

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 2nd June, 2004**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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

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

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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
<b>1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN</b>	
To note that, at the Annual Council meeting on 21st May, 2004, Councillor D.J. Fleet was re-elected Chairman and Councillor R. Preece was re-appointed Vice-Chairman of the Central Area Planning Sub-Committee.	
<b>2. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	1 - 14
To approve and sign the Minutes of the meeting held on 5th May, 2004.	
<b>5. ITEM FOR INFORMATION - APPEALS</b>	15 - 16
To note the Council's current position in respect of planning appeals for the Central Area.	
<b>6. HEAD OF PLANNING SERVICES REPORT</b>	17 - 86
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, and to authorise him to impose any additional conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection by Members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	

## **EXCLUSION OF THE PUBLIC AND PRESS**

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

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

### **7. ITEM FOR INFORMATION - ENFORCEMENT**

87 - 88

To note the Council's current position in respect of 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.]**

### **8. DATE OF NEXT MEETING**

The next scheduled meeting is Wednesday 30th June, 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 service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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

## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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

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

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

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

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

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





**MINUTES of the meeting of the Central Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford, on Wednesday 5th May, 2004 at 2.00 p.m.**

**Present:** Councillor D.J. Fleet (Chairman)  
Councillor R. Preece (Vice-Chairman)  
Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, W.J. Walling and D.B. Wilcox.

**In attendance:** Councillor T.W. Hunt.

**73. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors G.V. Hyde, Miss F. Short, Ms. A.M. Toon, A.L. Williams and R.M. Wilson.

**74. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**75. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 7th April, 2004 be approved as a correct record and signed by the Chairman.

**76. ITEM FOR INFORMATION – APPEALS**

The Sub-Committee received an information report about planning appeals for the Central Area.

**RESOLVED:** That the report be noted.

**77. REPORT OF THE HEAD OF PLANNING SERVICES**

The Chairman reported that Mr. A. Guest, Principal Planning Officer, was leaving the Authority for a position at Kennet District Council and thanked him for his excellent support and wished him every success in the future. The Chairman also reported that Mr. A. Poole, Chief Development Control Officer, would be taking early retirement in the near future and it was hoped that the Sub-Committee would have the opportunity to wish him farewell before then.

The Chairman advised that planning application DCCW2004/0938/F [Land at Pentland Gardens, Kings Acre, Hereford, HR4 0TJ] was to be brought before the Sub-Committee for consideration soon and it was suggested that a site inspection be held in the intervening period. The Sub-Committee supported this suggestion.

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**

- [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.]

**78. ITEM FOR INFORMATION – ENFORCEMENT**

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

**RESOLVED:** That the report be noted.

**79. DATE OF NEXT MEETING**

It was noted that the next scheduled meeting was Wednesday 2nd June, 2004.

The meeting ended at 3.02 p.m.

**CHAIRMAN**

Document is Restricted



Ref. 1  
**BURGHILL**  
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**

Councillor Mrs. S.J. Robertson, the Local Member, noted the value of the site visit that had been undertaken. She drew attention to the objections of Burghill Parish Council and expressed concerns about the impact of the proposal upon the amenities of the neighbouring properties. She commented on restrictive covenants and felt that the materials and style of the proposal were out of keeping with the area.

The Legal Practice Manager explained the use of restrictive covenants by developers and advised that these were not planning considerations as they were civil matters between developers and householders.

Some Members expressed concerns about the design of the proposed extension, it was suggested that the flat roof should not be used for recreational purposes if planning permission was granted.

A motion to refuse the application failed and the Sub-Committee approved the resolution detailed below.

**RESOLVED:**

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

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

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

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

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

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

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

**4. At no time shall the flat roof of the conservatory hereby approved be used as a seating / balcony area.**

**Reason: To protect the residential amenity of adjacent properties by preventing any direct overlooking.**

**Informative:**

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

Ref. 2  
**HEREFORD**  
DCCE2004/0094/RM  
&  
Ref. 3  
**HEREFORD**  
DCCE2004/0095/RM

Proposed infrastructure roads and sewers for phase 1 residential development:

&

Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, bungalows, car parking/garages, roads and sewers thereto and landscaping at:

**PHASE 1 LAND OFF BULLINGHAM LANE, BRADBURY LINES, HEREFORD**

For: **GEORGE WIMPEY SOUTH WEST LTD., PER MR. C.M. SACKETT, MASON RICHARDS PLANNING, 155 AZTEC WEST, ALMONDSBURY, BRISTOL, BS32 4NG**

The Principal Planning Officer reported the receipt of further correspondence from the occupiers of 5 Bradbury Close and summarised its contents. It was also reported that the Council's Drainage Engineer had indicated that the proposed drainage system was acceptable in principle but further information was required and it was suggested that application DCCE2004/0094/RM be delegated to Officers to approve once details had been received to the satisfaction of the Drainage Engineer.

