of Engineering and Transportation has considered both the access and visibility issues at the site entrance and raises no objections subject to conditions. On balance the traffic generated by two residential properties is unlikely to cause significant harm or be an additional danger to highway safety such that would warrant refusal in this instance.
- 6.7 In conclusion whilst the comments raised by local residents and the Parish Council have been fully considered, the proposed reuse of this site which lies within the settlement boundary and the Conservation Area of Sutton St. Nicholas is considered to be in accordance with both adopted Local policies and Central Government Guidance contained in PPG3 (Housing) and PPG15 (Planning and the Historic Environment). For these reasons planning permission is recommended.

RECOMMENDATION

In respect of CW2003/1019/F:

Subject to the receipt of satisfactory amended plans showing revised siting for Plot 1, Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by Officers:

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

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

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

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

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

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

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

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

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

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

6. **H03 (Visibility splays). (2 x 33).**

Reason: In the interests of highway safety.

7. **H12 (Parking and turning - single house).**

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

8. **F17 (Scheme of foul drainage disposal).**

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

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

Reason: To protect the amenity of local residents.

Notes to Applicant:

1. **HN01 - Mud on highway.**
2. **HN04 - Private apparatus within highway.**

- 3. HN05 - Works within the highway.
- 4. HN10 - No drainage to discharge to highway

In respect of CW2003/1020/C:

That Conservation Area Consent be granted subject to the following condition:

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 CE2003/0795/F - PROPOSED NEW DWELLING AT 3A FOLLY LANE, HEREFORD, HR1 1LY

For: Mr. G. Boardman per Mr. C. Morton, Rosemead, Evendine Lane, Colwall, Malvern, WR13 6DT

Date Received: 13th March 2003

Ward: Tupsley

Grid Ref: 52573, 40271

Expiry Date: 8th May 2003

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

1. Site Description and Proposal

- 1.1 The application site is located within an area designated as an Established Residential Area. The site was originally part of No. 5 Folly Lane but was separated to form the application site. This eastern part of Folly Lane is characterised by detached and semi-detached houses of two and three stories.
- 1.2 The proposal is to erect a three storey, four bedroom detached dwelling with integral garage. The third storey would be contained in the roof space with front facing dormer window.
- 1.3 The design incorporates various features to achieve energy efficiency. These include awnings over all south facing windows supporting solar water heating panels and photovoltaic panels.
- 1.4 The dwelling would have 15 metres of rear garden and would be positioned approximately 45 metres from the dwellings on Pilley Road and 25 metres from those on Ledbury Road. The area to the front of the proposed dwelling would be hardsurfaced to provide turning and parking space and access to the integral garage.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy H3	-	Design of new 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

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S3	-	Housing
Policy DR1	-	Design

Policy H1 - Hereford and Market Towns: settlement boundaries and Established Residential areas

3. Planning History

- 3.1 OA/27966/E Site for the erection of a detached two storey dwelling with garage and vehicular access thereto. Approved 23rd July 1985.
- HC910318PO Site for the erection of a detached two storey dwelling with garage and vehicular access thereto (renewal). Approved with conditions 29th August 1991.
- HC940304PO Site for the erection of a two storey dwelling with garage and vehicular access. Amendment to Condition No. 1 (Time Limit) of planning permission HC910318PO. Renewal of permission - approved with conditions 5th October 1994.
- HC970208PO Renewal of permission HC940304PO/E Site for the erection of a two storey dwelling with garage and vehicular access. Approved with conditions 21st August 1997.
- CE1999/2741/O Renewal of current permission HC970208PO. Site for erection of a two storey dwelling with garage and vehicular access. Approved 28th January 2000.

4. Consultation Summary

- 4.1 Welsh Water: Request that conditions relating to foul water and surface water discharge are imposed.

5. Representations

- 5.1 Hereford City Council: No objection in principle but concern at use of red brick in relation to adjoining properties.
- 5.2 Three letters of objection to the scheme were received from E. & J. Preece of 85 Pilley Road, D.G. and G. Probert of 83 Pilley Road and Mrs. G. Forbes of 157 Ledbury Road who raised the following concerns:
- Concern that the apparent modern design of the south elevation in particular will be totally out of character with all the other houses in the area.
 - Concern regarding the angle and height of the large upper floor windows that will be intrusive and overlook the gardens and properties. This will cause a loss of privacy and affect the enjoyment of the properties.
 - The main rooms are on the first two storeys, there are no bedrooms, bathrooms on the third floor so it is not absolutely necessary for this to be a three storey house, invading the privacy of the dwellings to the rear.

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 assessment of this application are:

1. The principle of a residential property on this site.
2. The layout and design of the dwelling in relation to the character of the surrounding area.
3. The relationship with and impact on the adjoining properties.
4. Highway safety and car parking provision.
5. Drainage.

6.2 The application site originally received outline consent for a two storey dwelling and garage in 1985. This has been renewed approximately every three years since. The principle of allowing a residential dwelling on this site is, therefore, established. There have been no changes in circumstances which would lead to a different decision now.

6.3 This part of Folly Lane is characterised by detached dwellings of varying sizes, era's and designs. The detached dwelling has a similar size footprint to that of its neighbour at No. 5 and has been aligned with this dwelling. Although this is essentially a three storey dwelling, the front elevation has been amended from a gable end to a two storey façade with a dormer window inserted in to the roof plane facing the highway. The roof angles and the design reflects the rooflines of the adjacent property. The dwelling effectively achieves a positive transition between the large Victorian dwelling and the 1930's dwelling to the west. The result of this is that the proposed dwelling respects its wider setting and is in scale and character with its surroundings in accordance with Policy ENV14 of the Hereford Local Plan.

6.4 The dwelling has been designed to incorporate a number of features which would allow the use of solar energy within the dwelling. These features have been designed into the southern elevation creating a central glazed area. Whilst this is unusual, it is not incongruous and is in scale and keeping with the character of the dwelling and surroundings.

6.5 Concern has been raised from the residents of the properties to the rear of the site. This is mainly in relation to potential overlooking and a loss of privacy that may occur from the first and second floor windows to the rear. It is accepted that some overlooking would occur. However, this is normal in a residential area such as this where houses are positioned back to back and side to side, and in view of this, together with the adequate distances between the houses (25 metres plus), it is not considered that the privacy or amenity of adjoining neighbours would be adversely affected by the proposal.

