

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 7th April, 2004**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Members' Services
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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 (Chairman)
Councillor R. Preece (Vice-Chairman)

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 18
To approve and sign the Minutes of the meeting held on 10th March, 2004.	
4. ITEM FOR INFORMATION - APPEALS	19 - 20
To note the Council's current position in respect of planning appeals for the Central Area of Herefordshire.	
5. HEAD OF PLANNING SERVICES REPORT	21 - 64
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 two items will not be, or are likely not to be, open to the public and press at the time that they are considered.	

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

6. DIRECT ACTION AUTHORISATION REQUEST

65 - 66

To consider a direct action authorisation request in respect of a site in Hereford.

7. ITEM FOR INFORMATION - ENFORCEMENT

67 - 68

To note the Council's current position in respect of enforcement matters for the Central Area of Herefordshire.

[12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:

- (a) any legal proceedings by or against the authority, or**
- (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)**

13) Information which, if disclosed to the public, would reveal that the authority proposes:

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
- (b) to make an order or direction under any enactment.**

14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]

8. DATE OF NEXT MEETING

The next scheduled meeting is Wednesday 5th May, 2004.

Your Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

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

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the bus service that runs approximately every 30 minutes from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

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

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

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

MINUTES of the meeting of the Central Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford, on Wednesday 10th March, 2004 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon and W.J. Walling.

In attendance: Councillors P.E. Harling, T.W. Hunt and J.B. Williams.

60. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. S.P.A. Daniels, G.V. Hyde, J.C. Mayson, R. Preece, Mrs. S.J. Robertson, D.B. Wilcox, A.L. Williams and R.M. Wilson.

61. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
Mrs. W.U. Attfield and A.C.R. Chappell	Ref. 9 - CW2004/0063/F Provision of new cycleway from: THE GREAT WESTERN WAY AND BEAUFORT AVENUE TO MARLBROOK ROAD, HEREFORD	Both Members declared personal interests.

62. MINUTES

RESOLVED: That the Minutes of the meeting held on 11th February, 2004 be approved as a correct record and signed by the Chairman.

63. 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.

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

EXCLUSION OF THE PUBLIC AND PRESS

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

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**64. ITEM FOR INFORMATION – ENFORCEMENT**

The Sub-Committee received an information report about enforcement matters within the Central Area.

- [12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
- (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)
- 13) Information which, if disclosed to the public, would reveal that the authority proposes:
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]

65. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 7th April, 2004.

The meeting ended at 3.12 p.m.

CHAIRMAN

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Ref. 1
FOWNHOPE
DCCE2003/2992/F

Provision of new W.C., alterations to porch and associated site works at:

ST. MARY'S CHURCH, FOWNHOPE, HEREFORDSHIRE

For: **ST. MARY'S PCC PER HOOK MASON, 11 CASTLE STREET, HEREFORD, HR1 2NL**

Councillor Mrs. J.E. Pemberton, the Local Member, felt that the proposal would have a detrimental impact on St. Mary's Church and on the Fownhope Conservation Area and proposed that the application be refused. Councillor Mrs. Pemberton also questioned whether a full audit had been carried out of the building in accordance with advice from English Heritage.

A number of Members expressed concerns about the location and the design of the proposal.

RESOLVED:

That planning permission be refused for the following reasons:

Having regard to policies GD1, C27B and C29 of the South Herefordshire District Local Plan the proposal is considered to have an adverse effect on this important listed building on its main elevation adjacent to the focal point and entrance to the church. The design and location of the extension is such that it would appear visually intrusive in a very sensitive location.

Also the proposal is within the Fownhope Conservation Area where the Local Planning Authority has a statutory duty to ensure development either preserves or enhances the area. Having regard to this the proposal would be contrary to South Herefordshire District Local Plan policies C22 and C23.

Ref. 2
CREDENHILL
DCCW2003/2973/F

Construction of three water storage tanks at:

LOWER VELDIFER FIELD, ROMAN ROAD, CREDENHILL, HEREFORDSHIRE

For: **WYEVALE CONTAINER PLANTS LTD., KINGS ACRE ROAD, HEREFORD, HR4 7AY**

Councillor R.I. Matthews, the Local Member, commented on the value of the site inspection that had been held. He noted the concerns expressed by the residents of an adjacent property but felt the proposals would not have an adverse impact.

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. 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.

Informative:

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

Ref. 3
HEREFORD
DCCE2003/3122/F

Demolition of existing building (Hatterall Hall) and erection of five detached dwellings with associated garaging, access road and drainage at:

LAND AT HATTERALL HALL, FOLLY LANE, HEREFORD, HR1 1LS

For: **K.W. BELL & SON LTD., WHIMSEY INDUSTRIAL ESTATE,
STEAM MILLS ROAD, CINDERFORD**

The Principal Planning Officer reported the receipt of two further letters of objection from the residents of 26 Belgravia Gardens.

In response to a question from Councillor W.J. Walling, the Central Divisional Planning Officer advised Members that English Heritage had given consideration to Listing the building but had concluded that the building did not merit Listing.

A number of Members felt it regrettable that the building was not considered worthy of retention and it was suggested that a statement be made about the importance of preserving and restoring buildings which contributed to the heritage of the City.

In response to a question about the possibility of retaining the conservatory, the Central Divisional Planning Officer advised the Sub-Committee that a salvage condition and informative note could be added to any planning permission granted.

In response to comments about the removal of trees, the Principal Planning Officer advised that the trees at the rear of the site were not considered to be of public amenity value. A view was expressed that the applicant should be reminded of the need to avoid damage to the roots of the trees to be retained. The Principal Planning Officer drew attention to the recommended conditions regarding landscaping.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. Folly 1C, Ashby.1, Hereford, Hertford, Gar.1), except where otherwise stipulated by conditions attached to this permission.**

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

- 3 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 4 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.

- 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 There shall be no, direct or indirect, discharge of surface water or land drainage run off to the public foul sewer.**

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

- 7 The side elevation windows serving "Bedroom 2" and "Guest Bedroom" in Plots 2 and 3 shall be glazed with obscured glass and fixed shut.**

Reason: To safeguard the amenities of adjoining properties.

- 8 No materials or substances shall be incinerated within the application site during the construction phase.**

Reason: To safeguard residential amenity and prevent pollution.

- 9 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and**

a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

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

- 10** The landscaping scheme approved under condition 9 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

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

- 11** This permission does not authorise any works to trees included in the Tree Preservation Order except that detailed on drawing no. Folly 1c. Any further work shall be the subject of an application for consent to the local planning authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.

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

- 12** In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

- 13 All existing boundary walls which define the boundaries of the site shall be permanently retained; the new boundary walls adjacent to No. 49 Folly Lane and adjacent to the highway shall be erected prior to the occupation of any of the dwellings hereby approved; the boundary wall adjacent to the highway shall not exceed 0.9m in height.

Reason: To clarify the terms of the permission and safeguard the amenities of the locality.

- 14 Prior to the occupation of any of the dwellings hereby approved, details of the treatment of the rear boundary of the site shall be submitted for approval in writing by the local planning authority and the approved details shall be implemented within 2 months thereafter.

Reason: The application contains insufficient detail for the satisfactory consideration of this detail at this stage.

- 15 Prior to occupation of any of the dwellings hereby approved, the double garage for No. 51 Folly Lane shall be completed to the satisfaction of the local planning authority in accordance with the agreed scheme.

Reason: To accord with the terms of the application.

- 16 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4m x 90m metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 17 Notwithstanding the approved details, there shall be no gates across the access road to the development hereby approved.

Reason: To ensure the development is in keeping with the open character of existing housing in the locality.

- 18** Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority at a gradient not steeper than 1 in 8.

Reason: In the interests of highway safety.

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

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

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

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

- 21** Prior to the commencement of the development hereby approved, details of the intended method of salvaging the existing conservatory at the rear/side of Hatterall Hall shall be submitted to the Local Planning Authority for approval in writing. The details shall include the name of the person or company employed to carry out the salvaging together with the intended location of its re-erection or storage prior to the re-erection.

Reason: To ensure that this important example of local architecture is preserved for future re-erection.