Councillors Mrs. W.U. Atfield and A.C.R. Chappell, Local Members, expressed concerns about the piecemeal development in this area and the highway safety implications. In response, the Principal Planning Officer outlined the highway works that were required as part of Phase 1 and the works to be undertaken in association with later phases. He also noted that the Head of Engineering and Transportation and the Highways Agency had not raised objections to the proposal.

In response to a question, the Legal Practice Manager confirmed that the applicant would need to comply with the informative notes recommended in the report.

A number of Members felt that the deletion of the pedestrian, cycle and emergency vehicle access from Bradbury Close was a retrograde step given the need to facilitate sustainable forms of transport. Councillor Chappell explained that Bradbury Close residents were not in favour of this access and it had been deleted in the interests of amenity. The Principal Planning Officer outlined how different transport modes would travel around the site.

In response to a question, the Principal Planning Officer outlined the conditions recommended by Welsh Water in respect of foul and surface water drainage.

As a number of Members felt that the access from Bradbury Close should not be deleted from the scheme, it was agreed that consideration of the applications should be deferred for further discussions.

**RESOLVED:**

**That consideration of planning applications DCCE2004/0094/RM and DCCE2004/0095/RM be deferred for further discussions.**

Ref. 4  
**HEREFORD**  
DCCE2003/3392/O

Class A1 non-food retail development, car parking, associated facilities & services at:

**DENCO SITE, LAND AT HOLMER ROAD, HEREFORD**

For: **MORBAIN LTD, THE FINLAN CENTRE, HALE ROAD, WIDNES, CHESHIRE, WA8 8PU**

The Principal Planning Officer reported the receipt of the comments of the Highways Agency (no objections on highway safety or road capacity grounds but a safety audit was awaited).

Councillor Mrs. S.P.A. Daniels, the Local Member, expressed concerns about highway safety. In response, the Central Divisional Planning Officer commented on the professional advice provided by the Highways Agency and the Head of Engineering and Transportation and outlined the proposed changes to the site access.

In response to questions about the potential use of the site, the Principal Planning Officer advised that the proposal met an acknowledged need for further retail warehousing in Hereford and the Central Divisional Planning Officer drew attention to recommended condition 7 which would restrict the type of products that could be sold in order to protect the commercial viability and vitality of the town centre.

Councillor Mrs. P.A. Andrews, another Local Member, noted local anxieties about traffic implications and the response of statutory consultees. Councillor Mrs. Andrews felt that the quality of the frontages needed to be carefully examined to ensure that signage was unobtrusive. The Central Divisional Planning Officer advised that any proposed advertisement signs would need to be submitted in the form of a separate application.

**RESOLVED:**

**That subject to no objection being raised to the development by the Highways Agency:**

- i) the application be referred to the Government Office for the West Midlands under the departure procedures; and**
- ii) subject to the Secretary of State confirming that he does not intend to call it in, the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town & Country Planning Act 1990 requiring the applicant to make a financial contribution to cover the cost of upgrading footpaths in the locality to achieve improved pedestrian and cycle access to the site and any additional matters and terms as is considered appropriate; and**

iii) upon completion of the above mentioned 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 other conditions considered necessary by officers.

1 Approval of the details of the siting, design and external appearance of the buildings, 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 Plans and particulars of the reserved matters referred to above relating to the siting, design and external appearance of any buildings to be erected, the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

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

5 Notwithstanding the details of the means of access and off-site highways works shown on drawing No. 031102/01 attached with the Traffic and Highways Report dated November 2003, a revised drawing shall be submitted showing a change of priorities to facilitate the right turn in from Holmer Road / left turn out towards Holmer Road and a white lining scheme in place of kerb works. The development shall be carried out in accordance with the approved revised drawing.

Reason: In the interests of highway safety.

6 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.