6.6 The proposed dwelling has a number of windows in the side elevations. The drawings have been amended to include high level windows to this elevation. A condition is also recommended to use obscure glazing to this elevation.

6.7 The property would be a four bedroom dwelling. There are three car parking spaces available, two on the hardstanding to the front elevation and one garage space. The provision of visibility splays and permanent parking spaces can be controlled by condition.

- 6.8 Regarding drainage, conditions are recommended to ensure that the local sewerage systems are not overloaded and to protect the health and safety of existing residents and pollution of the environment.
- 6.9 In conclusion, the concept of the dwelling is based on the provision of an environmentally sustainable design incorporated mainly in the rear elevation. Whilst these features may appear slightly unusual, they are not out of scale or keeping with the dwelling or surroundings. The dwelling also relates well to the street scene and the mix of properties in the immediate area, in accordance with the policies of the Hereford Local Plan. Whilst there will be an element of overlooking to and from the site it is not considered to be of a level that would cause adverse harm to the amenities of the neighbouring properties.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

- 4. H01 (Single access - not footway).**

Reason: In the interests of highway safety.

- 5. H03 (Visibility splays).**

Reason: In the interests of highway safety.

- 6. H05 (Access gates).**

Reason: In the interests of highway safety.

- 7. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 8. H10 (Parking - single house) (2 cars).**

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

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

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

- 11. **E17 (No windows in side elevation).**

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

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

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

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

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

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

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

Notes to Applicant:

- 1. **HN01 - Mud on highway.**
- 2. **HN04 - Private apparatus within highway.**
- 3. **HN05 - Works within the highway.**
- 4. **If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water Development Consultants on tel: 01443 331155.**
- 5. **N14 - Party Wall Act 1996.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 CE2003/1383/F - DEMOLITION OF EXISTING GARAGE, STORE AND W.C. ERECTION OF TWO STOREY GARAGE, SOLAR, WITH BATHROOM AND WORKROOM OVER AT BEECHCROFT, FOWNHOPE, HEREFORD, HR1 4PA

For: Mr. & Mrs. C. Dickerson per Mr. G. Thomas, Ring House, Fownhope, Herefordshire, HR1 4PJ

Date Received: 8th May 2003

Ward: Backbury

Grid Ref: 57854, 34724

Expiry Date: 3rd July 2003

Local Member: Councillor Mrs. J.E. Pemberton

1. Site Description and Proposal

- 1.1 The dwelling that is the subject of this application is a 1950's detached dormer bungalow with a single storey flat roofed extension to the eastern elevation. The site is located within the Fownhope Conservation Area, Wye Valley Area of Outstanding Natural Beauty and an Area of Great Landscape Value. The bungalow is one of three similar properties accessed via a private road off Woolhope Road. The private drive leads to Fownhope Court, a Grade II Listed Building to the east of the site. Mature trees, including an 80ft. tall 'Hornbeam' and shrubs surround the site with a brook to the rear boundary.
- 1.2 The proposal is for the erection of a garage, solar, bathroom and workplace. The extension would be located on the site of the existing garage, which would be demolished. The front elevation of the extension would be a two storey structure, set back from the front elevation, just below the ridgeline of the existing bungalow. The front elevation would be clad with a natural Cedar timber rain screen, which would also form the up and over garage doors so that the whole facade reads as one solid mass. A glazed link would provide access from the original house.
- 1.3 The side elevation would also be clad in timber with a pitched roof expressed in zinc/lead. The walls to the proposed extension would be expressed in the manner of the 1950's building with a parapet being retained to the front and rear elevations giving the appearance of a flat roof.
- 1.4 The rear part of the building would be single storey with a low slung roof. The structure would be predominantly glazed and is linear in its design. The existing garage and lean-to shed structure extends 4 metres to the rear of the dwelling. The proposed structure would extend 6 metres to the rear. The two storey part of the extension would extend 1.2 metres behind the existing rear elevation of the main dwelling before dropping down to the pitched roof of the solar room.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General Policy and Principles

PPG15 - Planning and the Historic Environment

2.2 Hereford & Worcester Structure Plan:

Policy CTC2 - Areas of Great Landscape Value
 Policy CTC7 - Development and Features of Historic and Architectural Importance
 Policy CTC9 - Development Criteria

2.3 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria
 Policy C4 - AONB Landscape Protection
 Policy C5 - Development within AONB
 Policy C6 - Landscape and AONB
 Policy C7 - AONB Enhancement Measures
 Policy C8 - Development within AGLV
 Policy SH23 - Extensions to Dwellings

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy DR1 - Design
 Policy H18 - Alterations and Extensions
 Policy HA1 - AONB
 Policy HBA6 - Conservation Areas

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

4.1 No consultation responses received.

5. Representations

5.1 Fownhope Parish Council: The Parish Council is happy with the principle of demolishing the old garage and re-building, but it is concerned at the radical design of the proposed new dwelling, as it is out of keeping with other buildings in the Conservation Area. More consideration needs to be given to the design.

5.2 The Fownhope Residents' Association: The Fownhope Residents' Association would support the proposed building but it is not in agreement with the timber cladding finish to the exterior.

5.3 One letter of support has been received from Mrs. B.R. Pritchard, Richmond, 4 The Grove, Fownhope. Mrs. Pritchard lives next door and fully supports the application.

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 assessment of this application are:

- The impact of the extension on the existing dwelling.
- The impact of the proposed extension on the character and appearance of the Conservation Area.
- The impact of the proposed extension on the AONB and AGLV.
- Related highway issues.

6.2 Policy SH23 of the Hereford Local Plan sets the criteria for extensions to existing dwellings. The main requirement of this policy is that any resulting extension should be in scale and keeping with the character of the existing dwelling in terms of mass, scale, design and materials. It also requires the existing dwelling to remain the dominant feature in any resulting scheme.

6.3 The proposal in this case is for a modern and less traditional extension. However, in terms of the size, scale, detail and relationship with the existing house, the proportions sit comfortably in accordance with the policy. The glazed element in the front elevation has been used as an architectural device to break up massing. This helps to create a successful relationship between the existing and proposed structures. The size and bulk of the building is not excessive. The fact that the garage/extension is set back from the dwelling means that the extension does not dominate the existing dwelling. The same can be said for the rear elevation where the extension complements the existing dwelling but in an architecturally innovative way.