Informatives:

- 1** This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

- 2 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 4 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 5 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property

Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property

Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

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

Hereford Local Plan:

ENV14 - Design

ENV16 - Landscaping

H3 - Design of new residential development

H4 - Residential roads

H12 - Established residential areas - character and amenity

H13 Established residential areas - loss of features

H14 - Established residential areas - site factors

SC9 - Retention of local facilities

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

- 7 In relation to condition 21, the applicant shall use all best endeavours to salvage the conservatory and shall only demolish the conservatory and shall only demolish the conservatory with the written permission of the Local Planning Authority if it is agreed that its condition is too poor to render it salvageable. Prior to approval of the details to be submitted under the condition, the application shall ensure that the conservatory is made safe and secure.

Ref. 4
DINEDOR
DCCE2003/3867/F

Retrospective application for the erection of a car-port at:

DINEDOR COURT, DINEDOR, HEREFORD, HEREFORDSHIRE, HR2 6LG

For: **MR. & MRS. M.P. PARKIN OF THE SAME ADDRESS**

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

Councillor W.J.S. Thomas, the Local Member, noted the concerns of the local residents but felt that the application was acceptable.

RESOLVED:

That planning permission be granted subject to the following condition:

- 1 The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.

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

Informative:

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the south herefordshire district local plan set out below, and to all relevant material considerations including supplementary planning guidance:

South Herefordshire District Local Plan

GD.1 - General development criteria

C.8 - Development within the Area of Great Landscape Value

C.29 - Setting of a Listed Building

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

Ref. 5
SHELWICK
DCCW2003/3856/F

Proposed detached bungalow at:

SHELWICK FARM, SHELWICK, HEREFORD, HR1 3AL

For: **MR. J. STEWART OF THE SAME ADDRESS**

Councillor R.I. Matthews, the Local Member, drew attention to the comments of Holmer and Shelwick Parish Council and noted the need for a scheme of flood drainage.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

3. B01 (Samples of external materials).

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

4. F18 (Scheme of foul drainage disposal).

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

5. G01 (Details of boundary treatments).

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

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

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

7. 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.

8. H13 (Access, turning area and parking).

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

Informatives:

1. **N14 - Party Wall Act 1996.**
2. **N15 - Reason(s) for the Grant of Planning Permission.**

Ref. 6
HEREFORD
DCCW2004/0231/F

Proposed first floor extension and erection of shed at:

11 YARLINGTON MILL, BELMONT, HEREFORD, HR2 7UB

For: **MR. & MRS. GWYNNE PER JOHN PHIPPS, BANK LODGE,
COLDWELLS ROAD, HOLMER, HEREFORD, HR1 1LH**

Councillor P.J. Edwards, a Local Member, felt that adequate off-street parking was required in the interests of highway and pedestrian safety. This view was supported by a number of Members.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **A06 (Development in accordance with approved plans).**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
3. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
4. **E18 (No new windows in specified elevation).**
Reason: In order to protect the residential amenity of adjacent properties.
5. **E19 (Obscure glazing to windows).**
Reason: In order to protect the residential amenity of adjacent properties.
6. **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.

Informatives:

1. **HN02 - Public rights of way affected.**

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

Ref. 7
MARDEN
DCCW2004/0034/F

Renewal of temporary permission to allow permanent permission and variation of condition 1 of planning permission CW2001/2639/F for use of welding and fabrication at:

AMBERLEY WORKSHOP, MARDEN, HEREFORD, HR1 3BS

For: **MR. J.A. ASHCROFT, 16 ORCHARD GREEN, MARDEN, HEREFORD, HR1 3ED**

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

Councillor J.G.S. Guthrie, the Local Member, noted the concerns of Marden Parish Council and of local residents and felt that a temporary permission would be appropriate this instance.

A number of Members commented on the need to support business diversification and employment in rural areas.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. The premises shall be used for welding and fabrication only and for no other purpose (including any other purpose in Class B1 or B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

- 2. This consent shall expire on 10th March 2006. Unless further consent is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

- 3. This permission shall enure for the benefit of Mr. John Ashcroft and his son only and not for the benefit of the land or any other persons interested in the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the specific nature of the business run by the applicant and his son.

4. When the premises cease to be occupied by Mr. John Ashcroft and his son or at the end of two years whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the specific nature of the business run by the applicant and his son.

5. 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 8 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday nor at any time on Sundays, Bank or Public Holidays.

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

6. There shall be no open air operation of plant, machinery or equipment within the application site.

Reason: To protect the amenities of nearby properties.

7. No goods, plant, material or machinery shall be deposited or stored outside the buildings subject of this application.

Reason: To protect the appearance of the locality.

8. Within one month of the date of this permission details shall be submitted to and approved in writing by the local planning authority of the type of machinery and equipment to be used within the building.

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

9. No power tools or machinery shall be used at the premises other than those approved in relation to Condition 8 of this planning permission.

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

10. There shall be no ancillary retail sales in association with the permitted business or sales of any other goods or materials from the application site.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

Informative:

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

Ref. 8
HEREFORD
DCCE2004/0190/F

Three storey development of 16 no. 2 bed flats and 1 no. 1 bed flat at:

36 FOLLY LANE, HEREFORD, HR1 1LX

For: **RICHARD HARPER ESTATES PER PLANNING SOLUTIONS,
96 ROCK HILL, BROMSGROVE, WORCESTER, B61 7HX**

In accordance with the criteria for public speaking, Mr. Eley, an objector, spoke against the application.

In response to a comment, the Principal Planning Officer drew attention to recommended condition 6 which would require a scheme for the provision, prior to disposal, of refuse and all other waste materials.

Some Members felt it regrettable that this building had been allowed to fall into such a state of disrepair and also expressed concerns about parking.

Councillor A.C.R. Chappell proposed that a site visit be held as the settings and surroundings were fundamental to the determination or to the conditions being considered.

RESOLVED:

That consideration of planning application DCCE2004/0190/F be deferred for a site visit.

Ref. 9
HEREFORD
DCCW2004/0063/F

Provision of new cycleway from:

**THE GREAT WESTERN WAY AND BEAUFORT AVENUE TO
MARLBROOK ROAD, HEREFORD**

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

The Central Divisional Planning Officer reported the receipt of additional correspondence and commented that Haywood High School would need to address the issue of cricket balls etc. straying onto the public right of way if it became a problem in the future.

A number of Members spoke in support of the application. Comments were made that motorcycles should be restricted as much as possible and that the landscaping scheme should be engineered in way that would reduce the risk of crime.

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. 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. 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.

5. F32 (Details of flooding/external lighting).

Reason: To safeguard local amenities.

Informative:

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

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2003/2795/L**

- The appeal was received on 20th February, 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. G. Williams
- The site is located at Lower Thatch Cottage, Westhide, Hereford, Herefordshire, HR1 3RL
- The development proposed is Two storey extensions
- The appeal is to be heard by Hearing

Case Officer: Miss Kelly Gibbons on 01432 261949

Application No. DCCE2003/2793/F

- The appeal was received on 20th February, 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. G. Williams
- The site is located at Lower Thatch Cottage, Westhide, Hereford, Herefordshire, HR1 3RL
- The development proposed is Two storey extensions
- The appeal is to be heard by Hearing

Case Officer: Miss Kelly Gibbons on 01432 261949

Application No. DCCW2003/2635/F

- The appeal was received on 9th March, 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs. E. England
- The site is located at Land adjacent to Town Well, Station Road, Credenhill, Herefordshire
- The development proposed is Proposed dwelling and formation of access
- The appeal is to be heard by Written Representations

Case Officer: Mr. Steve MacPherson on 01432 261946

Application No. DCCW2003/2650/L

- The appeal was received on 10th March, 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs. E. England
- The site is located at Town Well, Station Road, Credenhill, Hereford, Herefordshire, HR4 7DW
- The development proposed is Demolition of part of boundary wall and rebuilding to form vehicular access
- The appeal is to be heard by Written Representations

Case Officer: Mr. Steve MacPherson on 01432 261946

Application No. DCCW2004/0240/A

- The appeal was received on 15th March, 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Primelight Advertising Limited
- The site is located at Nelson Service Station, Bridge Sollars, Herefordshire. HR4 7JN
- The development proposed is One internally illuminated double sided advertising display unit.
- The appeal is to be heard by Written Representations