- 7** The premises shall be used as a retail warehouse within Class A1 of the Town & Country Planning (Use Classes) Order 1987 with the exception of the following uses:

- i) the sale of food and drink to be consumed off the premises;
- ii) sale of clothing and footwear;
- iii) sale of cutlery, crockery and glassware;
- iv) sale of jewellery, clocks and watches;
- v) sale of toys, camping and travel goods;
- vi) sale of books, audio and visual recordings and stationery except for the retail sale of office supplies, office equipment and office furniture including the sale of both bulky and non-bulky catering packs of food and drink for office use;
- vii) sale of medical goods, cosmetics and toiletries;
- viii) sales of sports goods, equipment and clothing;
- ix) all uses within Categories A1 (B to F) of Class A1;

except where the retail sale of these goods forms a minor and ancillary part of the operation of any of the retail activity.

**Reason:** The Council's policy as set out in the Hereford Local Plan is directed towards the protection of the commercial viability of the existing central shopping area of Hereford. This condition is imposed in order to clarify the terms of the permission in accordance with the Council's stated policy, having regard to the need to protect the viability of the historic town centre.

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

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

- 9** 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.

- 10** Details of any floodlighting or external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

**Reason:** To safeguard local amenities.

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

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

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

**Reason:** To ensure that potential contamination of the site is satisfactorily assessed.

- 13** 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.

- 14** 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.

- 15** No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied]. Development shall be carried out in accordance with the approved details.

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

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

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

- 17** Development shall not begin until the engineering details and specification of the proposed car parks, roads and highway drains have been submitted to and approved in writing by the local planning authority.

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

- 18** 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.

- 19** Before the development is commenced a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 20** The development hereby approved shall not commence until details of improvements to public footpath HER9 have been submitted to and approved in writing by the local planning authority. These details shall form part of the overall siting details and will incorporate the footpath into the overall layout. The details shall include specification of construction and surfacing to enable potential pedestrian and cycle use, all to be agreed in writing by the local planning authority. The details shall be implemented as approved prior to the development opening to customers.

**Reason: To ensure the proper planning of the site and achieve sustainable integration with the wider rights of way network.**

**Informatives:**

- 1 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 2 A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
- 3 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.**
- 4 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.**
- 5 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.**
- 6 Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.**
- 7 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
- 8 This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.**
- 9 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.**

- 10 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.**

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

**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**

**E2 - Established employment areas**

**E6 - Other uses of employment land**

**S1 - Role of central shopping area**

**S11 - Criteria for large scale retail development**

**T2 - Highway and junction improvements**

**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).**

- 12 If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. The applicant should note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted.**
- 13 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on telephone 01443 331155.**

**(NOTE:**

**In accordance with the Council's Constitution SO 5.10.2, Councillor Mrs. M.D. Lloyd-Hayes wished it to be recorded that she abstained from voting on the resolution detailed above.)**

Ref. 5  
**HEREFORD**  
DCCW2004/0880/F

Change of use from hair salon to office at:

**13 HOLMER STREET, WHITECROSS, HEREFORD**

For: **G. JAQUES, FIRST KEY, HOLMER ROAD, HEREFORD, HR4 9RX**

In accordance with the criteria for public speaking, Ms. Levison spoke against the application.

Councillor Mrs. E.M. Bew, a Local Member, noted concerns about inadequate parking facilities and highway safety and felt that the Sub-Committee should undertake a site visit.

The Central Divisional Planning Officer noted the parking difficulties in the vicinity but reminded Members that the site currently supported a business unit which had no parking facilities and that office use was likely to generate similar levels of activity.

A site visit was supported and it was suggested that the potential for off-street parking provision should be investigated in the intervening period.

**RESOLVED:**

**That consideration of planning application DCCW2004/0880/F be deferred for a site visit as the setting and surroundings were fundamental to the determination or to the conditions being considered.**

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCW2003/3682/O**

- The appeal was received on 4th May, 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. & Mrs. C.A. & M.J. Thompson.
- The site is located at Land adjacent to Fourth Milestone House, Swainshill, Hereford, Herefordshire, HR4 7QE.
- The development proposed is Site for erection of two houses.
- The appeal is to be heard by Written Representations.

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

**Application No. DCCW2004/0133/T**

- The appeal was received on 28th April, 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 Hutchison 3G UK Limited.
- The site is located at Wyvern Business Systems, Harrow Road, Plough Lane Ind. Est., Hereford, HR4 0EH.
- The development proposed is Installation of a radio base station, a 15m monopole, antenna, dishes and associated compound and cabin equipment.
- The appeal is to be heard by Written Representations.

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

**Application No. DCCE2003/2843/F**

- The appeal was received on 27th April, 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 R. White.
- The site is located at 85 Tower Hill, Dormington, Hereford.
- The development proposed is Proposed renovation and re-use as holiday cottage, with two storey extension and dormer window
- The appeal is to be heard by Hearing.