6.4 Beechcroft's location is such that only glimpsed, albeit direct views, of the principal elevation of the property are seen on entering Court Drive. The building's orientation in relation to the drive to Fownhope Court and the Court itself means that it has a minimal impact on the approach to and setting of the listed building and other views within the Conservation Area. The impact of proposals on the Conservation Area is therefore very localised and limited.

6.5 The extension would not have any impact upon highway safety. The demolished garage is being replaced and the car parking area remains.

6.6 Although the site is set in areas designated as of AONB and AGLV, the proposed development would not be detrimental to the landscape qualities. There would be no trees removed and the dwelling is set in a secluded part of the village without views that could be harmed by development. As such there would be no conflict with the policies that restrict and control development in such designations.

6.7 In conclusion, the proposed extension, whilst architecturally adventurous in its appearance, would have only a limited impact on the appearance of the existing dwelling. Given the fairly secluded location and subject to the use of high quality materials, this proposal would not detract from the character and appearance of the Conservation Area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials).

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

3. A07 (Development in accordance with approved plans).

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

4. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-

- (a) Joinery details of the glazed link.
- (b) Details of the finishes to all external materials.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 CE2003/1183/F - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF JOINT AGENCY INTERVIEW FACILITY AT HEREFORD & WORCESTER CONSTABULARY, ROSS ROAD, HEREFORD, HR2 7RJ

For: West Mercia Police Authority per Boughton Architects, Design Studio, 6 Sansome Walk, Worcester, WR1 1LH

Date Received: 25th April 2003

Ward: St. Martins & Hinton

Grid Ref: 50747, 39029

Expiry Date: 20th June 2003

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

1. Site Description and Proposal

- 1.1 The site comprises the South Wye Police Post and associated parking, positioned on raised ground to the south-east of Ross Road. To the north side of the site is Hinton Youth Centre and to the rear the swimming pool. To the south side is St. Martin's County Primary School and a petrol filling station. Effectively within the site (although with its own front to Ross Road) is a residential property in separate ownership - No. 35 Ross Road. Vehicular access to the police post is to the south side of No. 35 Ross Road, running to its side and rear before reaching the police post to its north side.
- 1.2 The proposal is to demolish the existing police post and erect a two storey building to contain a Joint Agency Interview Facility for West Mercia Constabulary. The building would be positioned in the north-east corner of the site with dimensions of 16.3 metres by 11.4 metres by 7.1 metres high. It would be positioned approximately 20 metres from Ross Road behind a wide landscape margin, and 6 metres from the common side boundary with No. 35 Ross Road. The existing access drive from Ross Road would be widened with a parking area for 11 vehicles laid out to the south side and rear of No. 35
- 1.3 A separate planning application has been made for a police post to replace the South Wye Police Post, to be located at Newton Farm (see Committee Item 10).

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H12	-	Established Residential Area
Policy SC9	-	Retention of Local Facilities

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity

Policy CF6 - Retention of Existing Facilities

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

4.1 Highways Agency: No objection.

4.2 Dwr Cymru Welsh Water: Recommends conditions and advisory notes.

5. Representations

5.1 Hereford City Council: No objection.

5.2 One objection letter has been received from No. 35 Ross Road summarised as follows:

- Proposed parking area too close to property with resulting adverse impact on residential amenity.
- Development includes land outside applicant's ownership.

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 main issues in this case are the principle of the proposal, and if this is accepted, the impact on the new building and its use on residential and visual amenity.

6.2 The site is located in an Established Residential Area as defined in the Hereford Local Plan. Policy H12 of the Local Plan requires the environmental character and amenity of the established residential areas to be protected and where appropriate enhanced. Policy SC9 relates to community facilities (which would include police posts) and states that development proposals which would lead to the loss of community facilities which could not be reasonably and conveniently met elsewhere will not be permitted unless replaced with alternative provision of similar community benefit.

6.3 The proposal would result in the loss of the police post from this site. To allow for this, and to accord with the requirements of Policy SC9, the applicant is pursuing alternative sites for a replacement police post including a site at Newton Farm (the subject of a separate application on this agenda). On this basis it is considered that the proposal complies with the requirements of Policy SC9. The site itself is positioned amongst institutional uses (the one exceptions being No. 35 Ross Road) and, as such, use as a specialised police facility is not considered inappropriate as a matter of principle.

6.4 The site effectively 'wraps' around No. 35 Ross Road. Notwithstanding this, it is not considered that the building or its use would adversely affect the residential amenities of this property having regard to the impact of the existing building and use. Specifically, the proposed building, although two storey instead of single storey as at present, is positioned further from the boundary than existing and consequently would not be unduly overbearing. Obscured glass is proposed in all windows facing No. 35 Ross Road to prevent overlooking. The parking area would be located to the rear and

south side of No. 35, partly in an area presently laid to lawn. Although visible from No. 35, the parking area would not adversely affect the outlook from No. 35 in view of its limited size and the likely limited activity compared with the current use as a police post.

- 6.5 The Highways Agency raises no objection on highway safety grounds. The land ownership issue raised by the owner of No. 35 is a private matter to be resolved by the parties concerned.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **A07 (Development in accordance with approved plans) (drawing nos. 0217-151A, 0217-152).**

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. **The south-west facing windows of the building hereby approved shall be permanently glazed with obscured glass and fixed shut.**

Reason: To safeguard the amenities of the adjoining residential property.

5. **Foul water and surface water discharges shall be drained separately from the site.**

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

6. **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.

7. **No land drainage run-off shall 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.

- 8. Prior to occupation of the building hereby approved the "existing fence to be replaced with 1800mm high close boarded fence" on the north side common boundary with No. 35 Ross Road shall be erected in accordance with drawing no. 0217-151A.

Reason: To accord with the terms of the application and safeguard the amenities of the adjoining residential property.

- 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. G18 (Protection of trees).

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

- 12. 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.

Notes to Applicant:

- 1. HN01 - Mud on highway.
- 2. N01 - Access for all.
- 3. N03 - Adjoining property rights.
- 4. N13 - Control of demolition - Building Act 1984.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 CW2003/1181/F - PROPOSED NEW SINGLE STOREY POLICE POST WITH ASSOCIATED PARKING AND SERVICE AREA AT LAND AT BELMONT VORTEX, GOODRICH GROVE, HEREFORD, HR2 7DB

**For: West Mercia Constabulary per Estate Services,
West Mercia Constabulary, P.O. Box 55, Hindlip Hall,
Worcester, WR3 8SP**

Date Received: 16th April 2003

Ward: Belmont

Grid Ref: 49754, 38409

Expiry Date: 11th June 2003

Local Members: Councillor P.J. Edwards, J.W. Newman and Ms. G.A. Powell

1. Site Description and Proposal

1.1 The application site is on the western side of Goodrich Grove, just south of Belmont Road, next to the St. Francis of Assisi Church. The site is an open grassed area. Residential development consisting of terraced units and flats surrounds the site, with an area of open space directly opposite on the other side of Goodrich Grove. A former youth centre just south of the site was recently demolished.