Case Officer: Mr. Edward Thomas on 01432 261947

Application No. DCCE2003/3495/F

- The appeal was received on 17th March, 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. Charmer
- The site is located at 47 Hoarwithy Road, Hereford, Herefordshire, HR2 6HB
- The development proposed is Proposed new driveway and access
- The appeal is to be heard by Written Representations

Case Officer: Mr. Dave Dugdale on 01432 261961

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
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SITE VISITS

1	Richard Harper Estates	Three storey development of 16 no. 2 bed flats and 1 no. 1 bed flat at 36 Folly Lane, Hereford, HR1 1LX	DCCE2004/0190/F	23
2	Herefordshire College of Technology	Partial redevelopment of college campus to provide new learning village (application for outline permission including Master Plan) at Herefordshire College of Technology, Herefordshire College of Art and Design and Herefordshire Sixth Form College, Folly Lane, Hereford	DCCE2004/0475/O	31

APPLICATIONS RECEIVED

3	Mr. & Mrs. Broad	Replacement detached garage and potting shed and widening of entrance gates at 88 Hampton Park Road, Hereford, HR1 1TL	DCCE2004/0347/F	39
4	Mr. & Mrs. Broad	Demolition of existing garage and potting shed at 88 Hampton Park Road, Hereford, HR1 1TL	DCCE2004/0348/C	39
5	Inbuilt Care Developments Ltd.	Site for the erection of 23 houses at Land at Paradise Farm, (land south of Laystone Green), Marden, Herefordshire	DCCW2003/2957/O	43
6	Mr. & Mrs. Bird	New conservatory and garage extension at 10 Cedar Lane, St. Mary's Park Burghill, Hereford, HR4 7QQ	DCCW2004/0584/F	53
7	Craegmoor Healthcare Ltd.	Two storey extension and redevelopment of existing care home wind at Castle Farm Care Home, Blackhole Lane, Bartestree, Herefordshire, HR1 4BE	DCCE2004/0688/F	57
8	Mr. Singh	Proposed single and first storey extension at 170 Whitecross Road, Hereford, HR4 0DJ	DCCW2003/2070/F	61

1 DCCE2004/0190/F - THREE STOREY DEVELOPMENT OF 16 NO. 2 BED FLATS AND 1 NO. 1 BED FLAT AT 36 FOLLY LANE, HEREFORD, HR1 1LX

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

Date Received: 19th January 2004

Ward: Tupsley

Grid Ref: 52385, 40404

Expiry Date: 15th March 2004

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

This application was deferred at the last meeting of the Central Area Planning Sub-Committee for a site visit which took place on 22 March, 2004. As a consequence of the Sub-Committee's request, the layout has been amended with the bin store now positioned further away from the site boundary with No. 32 Folly Lane.

1. Site Description and Proposal

- 1.1 The 0.19 ha application site lies on the north east side of Folly Lane within an Established Residential Area. It presently supports a large detached three storey period house divided into six flats, although presently vacant. The house is positioned to one side of the site with derelict outbuildings to the rear and a lawned area and driveway to the side. The lawned area supports a cedar tree which is subject to a Tree Preservation Order. The boundary with Folly Lane is defined by a retaining wall and initial steep bank, the house standing at a higher level than Folly Lane.
- 1.2 To the north west of the site and attached to the existing house is a contemporary parade of shops, some with flats over. To the rear, south east side and opposite the site, are residential properties.
- 1.3 The proposal is to demolish the existing buildings on the site and erect a three storey block of 17 flats (16 x 2 bedroom and 1 x 1 bedroom). The new building would be partly on the footprint of the existing house although with an additional wing projecting to the rear, approximately 1 metre from the rear boundary of the site. The existing access and driveway would be widened, this requiring partial removal of the bank, and 18 parking spaces laid out at the rear. A detached bin store would be provided on the side lawn. The cedar tree would be retained.

2. Policies

2.1 Hereford Local Plan:

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

2.2 Herefordshire UDP (Deposit Draft):

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

3. Planning History

- 3.1 CE2001/2621/F - New driveway off Folly Lane - refused 28 November 2001.
- 3.2 CE2003/0110/F - Conversion and extension of house into 10 self-contained flats and a new development to provide 6 self-contained flats including associated landscaping and parking - withdrawn 4 March 2003.

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

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

5. Representations

- 5.1 Hereford City Council : No objection.
- 5.2 Three objection letters have been received from 10 Whittern Way and 24 and 32 Folly Lane, summarised as follows:
- existing boundary wall with Whittern Way properties should be retained;
 - further bat survey should be carried out in late spring/early summer;
 - loss of trees / bird habitats;
 - overcrowded development;
 - loss of light / overshadowing;
 - detrimental to preserved cedar;
 - noise and disturbance from vehicles;
 - additional traffic would cause danger and inconvenience to other users of the highway;
 - adequacy of sewer needs to be confirmed;
 - adequacy of surface water drainage arrangements needs to be confirmed;

- overlooking;
- nuisance from misuse of bin store;
- inadequate parking for visitors;
- form of development and number of storeys out of keeping with surroundings;

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

6. Officers Appraisal

- 6.1 The main issues in this case are the principle of this form of residential development and, if this is accepted, the impact of the specific scheme on the character of the area, residential amenity, the protected tree, wildlife and highway safety.
- 6.2 Regarding the principle, the site lies within an Established Residential Area where residential development is appropriate in accordance with Local Plan policy. The site is presently occupied by flats, albeit in a converted house, and further flats are located over the shops to the side. Redevelopment of the site to provide flats is, therefore, considered appropriate in this particular location and would not be out of keeping with existing development.
- 6.3 Regarding amenity, Policy H12 of the Local Plan requires the environmental character and amenity of the established residential areas to be protected and, where appropriate, enhanced. Policies H13 and H14 set out specific criteria requiring, in particular, appropriate relationships between proposed and existing developments, adequate means of access and servicing and an appropriate impact on the overall character of the area.
- 6.4 Having regard to the policy requirements, the proposal is considered to be acceptable within its particular context. The number of proposed flats represents a significant increase over that existing. However, the specific proposal demonstrates that this number can be accommodated, making the best use of the land without detriment to the character of the area or amenity. Specifically, the proposed building is positioned on the site with adequate margins to the boundaries to ensure no adverse overlooking of adjoining properties (approx. 22 metre gap with No. 32 Folly Lane and 16 metre gap with the parade of shops). A 13 metre back to flank distance would be achieved with the properties in Whittern Way with the new building reducing to two storeys at its closest point to the boundary to avoid an overbearing relationship. The overall height would be slightly greater than the existing building although this would be neither overbearing nor discordant within the street scene.
- 6.5 The principal front portion of the building would be positioned largely on the footprint of the existing house, thus avoiding any adverse encroachment under the canopy of the protected tree.
- 6.6 Adequate parking is provided in accordance with sustainable 'city-living' principles amounting to one space per unit and one visitor space. Margins to the side of the parking area and driveway would ensure no adverse impact on the amenities of No. 32 Folly Lane. Likewise, the existing boundary wall with adjoining properties in Whittern Way would be retained to safeguard the privacy of these properties. The access drive itself would be widened and generally improved to ensure safety is maximised.
- 6.7 Regarding wildlife, the application is supported by a protected species survey which concludes that no protected species would be adversely affected.

- 6.8 Planning conditions are recommended to ensure that the boundary wall with Whittern Way is retained and that the preserved tree is protected during site works. Conditions are also recommended to reserve the location and details of the bin store and to require a further bat survey to address third party concerns. With these additional safeguards, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing Nos. 0410-05A, 0410-01, 0410-02, 0410-03), except where otherwise stipulated by conditions attached to this permission.**

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

- 3 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 4 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.

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

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

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

Reason: In the interests of amenity.

- 7 No materials or substances shall be incinerated within the application site during the construction phase.**

Reason: To safeguard residential amenity and prevent pollution.

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

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

- 9 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.**

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

- 10 The landscaping scheme [approved under condition 9 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.**

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

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

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

- 12 This permission does not authorise any works to trees included in the Tree Preservation Order. Any work shall be the subject of an application for consent to the local planning authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.**

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

- 13 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b)**

below shall have effect until the expiration of 1 year from the date of the occupation of the building.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

- 14 Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.