**Case Officer: Mr. Peter Evans on 01432 260756**

**Application No. DCCW2003/3526/O**

- The appeal was received on 20th April, 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. & Mrs. C.T. Davies.
- The site is located at The Firs, Swainshill, Hereford, Herefordshire, HR4 7QD.
- The development proposed is Site for new dwelling and double garage in front garden.
- The appeal is to be heard by Written Representations.

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

**APPEALS DETERMINED****Application No. DCCW2004/0240/A**

- The appeal was received on 15th March, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Primelight Advertising Limited.
- The site is located at Nelson Service Station, Bridge Sollars, Herefordshire, HR4 7JN.
- The application, dated 17th December, 2003, was refused on 5th March, 2004.
- The development proposed was One internally illuminated double-sided advertising display unit.
- The main issue is the question whether the unit would be against the interests of public safety. The main 'amenity' issue is the impact including the cumulative impact of the proposed unit on the appearance of the site and its mainly rural surroundings.

**Decision:** The appeal was DISMISSED on 13th May, 2004

**Case Officer: Mr. Edward Thomas 01432 261947**

**Application No. DCCE2003/2985/F**

- The appeal was received on 2nd February, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Hutchison 3G (UK) Ltd.
- The site is located at Franklin House, Blueschool Street, Hereford, HR1 2AR.
- The application, dated 1st October, 2003, was refused on 25th November, 2003.
- The development proposed was Installation of telecommunications equipment comprising 3 antenna, 2 transmission dishes, cabinet equipment and associated ancillary equipment.

**Decision:** The appeal was WITHDRAWN on 28th April, 2004.

**Case Officer: Mr. Andrew Guest on 01432 261957**

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



REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
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### SITE VISIT

1	G. Jacques	Change of use from hair salon to office at <b>13 Holmer Street, Whitecross, Hereford</b>	DCCW2004/0880/F	19
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### DEFERRED APPLICATION

2	George Wimpey South West Ltd.	Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, bungalows, car parking / garages, roads and sewers thereto and landscaping at <b>Phase 1, Land off Bullingham Lane, Bradbury Lines, Hereford</b>	DCCE2004/0095/RM	23
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### APPLICATIONS RECEIVED

3	Barratt Homes Ltd.	Proposed erection of 70 residential mixed dwellings, garages, roads and associated works at <b>Bradbury Lines, Hereford</b>	DCCE2004/0836/RM	31
4	Hereford Sixth Form College	Construction of new detached building for teaching music plus associated activities, together with curved roof extension over existing single storey building, and new covered corridor link at <b>Hereford Sixth Form College, Folly Lane, Hereford, HR1 1LU</b>	DCCE2004/0568/F	35
5	Mr. & Mrs. E.M. Brimfield	Proposed two storey detached dwelling with integral garage at <b>Land adjacent to Dorgar, Shelwick, Hereford, HR1 3AL</b>	DCCW2004/0933/F	41
6	Northern Racing Limited	Demolition of some existing stable blocks and erection of new stable blocks and vets treatment buildings to existing stable yard at <b>Hereford Racecourse, Roman Road, Hereford, HR4 9QU</b>	DCCW2004/0922/F	45
7	Herefordshire Primary Care Trust	Proposed "Dash" facility (drop-in counselling place and offices) to ground and first floor at <b>Monkmoor Court, 31-34 Commercial Road, Hereford, HR1 2BG</b>	DCCE2004/1255/F	49

8	Kenmore Hereford 2 Limited	Construction of new business units for B1, B2 & B8 uses, new estate spine road and parking areas, demolition of existing Unit 9A at <b>Three Elms Trading Estate, Bakers Lane, Three Elms Road, Hereford, HR4 9PU</b>	DCCW2004/1220/O	<b>53</b>
9	S. Berekdar	Proposed house at <b>Land adjacent to 21 Guildford Street, Hereford, HR4 0DS</b>	DCCW2004/1290/F	<b>57</b>
10	S. Morgan & Sons	Construction of two poultry houses and associated ancillary works at <b>Lawtons Hope Farm, Westhope, Hereford, HR4 8BJ</b>	DCCW2004/0867/F	<b>63</b>
11	Persimmon (South Midlands) Ltd.	Construction of 44 dwellings, a new cricket pavilion, improved sports facilities, car parking and associated work at <b>Land at Pentland Gardens, Kings Acre, Hereford, HR4 0TJ</b>	DCCW2004/0938/F	<b>71</b>

# 1 DCCW2004/0880/F - CHANGE OF USE FROM HAIR SALON TO OFFICE AT 13 HOLMER STREET, WHITECROSS, HEREFORD

**For: G. Jaques, First Key, Holmer Road, Hereford, HR4 9RX**

**Date Received: 23rd March, 2004**

**Ward: St. Nicholas**

**Grid Ref: 49688, 40307**

**Expiry Date: 18th May, 2004**

Local Members: Councillors Mrs. E.M. Bew and Miss F. Short

This planning application was deferred by Members at the Sub-Committee meeting on 5th May, 2004 for a Sub-Committee site visit. The site visit took place on 17th May, 2004.