1.2 The proposal is for a police post to provide a working base for 12 staff. The building is single storey, measuring 12 metres by 9.9 metres, including reception area, offices, locker room and garaging. A landscaped parking area for 8 vehicles is allocated north of the building. The building is brick and slate, and is sited 'side on' next to Goodrich Grove.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General Policy and Principles

2.2 Hereford Local Plan:

Policy H12 - Established Residential Areas – Character and Amenity
Policy ENV14 - Design
Policy T5 - Car Parking

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S2 - Development Requirements
Policy S11 - Community Facilities and Services
Policy DR1 - Design

3. Planning History

3.1 None.

4. Consultation Summary

- 4.1 Welsh Water: "We are aware that the youth centre immediately south of the proposed development has been recently demolished and that this was situated on Council owned land along with the proposed development. It would be fair to assume that the foul flows generated from the proposed police post would be the same if not less than the foul flows that were generated by the youth centre. Therefore in considering the above information we would request that our (previous) objection to the proposed development is removed." Conditions are recommended.

5. Representations

- 5.1 A letter in support of the proposal from the applicants makes the following points:

- This is a community enhancing proposal in a strategically suitable location. It replaces the Ross Road facility which is being demolished to make way for the Joint Agency Interview Facility (see Committee Item 9).
- The scheme is funded by a Government initiative, a critical element of the funding is that the building is delivered operational, by March 2004.
- The building has been designed so that it sits easily within the existing neighbourhood, it being single story, domestic size with strong landscape features.

- 5.2 Hereford City Council: No objection. Greater police presence in the area welcomed by the Committee.

- 5.3 Two letters of objection received, one from the architects for the St. Francis Centre and the other from the St. Francis Initiative. The following concerns are raised:

- The proposal is in close proximity to the boundary of the St. Francis part of the site and it will impact upon the future St. Francis proposals for the site.
- This important site demands an imaginative development meeting broad community needs, not just policing. The new police post should be integrated with the St. Francis development, this is piecemeal and incremental. The new buildings should be considered together.
- This site is a rare opportunity for high standards of architectural quality to meet local needs, attract visitors to the city and contribute to community based economic development.

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 site is designated as an Established Residential Area in the Hereford Local Plan whereby policy aims to protect and enhance the environmental character and amenity of the area. The area is predominantly characterised by residential development, with shops and other community uses in close proximity. The site is an open grassed area, formerly part of the site of a youth centre. The proposal is to provide a community service and facility and is appropriately located within the area it will serve bringing

significant local benefits. As such there is no objection to the principle of the development within this location which meets aims of sustainable development and is in keeping with the character of the area. The main issues for consideration are the detailed design of the scheme and its visual impact on the area, the impact on adjoining uses and access/parking arrangements.

- 6.2 With regard to the design of the development, it is relatively small scale, low level and unobtrusive with a 'domestic' scale and appearance which respects the surrounding residential development. Whilst the design could be described as somewhat bland and lacking innovation for a public building, as expressed in letters of concern, it is not considered inappropriate given the surrounding context and it does not warrant objection.
- 6.3 The building is sited a significant distance from adjoining residential properties and the church, and it is not expected to generate a level of activity which would be unduly detrimental to neighbouring properties. Furthermore, the site is screened from residential properties by trees and hedging and additional landscaping is proposed.
- 6.4 The scheme proposes a parking area for 8 vehicles, there are two integral garages and an internal bike store, the site is also easily accessible by public transport. The site access is also satisfactory subject to conditions. A total of 12 staff are intended to work at the site and a Green Transport Plan will also be required by condition in the interests of sustainable transportation.
- 6.5 Welsh Water had initially objected to the scheme on the basis that it could overload the existing sewerage system. These concerns have now been addressed and Welsh Water have withdrawn their objection.
- 6.6 The concerns raised by the architects of the future St. Francis Centre are noted. However the planning system must consider the current application on its merits, possible future proposals for the site cannot be introduced as a planning reason to object to the scheme. The applicants are aware of the concerns and it is understood that discussions have taken place between the two parties which is the appropriate way to address this matter.
- 6.7 To conclude, the proposal must be considered on its merits taking into account current site circumstances, and on this basis the development accords with Local Plan policy and is acceptable in terms of its visual impact, the impact on neighbouring properties and parking/access arrangements. As such no objection is raised and your Officers recommend conditional permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3. G04 (Landscaping scheme (general)).

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

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

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

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

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

6. 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.

7. 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.

8. H03 (Visibility splays).

Reason: In the interests of highway safety.

9. H05 (Access gates).

Reason: In the interests of highway safety.

10. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

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. Prior to commencement of development a Green Transport Plan shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented within one month of the completion of the development.

Reason: To encourage alternative modes of transport in accordance with both local and national planning policy.

Notes to Applicant:

1. HN01 - Mud on highway.

2. **HN05 - Works within the highway.**
3. **HN10 - No drainage to discharge to highway.**
4. **If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultant on Tel: 01443 33155.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 CW2003/1062/RM - ERECTION OF FIVE HOUSES AT LAND AT 137 KINGS ACRE ROAD, HEREFORD

For: Thomas Smith & Sons per Mr. J. Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 7th April 2003

Ward: Credenhill

Grid Ref: 48349, 41016

Expiry Date: 2nd June 2003

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

1.1 The site is located on the south side of Kings Acre Road close to its junction with Huntington Lane and primarily consists of land to the rear of 143A - 139 Kings Acre Road. At present the site is unoccupied but was formerly used by the well established T. Smith Roofing business who operated from the site for a considerable period prior to their relocation. Vehicular access to the site is provided to the east side of No. 139, directly off Kings Acre Road.