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

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

Reason: To safeguard the wild life interests of the site.

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

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

Informatives:

- 1 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.**
- 2 Notwithstanding that planning permission has been granted for residential development the applicant is strongly advised to contact the Council's Private Sector Housing Team on 01432-261913 or 01432-261914 to ensure that the development complies with the requirements of Fitness for Human Habitation under the Housing Act 1985.**
- 3 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.**
- 4 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:**

**Work on an existing wall or structure shared with another property
Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.**

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

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

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

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

- 6 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 7 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor**

(South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 DCCE2004/0475/O - PARTIAL REDEVELOPMENT OF COLLEGE CAMPUS TO PROVIDE NEW LEARNING VILLAGE (APPLICATION FOR OUTLINE PERMISSION INCLUDING MASTER PLAN). HEREFORDSHIRE COLLEGE OF TECHNOLOGY, HEREFORDSHIRE COLLEGE OF ART AND DESIGN AND HEREFORDSHIRE SIXTH FORM COLLEGE, FOLLY LANE, HEREFORD.

For: Herefordshire College of Technology per Stubbs Rich Architects, 1a Riverside Business Park, Bath BA2 3DW

Date Received: 20th February 2004

Ward: Aylestone

Grid Ref: 52311, 40597

Expiry Date: 16th April 2004

Local Members: Councillors D B Wilcox and A L Williams

1. Site Description and Proposal

- 1.1 The 8 ha application site lies on the north east side of Folly Lane. It comprises the buildings and facilities of Herefordshire College of Art and Design, Herefordshire College of Technology and Hereford Sixth Form College. The buildings, which vary in style, size and age, cover approximately two thirds of the site and front Folly Lane. The remaining third of the site comprises open playing fields.
- 1.2 That part of the site covered by buildings is shown as "white land" in the Hereford Local Plan, with the exception of Carfax House on the north side which lies within the Established Residential Area. The playing fields are defined as Private Outdoor Play Space. The Aylestone Hill Conservation Area clips the north side of the site, including Carfax House and part of the Sixth Form College.
- 1.3 To the north, west and south sides of the site are Established Residential Areas. To the east side, beyond the playing fields, is Aylestone School and its associated Private Outdoor Play Space.
- 1.4 The application is for outline planning permission (with all matters reserved) to partially re-develop the site to provide a new "Learning Village". The application is supported by a Master Plan and Transportation Assessment. The Master Plan states the following:

"The project has been developed with the full participation and support of the three colleges at Folly Lane, under the collective banner of the Hereford Learning Village Project

This project is of critical importance when set in a regional perspective. The campus at Folly Lane provides the only combined Further and Higher Education establishments in Hereford and draws in students from across the county.

The key issues addressed by the project are as follows:

Building quality - Much of the existing building stock is of poor quality / ageing and exhibits low utilisation, inefficiently allocated space, unnecessary duplication of facilities and antiquated services. In addition, several buildings are in structural decay and pose a serious threat to health and safety.

Campus environment - The current campus suffers from an image problem, having difficulty in attracting new students and business users. This is combined with health and safety issues resulting from a lack of communal social and amenity space, poor lighting and security.

Transport accessibility - Existing site circulation is confusing with pedestrian and vehicular conflicts and poor traffic calming. Additionally, there is congestion to Folly Lane at peak times and insufficient and poorly allocated car parking provision."

- 1.5 The Master Plan envisages a sustainable approach to redevelopment, with improvements to the site environment, car parking, traffic safety, public transport, disabled access, security and business and community use / interaction. Existing buildings on the site which already achieve this and / or which are in good condition would be retained. Buildings which do not fulfil these functions or which are not structurally sound or which do not maximise the site's potential would be removed and / or refurbished. The purpose of the proposal is to, therefore, improve the environment and usability of the site rather than increase student capacity.
- 1.6 With specific regard to car parking, the proposal includes a decked car park at the rear of the site which would provide some 600 spaces for staff and students together with 50 spaces at the front of the site for visitors. There are presently 455 spaces distributed in an ad hoc manner across the entire site. The Transportation Assessment also proposes improvements to public transport facilities, cycling facilities and pedestrian routes, and recommends the introduction of "residents only" parking schemes in adjacent streets to further address existing and proposed shortfalls in parking provision.

2. Policies

2.1 Hereford Local Plan

ENV14 – Design
 ENV16 – Landscaping
 ENV17 – Safety and security
 H12 - Established residential areas
 CON13 - Conservation areas
 T2 - Highway and junction improvement
 T3 - Traffic calming
 T11 - Pedestrian provision
 T12 - Cyclist provision
 SC6 - Permanent educational accommodation
 SC9 - Retention of local facilities

2.2 Herefordshire UDP (Deposit Draft):

S1 – Sustainable development
 S2 – Development requirements

S11 – Community facilities and services
DR1 – Design
DR2 – Land use and activity
T6 – Walking
T7 – Cycling
T16 – Access for all
HBA6 – New development within conservation areas
CF5 – New community facilities
CF6 – Retention of existing facilities

3. Planning History

- 3.1 CE2001/1687/F – Erection of two temporary classrooms (Sixth Form College) – approved 30/07/01
- 3.2 CE2001/2153/F – Alterations to the existing and construction of a new three storey main classroom block (Sixth Form College) – approved 06/11/01
- 3.3 CE2002/0110/F – Gravelled area to allow staff car parking during construction of new developments on campus (Sixth Form College) – approved 27/02/02
- 3.4 CE2002/1387/F – Temporary permission for pre-fab classroom (Sixth Form College) – approved 01/07/02
- 3.5 DCCE2004/0568/F – Construction of new detached building for teaching music, etc. (Sixth Form College) – under consideration
- 3.6 DCCE2003/2663/F – Construction of small compound to house rubbish bins (College of Art & Design) – approved 27/10/03

4. Consultation Summary

Statutory Consultations

- 4.1 Commission for Architecture and the Built Environment : No comments.

Internal Council Advice

- 4.2 Head of Engineering and Transportation : No requirements.
- 4.3 Chief Conservation Officer : No requirements
- 4.4 Head of Education : No objection - this will enhance the provision of education in Herefordshire.

5. Representations

- 5.1 Hereford City Council : Supportive of outline concept; reserve comments as concerns detailed proposals.
- 5.2 Representations have been received from Nos. 7 and 16 Carter Grove, summarised as follows:-
 - object to associated car parking in nearby roads and question accuracy / methodology of Transportation Assessment - adequate car parking should be provided;

- car parking should be free on site and restricted / controlled off site.

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

6. Officers Appraisal

6.1 The main issues in this case are the impact of the proposal on the character of the area, residential amenity and highway safety.

6.2 Policy SC6 of the Hereford Local Plan welcomes proposals for new, permanent educational accommodation provided it is in accordance with other relevant policies of the plan. Policy ENV14 requires regard to be had to the appearance of proposed development and to its relationship to its surroundings, including adjacent buildings. Policy H12 requires the environmental character and amenity of the established residential areas to be protected and, where appropriate, enhanced.

6.3 The proposal in this case complies with these various policy requirements. The proposal is for the partial redevelopment of existing buildings on the site to provide upgraded and improved educational facilities for the benefit of students and nearby residents alike. Conceptual drawings supporting the outline application suggest modern designs and facilities within an inviting environment, and this is considered to be a significant improvement compared to the existing campus.

6.4 The proposal includes the provision of a decked parking area to the rear of the site, in place of a number of single storey workshop classrooms, which would provide 600 car parking spaces for staff and students. A further 50 space visitors' parking area would be provided at the front of the site bringing the total on site parking provision to 650 spaces. There are presently 455 car parking spaces on the site and, consequently, the proposal represents a 195 space increase.

6.5 Car parking associated with the colleges is a significant issue locally as the shortfall on site has led to on-street parking on nearby roads and this, in turn, has resulted in complaints from residents and congestion. By providing additional on-site parking, the proposal goes some way to address the issue. However, as the Transportation Assessment points out, 650 spaces still falls short of the Local Plan maximum parking standard which, based on the number of students and staff, should be some 932 spaces. The Transportation Assessment addresses this by proposing improvements to public transport, cycle and pedestrian facilities, to discourage use of cars, and this is supported. The Assessment further recommends that consideration should be given to the introduction of "residents only" parking schemes in nearby roads and, again, this is supported. Conditions and a Section106 agreement are recommended accordingly.