Since the previous meeting the applicant has independently negotiated car parking spaces in a nearby private car park. This would, at least in part, address concerns over the lack of parking at the site but could not be required by planning conditions.

## 1. Site Description and Proposal

- 1.1 The application site comprises a vacant business unit of approximately 65 sq. metres positioned on the south-east side of Holmer Street within an Established Residential Area. To its north side is a further business unit occupied by a hairdressers. To the south, east and west are residential properties.
- 1.2 The permitted use of the application site is a beauty salon, although historically it was offices and stores.
- 1.3 The proposal is to change the use of the premises to offices to be occupied by SCOPE, a charitable organisation supporting disabled people in both registered and domiciliary care. Some internal reorganisation of the building would be required although external changes are limited to a new front door and shallow ramp by the front entrance to enable safe wheel chair access. The unit has no parking facilities.

## 2. Policies

### 2.1 Hereford Local Plan:

Policy ENV15	-	Access for all
Policy H12	-	Established residential areas
Policy H21	-	Compatibility of non-residential uses

### 2.2 Herefordshire Unitary Development Plan: (Deposit Draft):

Policy S1	-	Sustainable Development
Policy DR2	-	Land Use and Activity

### 3. Planning History

- 3.1 H/P/20791 - New offices and store to replace existing offices and store - approved 15th November 1977.
- 3.2 HC/890669/PF/W - Change of use from business system and office equipment to beauty salon - approved 21st December 1989.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 There are no statutory consultations.

#### Internal Council Advice

- 4.2 Head of Transportation: No requirements.
- 4.3 Head of Environmental Health & Trading Standards: No requirements.

### 5. Representations

- 5.1 Hereford City Council: No objections.
- 5.2 Letters of objection have been received from 15 and 17 Holmer Street and 2 Windsor Street summarised as follows:
- parking will be required for up to 10 staff, including disabled parking spaces;
  - lack of parking will lead to on street parking/turning and nuisance and inconvenience to nearby residents and other users of the highway;
  - fire escape at rear would require ramp onto adjoining property to which objection would be raised;
  - when fire escape is propped open, nuisance is caused to adjoining residents.
- 5.3 In support of the application, the applicant makes the following points:
- Full time staff at the offices amounts to two managers, while a part time administrator and part time secretary alternate;
  - visitors to the office who include service users and staff would use public transport and taxis which would simply drop them off and go, therefore not causing a parking issue;
  - there would be no mini buses kept at the premises or accessing the area;
  - staff would be respectful to residents;
  - disabled fire escape would be by means of a new double door at the front of the premises. The rear exit is really for the neighbouring hairdressers.
- 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 suitability of the premises for the intended use and its impact on highway safety and residential amenity.

- 6.2 The site lies within an Established Residential Area where Policy H12 of the Local Plan requires environmental character and amenity to be safeguarded or enhanced. Policy H21 relates specifically to non-residential development requiring it to be compatible with adjacent residential uses, in particular in terms of amenity and highway safety.
- 6.3 The site supports an established business unit which historically was occupied by offices. The proposed use would return the unit to office use and, consequently, no objection is seen to this as a matter of principle.
- 6.4 The unit has no parking facilities and has never had any parking facilities. Inevitably this will lead to some on-street parking associated with the use. However, as this is a city location and a relatively low key proposal, and having regard to the likely similar levels of activity which would be generated by continued use as a beauty salon, an objection based on inadequate parking and resulting nuisance would not amount to a sustainable reason for refusing planning permission in this case.
- 6.5 The applicants have stated that they have no intention of modifying the rear emergency exit or using it for any purpose other than as an emergency exit. Under the Building Regulations the unit is not large enough to require two emergency exits as the front entrance is adequate for the purpose, although some internal re-ordering will be required and this will be drawn to the attention of the applicants by way of an informative. Notwithstanding this, the use of the neighbour's garden as an escape route is in any event a private matter between the applicants and the neighbour concerned.