1.2 This application seeks reserved matters approval for the means of access, siting, design, landscaping and external appearance of five detached dwellings with integral garages. Outline planning permission was granted for the site under reference CW2002/0210/O on the 27th March, 2002. Four of the proposed dwellings are sited running east to west against the southern boundary of the site. Plot 5 which is at 90° to the four dwellings is indicated adjoining the southern boundary of the existing dwellings on Kings Acre Road. Each of the units is an identical design incorporating four bedrooms and an integral single garage.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development in the Open Countryside
Policy SH11	-	Housing in Open Countryside
Policy ED4	-	Safeguarding existing Employment Services
Policy T1A	-	Environmental Sustainability and Transport
Policy T3	-	Highway Safety
Policy SHA1	-	Setting of Hereford City

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR7	-	Flood Risk
Policy H14	-	Reusing Previously Developed Land and Buildings
Policy H15	-	Density
Policy T6	-	Walking
Policy T7	-	Cycling
Policy CF2	-	Foul Drainage

3. Planning History

- 3.1 SH900479F Proposed reception area. Permitted.
- SH910651PF Proposed pitched roof to replace existing flat. Permitted.
- CW2002/0210/O Redevelopment of site for residential purposes. Outline planning permission granted 27th March 2002.

4. Consultation Summary

- 4.1 Hyder Consulting (Water Authority): No comments received on the reserved matters application. On the outline planning permission they commented that no problems are envisaged with the waste water treatment works for the treatment of domestic discharges from this site. Foul water and surface water discharges must be drained separately. No surface water shall be allowed to connect either directly or indirectly to the public sewer system.

5. Representations

- 5.1 Breinton Parish Council: Comments not yet received.
- 5.2 Ramblers' Association: The development does not appear to have any impact on the adjacent public right of way BT3, however we would seek reassurances full width will be maintained where it will run between the existing hedge and new fence that will enclose Plot 1. Also that where the footpath and driveway serving the new houses almost merge that the surface line of the footpath will be given precedence. We ask you to ensure the developer is aware of a legal requirement to maintain and keep clear the public right of way at all times.
- 5.3 Kings Acre Road Residents' Association: We understand that conditions will be placed on the application to ensure the prevention of surface water encroaching onto the site and that sewage arrangements are sufficient to effectively remove effluent. On that basis we offer only two comments. We ask that it is ensured that improvements to visibility at the site entrance are made thus affording protection from west bound vehicles as they begin to gather speed entering the 40 mph zone. The second point is to ensure there is no damage or obstruction to the public bridleway.
- 5.4 Three private letters of objection have been received from Mr. R. Hallam, 143 Kings Acre Road, Hereford; J.L. Atherton, M.B.E., Court House, 143a Kings Acre Road, Hereford and Mr. & Mrs. J.K. Millardship, 141 Kings Acre Road, Hereford. Objections are raised specifically to the fifth plot which adjoins the rear boundary of existing properties on Kings Acre Road which it is considered will severely overlook adjoining gardens and be detrimental and affect natural light entering private properties.

- Generally no objections are raised to the four dwellings on the southern edge of the site, however Plot 5 would infringe on privacy and would also suffer from mutual overlooking. It would appear on plan that it is simply cramming the site to maximise profit and not respecting the character of the area.
- Concerns are also raised again with regard to drainage at the rear of the site and a request is made that the Council will deal with and alleviate any flooding problems from the surface water run-off on the fields to the rear. No details on drainage have been submitted and as such this issue remains outstanding.
- Concerns are raised about the removal of the existing site office which should be totally demolished prior to development.
- Plot 5 is also referred to as an eyesore which will restrict evening sunlight into pleasant rear garden areas. It would also cause a nuisance through noise and disturbance being adjoining the boundary of the existing residential properties. It is requested that Council staff supervise the development should work commence.

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 Given that the principle of residential development of five houses has been accepted in the granting of outline planning permission CW2002/0210/O, the key issues for consideration in determining this application are the acceptability of the specific reserved matters.
- 6.2 With regard to the siting, design and external appearance of the five dwellings a number of comments have been made about the siting of Plot 5 which adjoins the rear boundary of the existing properties on Kings Acre Road. Plots 1-4 which are aligned east to west across the site are considered acceptable and no objections have been received on their siting or design. The issues raised in relation to Plot 5 are that it will both overshadow and overlook adjoining private rear gardens and be detrimental to both existing residents and the occupants of the unit. These issues have been carefully considered having regard to both the window positions on the proposed dwelling, the size and scale of the unit and the distance between the property and those existing dwellings. Whilst the gable wall of the proposed unit will be clearly visible from adjoining gardens, there are no first floor windows which would create any direct overlooking of the adjoining private space. Whilst overshadowing of the rear garden areas may occur, this is not in itself a justifiable reason for refusal. Furthermore, having regard to the distance between the proposed dwelling and the rear of the existing dwellings (over 25 metres), an argument on loss of light would not be sustainable. As such, whilst the concerns expressed by local residents have been carefully considered, there is not considered to be a justifiable reason for refusal on this particular issue.
- 6.3 In terms of design and external appearance the units provide large family style accommodation which is generally in keeping with the character of this particular part of Kings Acre Road. Subject to materials, the design and external appearance of the units are considered appropriate.

- 6.4 The vehicular access to the site will utilise the existing access off Kings Acre Road. Subject to conditions set out, no objection is raised on this particular issue. With regard to landscaping, the detailed layout indicates boundary treatment and position of proposed landscaping which in principle is considered acceptable. Again, conditions are imposed to ensure the implementation of this scheme at the earliest opportunity.
- 6.5 In dealing with the outline planning permission granted on this site, a specific condition was imposed to deal with surface water drainage following concerns expressed by local residents about potential for flooding to the rear of the site. The condition requires that prior to the commencement of development, a detailed scheme of surface water drainage shall be submitted to and approved in writing by the local planning authority. No scheme has yet been agreed although the applicant's agent has been in discussion with the Council's Drainage Engineer to provide a satisfactory detailed scheme. Whilst the full specification and agreement of the scheme is not yet in place, clearly no development shall commence until a suitable scheme has been agreed in writing by the local planning authority to deal with this issue. Given the inclusion of this condition on the outline planning permission, it is not strictly necessary for the details to be available at this time although it is reiterated that no development would be possible until a suitable scheme is agreed.
- 6.6 In conclusion, it is considered that the details submitted for this reserved matters application are acceptable subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

5. **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.