6.6 To further address the parking issue, it is considered that existing parking facilities on the site which do not conflict with the basic layout principles of the Master Plan should be retained. These should allow for around 50 further on-site spaces to be provided. Although the parking provision will continue to be below the standard, it is considered that this additional measure, together with the other proposals of the Transportation Assessment, would adequately address the parking issue whilst fulfilling sustainable development aims. The opportunity to improve the parking situation at the site has come about as a consequence of the partnership between the colleges to improve the site as a whole. It is considered that an objection based on inadequate parking would not only be difficult to defend, but potentially may render the entire project unviable with no resulting benefits whatsoever.

- 6.7 The vast majority of the area to be redeveloped lies within the “footprint” of existing buildings and hardstandings. A narrow strip (approximately 6 metres) of the adjacent Private Outdoor Open Space would also be included within the proposed rear car park and a further margin for landscaping. This encroachment onto the open space is considered insignificant and would not interfere with existing sports pitches, in accordance with Policy R5 of the Local Plan. The landscaping margin would further enhance the appearance of the new development and open space.
- 6.8 Conditions are recommended requiring details of the standard reserved matters to be submitted for approval together with details of junction improvements, cycle and pedestrian facilities, phasing of the development and, in particular, the car parking, and the management strategy for the car park. A Section 106 agreement is recommended to cover contributions towards the “residents only” parking scheme.

RECOMMENDATION

That:

- i) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the applicant to make a financial contribution to cover the cost of implementing a “resident only” on-street parking scheme on nearby roads and any additional matters and terms as she considers appropriate, and**
- ii) **Upon completion of the aforementioned Planning Obligation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional condition considered necessary by Officers.**

- 1 **Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the local planning authority in writing before any development is commenced.**

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

- 2 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

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

- 3 **The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.**

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

- 4 **Prior to commencement of the development hereby approved, a programme for the phasing of the development shall be submitted to the local planning**

authority for approval in writing and the programme shall be implemented, as approved. The programme will require a minimum number of the approved staff / student and/or visitor parking spaces to be ready for use prior to the occupation of any particular phase of the development.

Reason: To ensure the proper planning of the development in accordance with the agreed scheme and, in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

- 5 The details of the “means of access” required by condition No. 1 shall include the following matters:

- a) traffic calming;
- b) signing and road markings;
- c) cycle and pedestrian routes linking to the existing and proposed off site routes;
- d) additional cycle parking facilities;
- e) improved pedestrian crossing and routing facilities;
- f) rationalisation and extension of parking;
- g) improved on-site lighting; and
- h) off-site junction and access improvements.

The details shall be implemented as approved in accordance with the programme to be approved under condition No. 4 above.

Reason: To accord with the terms of the Transportation Assessment and to ensure that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users.

- 6 Notwithstanding the concepts illustrated in the Master Plan, the existing car parking facilities adjacent to Whittern Way shall be retained, redesigned and incorporated into the overall siting details and implemented as approved as part of the phased programme to be approved under condition No. 4 above.

Reason: To ensure adequate on-site parking in the interests of highway safety and amenity.

- 7 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

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

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

- 10 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

- 11 Prior to occupation of any phase of the development hereby approved, a Green Travel Plan for the Hereford Learning Village shall be submitted to the local planning authority for approval in writing and implemented as approved. The Green Travel Plan shall include details of the intended method of managing the staff / student car parks.

Reason: In the interests of highway safety and to ensure a sustainable form of development.

Informatives:

- 1 N01 - Access for all
- 2 N02 - Section 106 Obligation
- 3 N03 - Adjoining property rights

- 4 N13 - Control of demolition - Building Act 1984
- 5 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 6 HN01 - Mud on highway
- 7 HN05 - Works within the highway
- 8 HN07 - Section 278 Agreement
- 9 HN21 - Extraordinary maintenance

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 DCCE2004/0347/F - REPLACEMENT DETACHED GARAGE AND POTTING SHED AND WIDENING OF ENTRANCE GATES AT 88 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TL

4 DCCE2004/0348/C - DEMOLITION OF EXISTING GARAGE AND POTTING SHED AT 88 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TL

**For: Mr & Mrs M Broad per Drawing & Design Services,
251 Kings Acre Road, Hereford, HR4 0SR**

Date Received: 2nd February 2004

Ward: Tupsley

Grid Ref: 53138, 39176

Expiry Date: 29th March 2004

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

1. Site Description and Proposal

1.1 The application site comprises a semi-detached house positioned on the south side of Hampton Park Road within the Established Residential Area and Conservation Area. To its side is an existing detached single garage and potting shed positioned approximately 0.7 metres from the common boundary with the neighbouring house, The Grange, Litley Court. The Grange is positioned approximately 2.4 metres beyond the common boundary with the application site.

1.2 The proposal is to demolish the existing garage and potting shed and erect a new, larger garage and potting shed in their place. The new building would measure 7.6 metres in length by 2.8 metres wide by approximately 2.8 metres high at the flat roof and would be positioned 0.6 metres from the common boundary with The Grange. New paving and changes to the driveway would also be carried out, these not requiring planning permission.

2. Policies

2.1 Hereford Local Plan

ENV14 – Design

H12 – Established residential areas

CON12 – Conservation areas – development proposals

H16 – Alterations and extensions

2.2 Herefordshire UDP (Deposit Draft)

DR1 – Design

H18 – Alterations and extensions

HBA6 – New development within conservation areas

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

Statutory Consultations

4.1 There are no statutory consultations.

Internal Council Advice

4.2 Head of Engineering and Transportation : recommends conditions.

4.3 Chief Conservation Officer : No objection

5. Representations

5.1 Hereford City Council : No objection

5.2 Conservation Area Advisory Committee : No objection

5.3 Three objection letters have been received from The Grange, Litley Court, summarised as follows:-

- loss of light to side elevation kitchen window which faces the site.
- loss of view

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

6. Officers Appraisal

6.1 The main issues in this case are the impact of the proposed garage and potting shed on the amenities of the locality and privacy of the neighbouring property.

6.2 Regarding general amenity, the proposed building is in keeping with the style of the existing house, and not dissimilar in form to the existing garage and, as such, would not detract from the character of the area or appearance of the Conservation Area.

6.3 In relation to privacy, the building would be visible from the neighbouring house from both the side garden and side elevation windows. However, having regard to the presence of the existing building on the site (albeit slightly smaller than the proposed building) and the retained "gap" of approximately 3 metres between the buildings, it is not considered that the impact would be sufficiently adverse to warrant an objection based on loss of light. This conclusion is reached having regard to the affected windows being positioned in the side elevation of the neighbouring house where, under normal "urban" conditions, it is usual for light levels to be reduced by the side to side relationships of houses and/or their outbuildings and boundary treatments. As a gesture of good will the applicant has agreed to the rendering and painting of the side elevation of the new building to help address the neighbour's objection.

RECOMMENDATION

That in respect of Item 3, 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 No. DDS0403A.

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

- 3 The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars. In particular, the east facing side elevation shall be sand / cement rendered blockwork with a cream coloured final finish.

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

And, in respect of Item 4, Conservation Area Consent be granted subject to the following condition:

- 1 C01 (Development within open countryside)

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.