## 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 received by the local planning authority on 23 March 2004.**

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

### 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 The applicant is advised that, to satisfy the Building Regulations, it will be necessary to isolate the kitchen area from other parts of the building, this requiring a corridor or lobby to be formed between the front office, rear office, toilet and kitchen area.**

- 3 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:

- ENV15 - Access for all
- H12 - Established Residential Areas
- H21 - Compatability of non-residential use

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).

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

**2 DCCE2004/0095/RM – PROPOSED RESIDENTIAL DEVELOPMENT MIX OF 2, 3, 4 AND 5 BED HOUSES, FLATS, BUNGALOWS, CAR PARKING/GARAGES, ROADS AND SEWERS THERETO AND LANDSCAPING**

**PHASE 1 LAND OFF BULLINGHAM LANE, BRADBURY LINES, HEREFORD**

**For: George Wimpey South West Ltd., per Mr. C.M. Sackett, Mason Richards Planning, 155 Aztec West, Almondsbury, Bristol, BS32 4NG**

**Date Received: 19 January, 2004 Ward: St. Martins & Hinton Grid Ref: 50899, 38181  
Expiry Date: 15th March, 2004**

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

This application was deferred by Members at the Sub-Committee meeting on 5th May, 2004 to seek reinstatement of the pedestrian/cycle link between the site and Bradbury Close. The link has now been reinstated with barriers at each end to limit use to pedestrian and pedal cycles. Members will be updated at the meeting of further representations received as a consequence of further consultations. The report has been changed to take account of the amendment.

**1. Site Description and Proposal**

1.1 The application site comprises part of the former Bradbury Lines military camp which is situated towards the southern edge of Hereford City. In January 2004 outline planning permission was given to erect 160 dwellings on "Phase 1" of the overall camp. Phase 1 is located adjacent to established residential development in Ross Road, Bradbury Close, Garrick Avenue and Web Tree Avenue.

1.2 This application comprises the first reserved matters following the outline planning permission and provides details of the siting, means of access, design and external appearance of 90 houses, including 29 affordable houses for rent and 10 low cost market affordable houses. The housing mix is as follows:

	1 Bed	2 Bed	3 Bed	4/5 Bed
Private housing	0	7	10	34
Low Cost Market Housing	0	6	4	0
Affordable Housing (for rent)	0	15	10	4
Total	0	28	24	38

- 1.3 Vehicular access to the Phase 1 development is from Bullingham Lane only. The outline planning permission and Master Plan envisaged a pedestrian, cycle and emergency vehicle access from Bradbury Close and this has now been reinstated following objection to its removal by the Sub-Committee. A new, larger turning head would be provided at the end of Bradbury Close with four new houses served from it, including driveways.
- 1.4 This part of Phase 1 includes three children's play areas, as required by the outline planning permission.

## **2. Policies**

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

ENV7 - Noise  
ENV8 - Contaminated land  
ENV14 - Design  
H3 - Design of new residential development  
H4 - Residential roads  
H5 - Public open space provision in larger schemes  
H12 - Established residential areas  
CAL15 - Long distance views  
NC6 - Criteria for development proposals  
T11 - Pedestrian provision  
T12 - Cyclist provision  
R2 - Deficiencies in public open space provision  
R4 - Outdoor playing space standard  
R5 - Loss of outdoor playing space  
R6 - Provision of outdoor playing space  
R8 - Children's play areas

### **2.2 Herefordshire UDP (Deposit Draft):**

S1 – Sustainable development  
S2 – Development requirements  
S3 – Housing  
DR1 – Design  
H1 – Hereford and the market towns

## **3. Planning History**

- 3.1 CE2001/2756/O - Site for mixed use development to provide housing, open space, community and local retail uses (Phase 1) - approved 19 January 2004.
- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses (Phases 1, 2 and 3) - Sub-Committee resolution to approve subject to Section 106 agreement 1 December 2003.



#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: recommend conditions as outline planning permission.

##### Internal Council Advice

- 4.2 Head of Engineering and Transportation: no objection subject to detail amendments to internal layout.

Regarding drainage, ultimately the proposed drainage system for the overall site would limit rates of discharge into the existing drainage system to that of the existing camp site with an attenuation system designed to deal with a 1 in 100 year storm period. The applicant has indicated that attenuation would possibly be achieved by the installation of oversized pipes, manholes and a final control chamber. The design is currently being considered.