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

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

Notes to Applicant:

1. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 27th March 2002 (Reference No. CW20020210/O). This application for the approval of reserved matters is granted subject to these conditions.
2. HN01 - Mud on highway.
3. HN04 - Private apparatus within highway.
4. HN05 - Works within the highway.
5. HN10 - No drainage to discharge to highway.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 CW2003/0937/F - NEW GLASS HOUSE AND DISPATCH BUILDING, NEW TRACTOR SHED AND WATER TANK, REPOSITION OF GAS STORAGE TANK AT WYEVALE NURSERIES LTD, VELDIFER LANE, KINGS ACRE, HEREFORD, HR4 7AY

For: Wyevale Nurseries Ltd. per John Farr and Associates, Fincham, Stockley Hill, Peterchurch, Herefordshire, HR2 0SS

Date Received: 24th March 2003

Ward: Credenhill

Grid Ref: 47272, 41930

Expiry Date: 19th May 2003

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

1.1 The application site is located in the heart of the existing Wyevale Nursery complex which is accessed off the Credenhill road close to the junction with Kings Acre Halt. At present the site comprises of a flat parcel of land which is hard surfaced and in part already used as part of the nursery operation. The site itself is close to the main office of the Garden Centre and just to the north of the existing dispatch building.

1.2 This application seeks full planning permission to erect a large new glasshouse and dispatch building including a new tractor shed and water tank. The proposed glasshouse and dispatch building are a considerable size measuring 60 metres in length by 35 metres in diameter. The majority of the building is approximately 5.5 metres high, however part of the glasshouse and dispatch area are approximately 7 metres high at its highest point. No new roadways are proposed as part of the application which will be accessed using the existing circulation system.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy ED5	-	Expansion of Existing Businesses
Policy T1A	-	Environmental Sustainability and Transport

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR4	-	Environment
Policy E6	-	Expansion of Existing Businesses

3. Planning History

- 3.1 The Wyevale site has a long and detailed planning history and has been subject to a number of applications in recent years. No previous permissions have been granted on the land subject to this application and as such there is no record of any applications being directly relevant to this proposal.

4. Consultation Summary

- 4.1 None.

5. Representations

- 5.1 Breinton Parish Council: No comments received.

- 5.2 Hereford City Council (adjoining Parish): No objection.

- 5.3 Two letters of concern have been submitted on this application from Miss M. Gurrod and Mr. J. Gilbert of 1 Rose Cottage, Veldifer Lane, Swainshill, Hereford and from Liz Bradley, 2 Rose Cottage, Veldifer Lane, Stretton Sugwas, Hereford. The comments can be summarised as follows:

- Whilst it is understood that the nurseries has expanded considerably over the last few years and needs to continue to grow and develop, there are a number of concerns on this proposal. A particular concern is traffic generated by the proposed development. Concerns are expressed about a proposed one-way system which would be routed to the front of Rose Cottages. This increasing traffic will also cause disturbance at unsociable hours and increase noise levels. The additional traffic generated by this scheme could be particularly dangerous for the residents on the site.
- It is noted that Wyevale have been very good and considerate neighbours and it is hoped the concerns expressed will be taken into account. A restriction is suggested on the areas to be used for tractor parking which should be limited Monday to Friday 7 a.m. to 5.30 p.m. only.

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 key issues in considering this application are the principle of the proposed development having regard to the site's location outside any settlement, the design and siting of the proposed building and the impact of the development on adjoining properties. The potential increase in vehicular traffic must also be considered.

- 6.2 Having regard to the site's location within the heart of the Wyevale Nursery complex, it is considered that the principle of this development is acceptable. Given the changing nature of nursery businesses which requires the final preparation and dispatch of plants being concentrated into a much shorter period of time, the proposal is to increase efficiency of the current operation on site. As such the principle of the proposed improvements to the business are in accordance with both adopted policies contained in the South Herefordshire District Local Plan and the emerging policies in the Unitary Development Plan.

- 6.3 On the issue of siting, design and scale, careful consideration has been given owing to the size of the proposed glasshouse and dispatch building. With a total floor area of 2,100 sq.m. and a maximum height of 7 metres, the proposed structure will be the largest of its type on the site. Having assessed both distance views and the direct impact of the building on the two private residential properties within the site, these elements are on balance considered acceptable. The position of the proposed building is well contained within the site boundaries and with existing mature landscape already established, the glasshouse will not be intrusive in the wider landscape. With regard to its direct impact on Veldifer Cottages, the building would only be visible from first floor windows and is sited an adequate distance away as to not overshadow or have an overbearing impact on the residential amenities of these properties.
- 6.4 It is clear that the proposed glasshouse and dispatch area will create a more intensive operation which is likely to generate more traffic and noise into and out of the site. Concerns have been expressed by local residents about the impact of this traffic and the noise associated with it which can often be either late at night or early in the morning. The applicant has indicated that the existing in and out arrangement will be used to service the proposed building. Furthermore, the Council's Head of Environmental Health & Trading Standards has considered the proposal and concludes there are no objections to the scheme. Given the context in which Veldifer Cottages are situated, it would be unavoidable for there to be some disturbance from the activities associated with such a large operation. In this instance given the distance between the cottages and the dispatch area which are at the far end of the building proposed, it is not considered that an objection could be sustained on this issue.
- 6.5 As noted above, lorries and tractors utilising the proposed building would use the existing access and roadways within the site. It is not proposed to construct additional access arrangements. The Council's Head of Transportation and Engineering raises no objection to the proposed development subject to two notes to the applicant regarding drainage.
- 6.6 In conclusion, whilst the proposed building is large in scale and will intensify the existing operation on the nursery site, it is on balance considered acceptable having regard to the limited visual impact of the proposed structure and that demonstrable harm should not be caused to the adjoining residents through the scheme.