5 DCCW2003/2957/O - SITE FOR THE ERECTION OF 23 HOUSES AT LAND AT PARADISE FARM, (LAND SOUTH OF LAYSTONE GREEN), MARDEN, HEREFORDSHIRE

For: Inbuilt Care Developments Ltd., Hornhill Barn, Sanham Green, Hungerford, Berkshire, RG17 0RR

Date Received: 16th October 2003 Ward: Sutton Walls Grid Ref: 51888, 47645

Expiry Date: 11th December 2003

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The application site is located on the western edge of Marden south of existing housing at Laystone Green. The site frontage adjoins the south side of the C1122 linking Marden to the A49 Trunk Road. The site's eastern and western boundaries are adjoined by existing residential development and to the south is open agricultural land associated with Paradise Farm. In total the site measures 0.64 hectares.
- 1.2 This application seeks outline planning permission for the erection of 23 houses with all matters reserved for future consideration with the exception of means of access. The application indicates that eight of the proposed units (36%) will be provided as affordable housing through a registered social landlord.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG7	-	The Countryside and Rural Economy
PPG13	-	Transport
PPG25	-	Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan:

Policy H16A	-	Housing in Rural Areas
Policy H18	-	Housing in Rural Areas Outside the Green Belt
Policy CTC9	-	Development Requirements

2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH7	-	Residential Proposals Sites in Larger Villages
Policy SH8	-	New Housing Development Criteria in Larger Villages
Policy SH12	-	Cross-subsidisation Schemes
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes

Policy SH22	-	Public Open Space in Residential Areas
Policy R3A	-	Development and Open Space Targets 10 Dwellings and Over
Policy T3	-	Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR7	-	Flood Risk
Policy H4	-	Main Villages – Settlement Boundaries
Policy H5	-	Main Villages – Housing Land Allocations
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H19	-	Open Space Requirements

3. Planning History

- 3.1 SH880083PO Erection of five bungalows – Approved 07/03/1988.
- 3.2 CW2003/1635/O Site for residential development of 18 units - Withdrawn 06/08/2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru (Welsh Water) - response dated 23rd December 2003 - we have determined that a new wet well will have to be constructed so as to provide additional storage capacity with some related mechanical and electrical works to the existing installation. As a consequence of providing this new underground chamber, the present pumping station compound will have to be enlarged. The current housing development layout impacts on the public sewer network and we have advised the developer that the diversion of these assets will require them to enter into a Section 185 Agreement under the Water Industry Act 1991. You should be aware that Welsh Water will require changes to the building plot positions to enable the requirements for easements to be met.

I trust the above clarifies the situation with regard to there being an effective technical solution to the foul water disposal from this site. It is dependent however on the following factors.

1. The developer enters into the necessary agreement with Welsh Water for the works to the pumping station.
 2. Herefordshire Council were to grant planning permission for an enlarged pumping station.
 3. The developer allows sufficient land on the development site to allow expansion of the existing pumping station.
- 4.2 Environment Agency (letter dated 8th March 2004) - the Agency has no objection in principle to the proposed development but recommends that if planning permission is granted that three conditions are imposed.

- 4.3 English Nature - whilst this development site lies outside the special scientific interest, its handling of water is an important consideration and English Nature would expect the highest sustainable urban drainage standards to be applied. This area is an undeveloped site currently slowly passes water back into the River Lugg and the creation of a new hard surfaces and roads will create additional burdens to the water handling system especially in times of heavy rainfall. As a matter of principle the County should be seeking better water handling regimes in such proposals to reduce flood risks. English Nature has no other comment to make on this application.

Internal Council Advice

- 4.4 Head of Engineering & Transportation has no objection subject to conditions and notes to applicant.

5. Representations

- 5.1 Marden Parish Council (letter dated 26th November 2003) - the Parish Council would make the following comment.

1. The Parish Council supports the application subject to the following reservation as the site lies within the South Herefordshire District Local Plan.
2. The Parish Council considers that the proposed housing density is too great and the proposal constitutes over development of the site.
3. There were concerns about the impact of development on the existing sewers and drains that pass under the site and the Council feels the development should be rearranged to avoid these drains.
4. There were concerns that the highway adjoining the site is narrow and should be widened to increase road safety.
5. There was no support for the proposed play area. The Parish Council felt that it is badly positioned and too small. The Parish Council felt there should be an open area between the houses and the road and these comments made formally have been ignored by the developer.
6. The Parish Council feels there should be at least 50% low cost housing.
7. The Parish Council believes that insufficient allowance has been made for parking. In rural areas it is important to plan for at least two cars per household. It was also felt that the houses adjoining the highway are too close to the road and the Parish Council feel that roadside parking would be inevitable.
8. It is suggested that the properties at the rear of the development, furthest from the road, should be bungalow or dormer type houses to reduce the height and impact of the development.

- 5.2 Four letters of objection have been received from L.L. Tucker, 31 Orchard Green, Marden, Hereford; Mr. J. Dawes, Otters Halt, Laystone Bridge, Marden, Hereford; Mrs. S. Scott, 15 Orchard Green, Marden, Hereford and Mr. J.A. Ashcroft, 16 Orchard Green, Marden.

Points of objection raised can be summarised as follows:

- Two storey dwellings in this location would be out of character with general bungalows and dormer bungalows and as such it would be inappropriate.
- Strong concerns are expressed about the level of traffic on Haywood Lane which is presently overused and is particularly narrow. The large vehicles used by S. & A. Davies often use this lane.
- Objections are raised on the basis that the Unitary Development Plan (September 2002) does not allocate this site for development. It is also understood that formerly permission was given for five bungalows on this land during the 1980's. If the old Development Plan still holds weight when considering this planning application surely there should not be an increase in numbers otherwise the creation of the UDP has been a waste of time.
- Concerns are raised about potential for the removal of trees and the level of services including an overhead power line and sewage system which cross the site.
- Strong concerns are also raised on potential for flooding given that surface water currently pools on part of the site during heavy times of rainfall and flood.
- Given the level of development proposed (23 units), the building line will be significantly altered which will be detrimental to the area.
- Objections are raised to the proposed play area which is close to overhead power lines and too small.
- Objections are raised about the density levels of the site and reference is made to PPG3 to which this scheme does not comply.
- It is understood that land adjacent to the new primary school in Marden has been allocated in the UDP and this site removed from the Plan. Any development on this site should be more sympathetic with development surrounding the area and not this complete over 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 main issues in this case are the principle of development on this site, the density proposed by this outline application and access and flooding issues associated with this proposal.
- 6.2 The site at Paradise Farm in Marden is shown in the existing and adopted South Herefordshire District Local Plan as a site allocated for housing. With the exception of the previously withdrawn application under reference CW2003/1635/O this is the first proposal for development since the original allocation. Subsequently the draft deposit Unitary Development Plan (September 2002) has been produced and the site is not allocated in that document. The proposed housing development for Marden is indicated in the emerging UDP on land immediately to the east of the village primary school. Having discussed this issue with the Council's Forward Planning Section, the reason for the new housing allocation solely related to the fact that the site subject to

this application had not been brought forward within the Plan period and as such an alternative has been sought. Clearly the submission of this application has a direct impact on the proposed allocation to the east of the primary school and it is understood that the revised deposit draft of the Unitary Development Plan will remove the new allocation given that this proposal is now before the Council.

- 6.3 In view of the above the omission of this site from the first deposit of the Unitary Development Plan should not prevent permission being granted given that the South Herefordshire District Local Plan remains in force until the new Plan is adopted. As with almost all applications submitted, the existing Development Plan would take precedent as Herefordshire is in a transitional period in the Plan process. Subject to all other issues being satisfactorily resolved, it is considered the principle of residential development on this site is still established through the South Herefordshire District Local Plan and a refusal could not be sustained on this issue.
- 6.4 The outline application submitted reserves all matters for future consideration with the exception of access arrangements. Furthermore, the proposal indicates that 23 units are proposed. On the issue of density, comments have been made by both the Parish Council and local residents that 23 units represents an over development of the site. Whilst it is acknowledged that 23 new units on this site would clearly be at a much higher density than most of Marden, having regard to Government policy on Greenfield housing sites, the minimum standards are now set at between 30 and 50 per hectare. When calculated against these figures the proposed scheme would represent 36 units per hectare which is by today's standards near the lower end of this requirement. As such, whilst it is acknowledged that development of 23 units on this site will be out of character with much of Marden, it reflects changes in housing policy which are imposed across the country.
- 6.5 The proposed access and transportation issues have been considered as part of this application and with suitable conditions the Head of Engineering and Transportation raises no objection. A footpath link is proposed along the entire site frontage and suitable visibility can be achieved from the proposed entrance point indicated.
- 6.6 As part of the processing of this application Officers have considered the issue of planning obligations associated with this development. Negotiations have achieved the full 36% (8 units) of affordable housing on the site and in view of the Parish Council's concerns about the proposed play area in this location, a financial contribution of £20,000.00 which will be made available to Marden Parish Council to improve existing play facilities has been agreed with the applicant. Furthermore, in view of the proposed housing numbers, the impact on Marden Primary School has been carefully considered. As Members may be aware the school has recently been subject to extensions to provide additional capacity and it is not considered that the development of this site will exacerbate pupil numbers within the village. Improved cloakrooms facilities are however proposed and as a result of the Education Directorate requirements the developer has agreed an £8,000.00 contribution to provide these new facilities. This contribution meets that requested by the Education Directorate.
- 6.7 Further to the above the developer will also entering into an agreement with Welsh Water to provide funding for an improved foul water treatment system which will benefit existing residents as well as those who may occupy future units on this site.