- 4.3 Head of Strategic Housing Services: The provision of 39 affordable houses as identified for Phase 1 (under this application) is supported in principle, although subject to a further 19 affordable houses being provided as part of Phase 1b. The proposed mix provides a range of housing which is supported.
- 4.4 Head of Culture, Leisure and Education for Life: Detailed comments regarding layout of play areas.
- 4.5 Head of Conservation: landscaping approach is disappointing and does not equate to Master Plan concepts.

#### **5. Representations**

- 5.1 Hereford City Council: Concern that storm and foul sewer water disposal is adequately catered for in the development proposals.
- 5.2 Lower Bullingham Parish Council: The parish feel overwhelmed by the detail of the application and feel unable to comment on these details, which are really within building regulations, and detail planning which will have been discussed with officers and approved under the powers that these officers have.

The parish council were more concerned with the layout of the site in regard of open space, play space and environmental protection. This would have been made easier if a simple plan of the whole site was produced to give indications of the siting of major components of the site. The parish council is still concerned about the adequacy of the sewage system and the amount of traffic that will be generated by this development.

However it recognizes that these matters have already been decided and it is pointless to protest further.

- 5.3 Letters of representation have been received from 10 nearby residents (2, 5, 6, 7, 11 (x2), 12, 16 and 18 Bradbury Close; 50 Web Tree Avenue; and 205 Ross Road), summarised as follows:
- noise and disturbance to residents in Bradbury Close from users of pedestrian/cycle/emergency access to site;
  - extra vehicles in Bradbury Close will cause nuisance;
  - use of no man's land to rear of properties in Bradbury Close, Ross Road and Web Tree Avenue unclear;
  - loss of bird nesting areas;
  - house designs out of keeping with Bradbury Close;
  - concerned at proposals for slip road by Bradbury Close.
- 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 This application comprises the first reserved matters following the grant of outline planning permission in January 2004. The outline planning permission has established the principle of residential development on the site, including the specific number of units and the implications for highway safety and drainage. The main issues now are the acceptability of the design and layout of the development, the mix and form of the units, the standards of privacy for both existing and proposed houses and the acceptability of the highway and drainage details.
- 6.2 The layout is fairly typical of any modern housing development with a range of house types set around local distributor roads and cul-de-sacs. The housing mix includes 2, 3, 4 and 5 bedroom units with a bias towards larger units in the private market housing. Notwithstanding this, the mix is considered to be acceptable, providing suitable accommodation on this part of the overall camp site adjacent to the predominantly three bedroom established housing in Ross Road, Bradbury Close, Garrick Avenue and Web Tree Avenue.
- 6.3 Privacy margins between units on the site and with adjacent existing properties are considered to be acceptable. To ensure a smooth transition with established surrounding development, all existing artificial banks within the application site would be removed and ground levels reduced to original levels, including with Web Tree Avenue. The areas of former "no mans' land" at the edges of the camp with Ross Road and Bradbury Close are not affected by the proposals.
- 6.4 The outline application incorporated a pedestrian/cycle/emergency link between the site and Bradbury Close. This was deleted following considerable objection on amenity and security grounds from the residents of Bradbury Close and the lack of any actual technical need or demonstrable benefit from a pedestrian/cycle link in this location. Following the Sub-Committee's concern at the deletion of the link it has been reinstated. Barriers are proposed at either end to limit access to pedestrians/pedal cyclists only. The existing, sub-standard turning head at the end of Bradbury Close is proposed to be replaced by a larger turning head which would allow safe turning of larger vehicles. Four new houses would be served off this turning head with access via Bradbury Close. The four houses are considered appropriate, providing a proper "end" to the road. Traffic generation from just four units would not adversely affect the residential amenities of the close. The design of

the units is contemporary but not unacceptable within the context of established development in the locality.

- 6.5 The outline application established that existing infrastructure in Hoarwithy Road in particular is capable of accommodating both foul and surface water discharges from Phase 1. Notwithstanding this, the application contains full details of the layout of services for approval. These are currently being considered by the Drainage Engineer as part of separate application DCCE2004/0094/RM.
- 6.6 The road layout is satisfactory and in accordance with local design guides. Junction improvements with Bullingham Lane and Ross Road already have the benefit of permission and the details now submitted broadly follow these agreed designs. The roundabout junction between the site and Bullingham Lane is slightly enlarged although this raises no amenity issues. Conditions on the outline application require all off-site road works to be carried out prior to the occupation of any part of the development. These off-site works include an improved pedestrian crossing point and link on Ross Road by Bullingham Lane and an improved crossing point by Bradbury Close. No changes are proposed to the Ross Road service road as part of this application.
- 6.7 Although the applicant has requested for landscaping to be considered at this stage, no landscaping scheme has been submitted and so this detail remains reserved. The layout includes adequate margins and spaces for new planting.
- 6.8 The layout includes three (3) toddler play areas as required by the outline planning permission. At this stage there is no requirement for the applicant to supply details of equipment, etc., on these areas. There is, however, adequate space to satisfy Council standards.
- 6.9 39 of the houses comprise affordable units in accordance with the Section 106 agreement (a further 19 affordable units will be provided on Phase 1b). The mix and layout is in accordance with the Head of Strategic Housing Services requirements.
- 6.10 Conclusion