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. F20 (Scheme of surface water drainage).**

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

Notes to Applicant:

- 1. HN10 - No drainage to discharge to highway.**
- 2. It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purpose.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 CE2002/3097/O - SITE FOR 3 SINGLE DWELLINGS AT SITE TO REAR OF PENGLAIS HOUSE, LOWER BULLINGHAM, HEREFORD, HR2 6EG

For: Mr. & Mrs. P.H. Steadman per James Morris Associates, Stocks Tree Cottage, Kings Pyon, Herefordshire, HR4 8PT

Date Received: 15th October 2002

Ward: Hollington

Grid Ref: 52048, 38296

Expiry Date: 10th December 2002

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The site that is the subject of this application is a 0.095ha parcel of land to the rear of Penglaise House (Court) and accessed from the slip road that runs adjacent to Holme Lacy Road. This entrance to the site is between the flats at Penglaise Court and the semi-detached dwellings of Stoneleigh and Almar. The site is surrounded on three sides by residential properties located off The Willows, St Vincents Close, Holme Lacy Road and to the western boundary the residential curtilage of the dwellings known as The Old Forge and Redbrooke Cottage.
- 1.2 To the south of the proposed access, between the slip road and Holme Lacy Road lies the Grade II Listed Manor Cottage. The scheduled Ancient Monument of the medieval settlement of Lower Bullingham lies to the south of Holme Lacy Road.
- 1.3 The proposal is an outline application that reserves the matters of siting, design, landscaping and external appearance for future consideration. As such, the only matter for consideration as part of this application is the means of access. However, as a consequence of the concerns raised in the previous application that was refused, an indicative block plan has been submitted showing the siting and orientation of the proposed dwellings. Elevational details have not been submitted.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport
PPG25	-	Development and Flood Risk

2.2 South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C20	-	Protection of Historic Heritage
C29	-	Setting of a Listed Building
SH4	-	Housing Land Adjacent to Hereford City
SH6	-	Housing Development in Larger Settlements

SH7	-	Residential Proposal Sites in Larger Villages
SH8	-	New Housing Development Criteria in Larger Villages
SH14	-	Siting and Design of Buildings
SH15	-	Criteria for New Housing Schemes
T3	-	Highway Safety Requirements

2.3 Unitary Development Plan (Deposit Draft):

HR1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H16	-	Car Parking
HBA4	-	Setting of a Listed Building
ARCH1	-	Archaeological Assessments and Field Excavations
ARCH3	-	Scheduled Ancient Monuments

3. Planning History

- 3.1 CE2002/1457/O - Site for 3 no. single dwellings on site to the rear of Penglais House, Lower Bullingham. Refused 17th September, 2002.

4. Consultation Summary

- 4.1 Hyder Consulting: No objection but include conditions relating to sewerage and surface water drainage should be included in the consent to ensure no detriment to the residents and Dwr Cymru - Welsh Water assets.
- 4.2 Environment Agency: Upon Consultation the Environment Agency objected to the scheme on the basis that the site lies within an area liable to flood. A flood risk assessment was requested and submitted to the Environment Agency by the applicants agent.

It was then accepted by the Environment Agency that the actual site does not flood during severe flood events. However, access to this proposed site will be lost during severe flood events when existing commitments stretch resources. The Environment Agency recommended that a full risk assessment is undertaken in line with PPG25. This was then undertaken and submitted for further comment.

The Environment Agency responded to this with a continued objection on the grounds that the proposed property could become isolated during the 1% apf (annual probability flooding) event with about 400mm of flood water on the main road. The isolation of residents could put an additional burdon on the emergency services. They enclose a copy of an Environment Agency press release which states that six inches of water can knock you off your feet and that two feet of flood water is enough to float a car. It also warns people not to attempt to drive or walk through flood water and outlines other flood dangers. The letter also quotes PPG25 Documentation on 'Guidance on Objecting to Planning Applications' and refers to Appendix F of PPG25 in that the Local Planning Authority should be satisfied in respect of the fact that it is ensured that the site can be developed and occupied safely. The Environment Agency maintains that on the basis of the aforementioned details the agency recommend that the Local Planning Authority consult with the emergency services.

The emergency services were consulted and one response was received from the Hereford and Worcester Ambulance Service (see below for full text).

In accordance with PPG 25 the Environment Agency were then advised by the Local Planning Authority that they were minded to recommend approval of the application, including full reasons for this recommendation and asking for details of any practicable improvements that could be incorporated.

This response was received from the Environment Agency:

I refer to your letter which was received on 15th May, 2003 which states:

The Agency outlined their concerns as the FRA (Flood Risk Assessment) has shown that there is a risk that the proposed property could become isolated during the 1% apf (annual probability flooding) event with about 400mm of flood water on the main road.

It is also noted that the Hereford and Worcester Ambulance Service has commented that the proposed development and flood water to this degree could put extra restraints on the Emergency Services and confirms our concerns.

It was previously commented that Agency guidelines reference: PPG25 Documentation 'Guidance on Objecting to Planning Applications', states in section 2.7 'Safe Access' that "It should be remembered that depth for vehicle access should really be set by the emergency services, since they are the ones who will actually carry out any rescue. According to flood warning 600mm will float a car and 300mm will knock a pedestrian over, so the Agency do not accept evacuation routes with those kind of potential flood water depths".

If the Local Planning Authority are minded to approve this application it is considered that there are no practical physical improvements which can be made to mitigate the Agency's concern. The only mitigation that the Agency could suggest is a condition requiring the provision of flood warning notices, to be erected, in accordance with the approved details and that the residents are placed on the Agency's flood warning system. Please contact Flood Warning (Flood Defence team) in the Monmouth office on telephone 01600 772245, with regard to the flood warning system.

The Agency's objection still stands as outlined in the previous response and consider that the site cannot be developed and occupied safely. PPG25 - Development and Flood Risk, states in Appendix F that the Local Planning Authority should be satisfied in respect of the fact that it is ensured that "the site can be developed and occupied safely".

4.3 Hereford and Worcester Ambulance Service:

Thank you for your letter dated 1st April, 2003 in which you advise the continued objection by the Environment Agency to the above mentioned application.

As we are responding to calls for emergency treatment, we are of the opinion that our response time could be seriously impaired when called to a dwelling which is prone to flooding. This could delay treatment of a patient and also put extra restraints on the Emergency Services if the Fire Service etc, has to be called to assist.

5. Representations

- 5.1 Lower Bullingham Parish Council: The Council consider that this site is too small for three dwellings but accept that if the applicant satisfies the criteria of the District Council then it raises no objection.

- 5.2 A number of letters have been received from Mr J. Morris (Agent) in response to the on-going correspondence between the Local Planning Authority, Mr Morris and the Environment Agency. A summary of the points made are as follows:

We have confirmed that the maximum level of the 1% flood event given by the Agency of 52.00m above Ordnance datum is in error. The depth of a 1% probability flood event is 51.50m and therefore 270m max depth on the centre line of the site access to the highway (this would be less than 150mm if the flood was skirted to the eastern side of the access drive), and a 400mm maximum depth on the B4399 road (280mm on footpath) nominally 150m west of the access in the direction of Hereford City Centre. We submit that this is less than the Environment Agency's safety criteria of 300mm max depth for pedestrian, and 600mm max depth for vehicles. The rate of flow is not part of, nor influenced by, the river flow when in flood and will therefore have a negligible rate of flow.