- 6.8 In total the developer is providing the full 36% affordable housing which will be under the control of a nominated registered social landlord, will be funding improved sewerage capacity for Marden and contributing £28,000.00 towards improved play facilities within the village and providing new cloakroom facilities within the local primary school. Officers are satisfied that this level of contribution meets the requirements set out in Circular 1/97 on planning obligations.
- 6.9 Objections to the development are also raised on the grounds of lack of car parking and the plan submitted with the application which is indicative only suggests 1.5 spaces per unit. This issue will be dealt with at the reserved matters stage to ensure adequate parking is provided. The indicative layout with the scheme shows 9 detached dwellings, 6 semi-detached units and 8 terraced properties which in Officers' opinion would provide a good mix of units in this location. It is considered that this outline application is acceptable subject to the recommendation below.

RECOMMENDATION

- 1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 for the developer to provide**
 - i) 8 on site affordable housing units through a registered social landlord.**
 - ii) A financial contribution of 20,000.00 to provide improved play and open space facilities within Marden.**
 - iii) A financial contribution of 8,000.00 towards enhanced cloakroom and toilet facilities at Marden County Primary School.**
- 2. Upon completion of the afore-mentioned planning application, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:**
 - 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) (delete means of access).**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
 - 4. The development hereby approved shall be constructed in accordance with the housing mix set out in the schedule of accommodation indicated on the submitted proposed site layout drawing no. 1049/01/A Revision A.**

Reason: To ensure an appropriate mix of housing types having regard to Government advice contained in Planning Policy Guidance Note 3.

- 5. Notwithstanding the details indicated on the illustrative proposed site layout plan drawing no. 1049/01/A Revision A, an area of public open space and amenity land shall be provided within the application site and shall be landscaped and available for use within six calendar months of the substantial completion of 75% of the dwellings hereby approved (17 units).**

Reason: To ensure an adequate and acceptable form of development.

- 6. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 4.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres to the right and 2.4 metres by 70 metres to the left along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 8. 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.

- 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. H21 (Wheel washing).**

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

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

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

- 12. H20 (Road completion in 2 years or 75% of development) (17 dwellings).**

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

- 13. Floor levels shall be set at least 57.5 metres above Ordnance Datum (unless otherwise agreed in writing by the local planning authority).**

Reason: To protect the development from flooding.

- 14. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented in accordance with the details approved by the local planning authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

- 15. No development approved by this permission shall be commenced until a scheme for the provision of surface water has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented with the details approved by the local planning authority prior to the construction of any impermeable surfaced for draining to the system.

Reason: To prevent the increased risk of flooding.

- 16. F18 (Scheme of foul drainage disposal).

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**ANNEX TO REF. 5 – PLANNING OBLIGATION
LAND AT PARADISE FARM, MARDEN, HEREFORD**

Obligation	
(i) Affordable Housing	36% Provision (8 Units)
(ii) Education Improvements	£8,000
(iii) Improvements to Play Equipment and Public Open Space	£20,000
(iv) Improvements to Existing Pumping Station to upgrade Sewerage Capacity	Agreement under Section 185 of the Water Industry Act 1991
Total	£28,000

6 DCCW2004/0584/F - NEW CONSERVATORY AND GARAGE EXTENSION AT 10 CEDAR LANE, BURGHILL, HEREFORD, HR4 7QQ

For: Mr. & Mrs. Bird per RRA Architects, Packers House, 25 West Street, Hereford, HR4 0BX

Date Received: 18th February 2004 **Ward: Burghill, Holmer & Lyde** **Grid Ref: 48231, 43374**

Expiry Date: 14th April 2004

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 The application site comprises a detached dwelling with separate double garage located to the north-western edge of Cedar Lane within the St. Mary's Park development. The site is rectangular in shape with the dwelling and garage set midway into the plot.
- 1.2 The proposal involves two extensions, the first of which is to the garage to create a link with the main house with bedroom accommodation over. Access to the bedroom is proposed via a glazed walkway from the house to a stairs located to the rear of the garage. The ridge of the extended garage would be 2.5 metres higher than existing and the footprint will also be enlarged with a 1.2 metre forward projection.
- 1.3 The second element of the proposal involves the erection of a conservatory to the side and rear elevations to tie in with a small extension to the kitchen at the rear of the dwelling. The extension has a modern design including the use of a lead roof and timber cladding on the kitchen extension.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH23	-	Extensions to Dwellings

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1	-	Design
Policy H18	-	Alterations and Extensions

3. Planning History

- 3.1 CW2003/3350/F First floor extension and single storey swimming pool pavilion with ground floor link. Refused 30th December 2003.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations were undertaken.

Internal Council Advice

4.2 Head of Engineering & Transportation has no objection to the proposal.

5. Representations

5.1 Burghill Parish Council – the Parish Council have strong objections to this application.

Throughout the planning and construction of St. Mary's Park, the essential theme has been that all development must be in keeping with the original Victorian hospital.

All of the garages are separate buildings, in keeping with this ethos, and these proposals could set a precedent on the site, which is totally unacceptable. Views would be spoilt both on the site and from Burghill village. The whole concept was to keep space and light around the area.

The extending forward of the garage will disturb the building line of the properties fronting Cedar Lane.

When the site was originally designed and approved, smaller houses were put on the smaller plots, and large ones on the larger plots.

The proposed extensions to this property will greatly increase the floor area of the building and will extend almost across the full width of the plot.

The Parish Council is also unhappy with the design of the conservatory, which again seems to be out of keeping with the area.

There is much concern from neighbours about the loss of privacy, and light which will make their own grounds much darker and gloomy.

5.2 Two letters of objection has been received from Mrs. M.J. Bradford, 11 Cedar Lane, Burghill, Hereford, HR4 7QQ and A.M. Evans, 9 Cedar Lane, St. Mary's Park, Burghill, Hereford, HR4 7QQ. The points raised are summarised as follows:

- The proposed garage extension will overshadow the garden to No. 11, depriving it of light and views.
- The proposed materials are not sympathetic to the style of dwellings in the area.
- The overall scale of the proposal is out of proportion with the existing house.
- The garage extension will obstruct the view between houses to the detriment of amenity.
- Bringing forward the line of the garage by 1.25 metres will disturb the current line of buildings fronting Cedar Lane.

- The proposed flat roof to the conservatory could be used as a terrace resulting in overlooking of adjacent properties.
- Concern that it is two to three feet higher than my fence and will run nearly half the length of my fence line. The conservatory is too large a structure for the size of the garden and the flat lead roof with sloping windows is not in keeping with the design of the houses in Cedar Lane.

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 the determination of this application are the design and scale of the proposed extensions in relation to the existing dwelling and the impact upon the amenities of the neighbouring properties.
- 6.2 Policy SH23 of the South Herefordshire District Local Plan allows for extensions to dwellings provided that the proposal is in keeping with the character of the existing dwelling in terms of mass, scale, design and materials. In this case the proposal clearly can be separated into two additions to this detached family dwelling. In relation to the garage alterations, it is proposed to create a link to the main dwelling and extend the footprint to enlarge the garage capacity on the ground floor. On the first floor a bedroom over is provided which is accessed via a new staircase and corridor to the rear. Whilst an objection has been received from the adjoining occupier with regard to the increase in height and potential for overshadowing, the relationship has been carefully considered and having regard to the position of the adjoining detached garage, an overshadowing or loss of light argument could not be sustained.
- 6.3 In design terms the proposed garage alterations match the existing appearance and fenestration of the property and this is clearly the most visually prominent part of the proposal. The second element is to a single storey wrap around extension which will provide a conservatory and small extension to the existing kitchen. The design in this instance is a more contemporary approach with a large part of the roof having a flat lead finish. Brick, glazing and timber cladding are all used for the finish of the walls, however this will not be seen from any public vantage point and is considered an acceptable approach in this context.
- 6.4 In view of the above it is considered that the proposed alterations and extension are acceptable and will not be detrimental to either the character and appearance of the development or cause any significant overbearing or overlooking such as to justify refusal. As such permission is recommended subject to the following conditions.

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. E09 (No conversion of garage to habitable accommodation).

Reason: To ensure adequate off street parking arrangements remain available at all times.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCCE2004/0688/F - TWO STOREY EXTENSION AND REDEVELOPMENT OF EXISTING CARE HOME WING AT CASTLE FARM CARE HOME, BLACKHOLE LANE, BARTESTREE, HEREFORDSHIRE, HR1 4BE

For: Craegmoor Healthcare Ltd. per Atkins, 160 Aztec West, Almondsbury, Bristol, BS32 4TU

Date Received: 25th February 2004

Ward: Hagley

Grid Ref: 55968, 42071

Expiry Date: 21st April 2004

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The application site comprises an established residential care home for 9 persons with learning difficulties. There is one large building providing all accommodation, set back from Blackhole Lane in grounds extending to approximately 1.6 hectares. The site lies within Open Countryside as defined in the South Herefordshire District Local Plan.
- 1.2 The proposal is to extend the care home to provide residential accommodation for 6 further persons with learning difficulties, bringing the total at the site to 15, together with "sleep in" accommodation for a carer and associated facilities (dining room, kitchen, office, stores, etc.). The accommodation would be contained within an existing squash court (to be converted) and a new two storey "wing", replacing an existing attached single storey garage block on a similar footprint.

2. Policies

2.1 South Herefordshire District Local Plan:

GD1 – General development criteria
C1 – Development within open countryside
CF4 – Residential homes
T3 – Highway safety requirements

2.2 Herefordshire UDP (Deposit Draft)

S2 – Development requirements
DR1 – Design
CF7 – Residential nursing and care homes

3. Planning History

- 3.1 SH940565PF - Change of use to residential care home - approved 22 June 1994.
- 3.2 SH950555PF - Conversion of existing garages, squash court and swimming pool into accommodation for people with learning difficulties - withdrawn.
- 3.3 SH950621PF - Conversion of existing garages, squash court and swimming pool into accommodation for people with learning difficulties - refused 26 July 1995.
- 3.4 SH951009PF - Conversion of existing garages and squash courts and swimming pool into accommodation for people with learning difficulties - refused 25 October 1995.
- 3.5 SH960003PF - Convert garage and squash courts into accommodation for people with learning difficulties - recommended for approval subject to Section 106 agreements, but not proceeded with. Deemed withdrawn 13 January 1998.

4. Consultation Summary

Statutory Consultations

- 4.1 There are no statutory consultation responses.

Internal Council Advice

- 4.2 Head of Engineering and Transportation : no objection.
- 4.3 Head of Environmental and Trading Standards : recommends conditions.

5. Representations

- 5.1 Lugwardine Parish Council: No objection.
- 5.2 One letter of objection has been received from Green Acres, Blackhole Lane, summarised as follows:
 - trespass by residents of home into adjoining properties has caused distress - insufficient security;
 - noise and disturbance from residents;
 - speeding traffic in Blackhole Lane
- 5.3 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 impact of the proposed extension on the amenities of the countryside, the privacy of neighbouring properties and highway safety.

- 6.2 The site lies within open countryside where Policy C1 of the Local Plan sets out a general presumption against new development unless for, in particular, the purposes of agriculture or forestry or appropriate rural recreational pursuits. Policy CF4 relates specifically to residential homes and states that they will be granted planning permission if, in particular, the site benefits from reasonable access to local facilities, the use will not generate levels of noise, traffic movement or general activity which would be detrimental to the surrounding area and there will be no adverse impact on neighbouring properties.
- 6.3 The proposal, in this case, is to extend an existing residential home increasing the number of residents from 9 to 15. The extension itself would be positioned on the "footprint" of an existing garage wing, thus ensuring only limited encroachment into the countryside in accordance with Policy C1. Wide margins would be retained with the boundaries of the site to minimise the impact on the outlook from neighbouring properties.
- 6.4 The third party objection to trespass by existing residents on to adjoining land is a matter of management rather than a planning issue. As this is an established nursing home, occasional noise from existing residents must be expected and it is not considered that a further five residents would significantly add to this situation. For these reasons it is not considered that there would be a sufficiently adverse impact on residential amenity to warrant a refusal decision.
- 6.5 Past applications have been refused permission primarily in view of inadequacies with the surrounding road system. This application differs in that the scale of the development is reduced (5 new residents only), and this level of occupancy is not considered to be so significant to warrant a highway safety objection.

RECOMMENDATION

That subject to no other third party representations being received raising other material planning objections before the consultation expiry date, 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 No. 5019641 AA/016/4203A)**

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 overall number of persons with learning difficulties resident at the premises shall be limited to 15.

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

Informatives:

- 1 N01 - Access for all
- 2 N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCW2003/2070/F - PROPOSED SINGLE AND FIRST STOREY EXTENSION AT 170 WHITECROSS ROAD, HEREFORD, HR4 0DJ**For: Mr. Singh per John Farr and Associates, Fincham, Stockley Hill, Peterchurch, Hereford, HR2 0SS****Date Received: 8th July 2003****Ward: Three Elms****Grid Ref: 49793, 40420****Expiry Date: 2nd September 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 application site comprises a semi-detached two storey dwelling with integral single garage accessed from Whitecross Road.
- 1.2 The proposal involves an extension over the existing garage to form extra bedroom accommodation and a single storey side extension to create a family room. The family room is proposed to be set back 3.2 metres from the front elevation of the main house and project approximately 4.2 metres from the side.
- 1.3 It is proposed that the existing garage be retained.

2. Policies**2.1 Hereford Local Plan:**

Policy ENV14	-	Design
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H16	-	Alterations and Extensions

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1	-	Design
Policy H18	-	Alterations and Extensions

3. Planning History

- 3.1 None recorded.

4. Consultation Summary

- 4.1 No statutory consultations were undertaken.

Internal Council Advice

- 4.2 Head of Engineering & Transportation has no objection.

5. Representations

- 5.1 Hereford City Council has no objection to the application.
- 5.2 Two letters of objection have been received from G.M. Powell, Nos. 2 and 4 Baggallay Street, Hereford, HR4 0DZ. The points raised are summarised as follows.
- The potential impact upon drainage in the area. Welsh Water have had to clear blocked drains previously.
 - The extension will block out natural light to No. 4 Baggallay Street.
 - There is already an overlooking problem which if exacerbated would adversely affect the value of No. 4 Baggallay Street.
- 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 key issues in the determination of this application are the principle of the proposed extension in relation to the existing dwelling and the impact upon the amenities of the neighbouring properties.
- 6.2 Policy H16 of the Hereford Local Plan allows for extensions to dwellings provided that the proposal is in keeping with the character of the existing dwelling in terms of scale and its surroundings.
- 6.3 The proposal comprises a first floor extension over the integral garage and side extension at ground floor. The first floor element would have a width of 2.8 metres, whereas the side extension would project a further 4.2 metres to the side of the garage. In terms of scale and relationship to the existing dwelling the proposal is considered acceptable.
- 6.4 Policy H16 also requires that alterations and extensions must have regard to the amenities of nearby residential properties and in this regard the occupier of an adjacent property have raised concerns over the potential for overlooking and loss of light.
- 6.5 The proposal would result in one new opening at first floor level to serve a second bathroom. As such, any potential overlooking could be adversely mitigated by condition requiring this window to be obscure glazed. Any potential loss of light to neighbouring properties is considered to be negligible and could not warrant a reason for refusal in this instance.
- 6.6 In view of the material planning consideration raised above, it is considered that the scheme accords with the relevant Local Plan policy and that approval be granted subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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