We also submit that the areas drained by the River Wye are generally not subject to commercial pressure for widespread industrial or residential development, and therefore the flood event probability is not likely to deteriorate.

- 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 for consideration in the assessment of this application are:

- the use of the land for residential purposes
- provision of safe vehicular access to the site
- drainage
- impact on the setting of the Listed Building
- archaeological implications due to the close proximity of the Scheduled Ancient Monument
- potential problems that could arise with the threat of flooding.

- 6.2 The site itself lies within a dense residential area to the south of the city. The land is surrounded by existing residential properties, including large detached dwellings, terraced and semi-detached properties. Penglaise Court faces onto Holme Lacy Road and consists of 14 no flats. In principle the siting of three dwellings on this is accepted, subject to satisfying the Local Planning Authority that the dwellings are positioned on the site in an acceptable manner.

- 6.3 Because the surrounding dwellings currently have the benefit of backing onto this isolated site it is important to assess whether the siting of the dwellings in this location would be detrimental. An indicative site plan demonstrates that the site can accommodate three dwellings in such a manner that they would not appear to be detrimental to the amenities and living accommodation of the neighbouring properties. Full elevation details of the scheme will be submitted as part of the reserved matters applications.

- 6.4 Vehicular access to the site is existing but alterations and improvements to this entrance would be required in order to meet the standards of the Hereford and Worcester County Councils Guidance on residential roads. These are considered to be achievable and full details will be requested by way of a condition. The access is not directly onto Holme Lacy Road, thus minimising any highway safety implications.

The creation of three new dwellings in this area will not increase traffic flows to a level that would indicate that congestion or increased danger would occur.

- 6.5 In response to our consultation, Hyder brought to our attention the drainage capabilities in and around the site. Conditions have been recommended to ensure that the local sewerage systems are not overloaded.
- 6.6 The application site also lies to the north of a Grade II Listed Building. This building would only be affected by the access to the site given the nature of the area and the distance between the dwelling and site access it is unlikely to harm the setting of the Listed Building. In addition to this the Scheduled Ancient Monument site lies to the north of Holme Lacy Road. Given this relatively close proximity a condition regarding archaeological works is considered appropriate.
- 6.7 The issue that has raised the most concern in the processing of this application is the potential risk of flooding. The Environment Agency has accepted that the main body of the site itself will not flood. However the continued objections lie with the possible flooding of the highway and therefore access to the site. This would involve flooding to the main road (B4399). Full text of the last Environment Agency letter is reproduced in Section 4 of this report. The concern from the Environment Agency is that the proposed dwellings may become isolated from the main road in the event of a flood. The fact that this is a material consideration in the appraisal of the proposal is not contested. The probability and the predicted frequency of flooding occurring on Holme Lacy Road must be evaluated alongside the policies of the Local Plan and any other material considerations that have been raised on this site.
- 6.8 Having regard to this, the dangers of this flooding already effects many residents in the immediate vicinity. There is no objection in principle to the introduction of three additional properties that will not (according to the Environment Agency), flood. Precautions can be taken so residents of these dwellings are made aware of the potential dangers of flood waters that may occur on the main road. The Environment Agency has recommended that the occupiers register with the Flood Warnings system so that they can be notified if this area is likely to flood in the immediate future. Signs can also be erected at times of potential flooding to warn/remind visitors and residents.
- 6.9 The agent's letter as summarised maintains that the private access to the dwellings is very unlikely to flood due to the levels of the ground at this point. The Environment Agency are aware of Mr Morris' findings and opinions and still maintain their objections. He also maintains that the flooding of this section of road was as a result of overflow from the River Wye along specific channels, and therefore was not subject to measurable flow rate or influenced by the river flow and that this would be effectively 'standing water'.
- 6.10 As assessment of the proposal must balance the merits of the site against the possible threat of flooding to the access. Whilst the safety of the occupiers will be of obvious importance, it should be remembered that the dwellings themselves will not flood. The probability of the occurrence of the flood to the road, at the same time as the occupiers would require the assistance of the emergency services, is minimal. It is questionable whether the safety of the residents of the proposed dwellings would be any different to that of the occupiers of the may other dwellings in the immediate vicinity. The Environment Agency actively promotes flood safety issues and procedures for those affected.

6.11 In conclusion, the proposal itself would not cause or add to flooding problems in the area and the risks associated with localised flooding are no more than to other local residents. There are no policy objections to the scheme and the proposed access can adequately serve three dwellings. On this basis I would recommend that the application be approved subject to conditions and informative notes.

RECOMMENDATION

That the application be referred to the Environment Agency, and subject to them confirming that they will not be referring the application to the Secretary of State then 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 A05 (Plans and particulars of reserved matters)

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

5 D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

6 H01 (Single access - not footway)

Reason: In the interests of highway safety.

7 H03 (Visibility splays)

Reason: In the interests of highway safety.

8 H05 (Access gates)

Reason: In the interests of highway safety.

9 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 H10 (Parking - single house)

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

11 H12 (Parking and turning - single house)

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

12 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.

13 H27 (Parking for site operatives)

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

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

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

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

Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the environment.

16 No land drainage run-off will be permitted to discharge to the Public Sewerage System.

Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the environment.

17 Prior to commencement of development details of flood warning notices to be erected at the entrance to the site shall be submitted to and approved in writing by the local planning authority. These signs shall be erected in accordance with the details submitted.

Reason: To ensure that residents and visitors are aware of the risk of flooding to the entrance of the site and the adjacent highway in the interest of public and highway safety.

18 Prior to the first occupation of the dwellings residents shall be advised in writing to place themselves on the Environment Agency's flood warning system. Written confirmation that this advice has been issued shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that residents are made aware of the potential flooding to the highway.

Notes to Applicant:

- 1 The Environment Agency Flood Defence team can be contacted in Monmouth on 01600 771145 with regard to the flood warning system.**
- 2 If a connection is required to the public sewerage system, the developer is advised to contact the Network Development Consultants (DVWW Sewerage Agents) on tel: 01443 331155.**
- 3 HN04 - Private apparatus within highway**
- 4 HN05 - Works within the highway**
- 5 Your attention is drawn to the concerns of the Environment Agency who maintain that the access to the site could be affected by flooding at a rate of 1% apf (annual probability flooding). The Council can take no legal responsibility whatsoever in the event of a flood.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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