This first phase of the development satisfies policy requirements in accordance with the original master plan and outline planning permission. Later phases will require an improved mix and it is recommended that this is drawn to the applicant's attention by way of an informative note. Subject to this, planning permission is recommended.

## RECOMMENDATION

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

- 1 Notwithstanding the details shown on Drawing No. 3795/24107/100B, 1.8 to 2.0 metre high close-boarded fences shall be erected on the boundary of the application site with adjoining properties in Ross Road, Bradbury Close, Garrick Avenue and Web Tree Avenue unless otherwise agreed in writing with the local planning authority. These fences shall be erected prior to the commencement of any building works on the site.**

**Reason: To safeguard the amenities of adjoining properties.**

- 2 The new turning head at the end of Bradbury Close shall be constructed, surfaced and drained to the satisfaction of the local planning authority prior to the occupation of units 19, 20, 21 or 22.

Reason: In the interests of highway safety.

**Informatives:**

- 1 The applicant's attention is drawn to Condition Nos. 6, 14, 27, 29, 30, 31, 32 and 36 which require further details to be submitted prior to commencement of development.
- 2 The applicant's attention is drawn to Condition No. 26 which requires all construction traffic to use Bullingham Lane only. No construction traffic should enter or leave the site via Bradbury Close.
- 3 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 4 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.
- 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 applicant is advised that later phases should include a greater proportion of smaller (1 and 2 bedroom) units together with single storey accommodation to ensure a balanced mix of house types in accordance with PPG3.

7 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:

- ENV7 - Noise
- ENV8 - Contaminated land
- ENV14 - Design
- H3 - Design of new residential development
- H4 - Residential roads
- H5 - Public open space provision in larger schemes
- H12 - Established residential areas
- CAL15 - Long distance views
- NC6 - Criteria for development proposals
- T11 - Pedestrian provision
- T12 - Cyclist provision
- R2 - Deficiencies in public open space provision
- R4 - Outdoor playing space standard
- R5 - Loss of outdoor playing space
- R6 - Provision of outdoor playing space
- R8 - Children's play areas

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).

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



### **3 DCCE2004/0836/RM - PROPOSED ERECTION OF 70 RESIDENTIAL MIXED DWELLINGS, GARAGES, ROADS AND ASSOCIATED WORKS. BRADBURY LINES, HEREFORD**

**For: Barratt Homes Ltd., c/o Hammonds Yates Ltd.,  
Victorian Arcade, 109 High Street, Portishead, Bristol,  
BS20 6PT**

**Date Received: 5th March, 2004    Ward: St. Martins & Hinton    Grid Ref: 50892, 38174  
Expiry Date: 30th April, 2004**

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

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

- 1.1 The application site comprises part of the former Bradbury Lines military camp which is situated towards the southern edge of Hereford City. In January 2004 outline planning permission was given to erect 160 dwellings on "Phase 1" of the overall camp. Phase 1 is located adjacent to established residential development in Ross Road, Bradbury Close, Garrick Avenue and Web Tree Avenue.
- 1.2 This application is for "Phase 1b" comprising 70 houses, including 19 low cost market affordable houses. The housing mix is as follows:

	1 Bed	2 Bed	3 Bed	4/5 Bed
Private Housing	1	9	11	30
Low cost market housing	3	10	6	0
Total	4	19	17	30

- 1.3 Vehicular access to the entire Phase 1 development is from Bullingham Lane only. The layout includes a single toddlers' play area.

#### **2. Policies**

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

ENV7 – Noise  
 ENV8 – Contaminated land  
 ENV14 – Design  
 H3 – Design of new residential development  
 H4 – Residential roads  
 H5 – Public open space provision in larger schemes  
 H12 – Established residential areas  
 CAL15 – Long distance views  
 NC6 – Criteria for development proposals  
 T11 – Pedestrian provision  
 T12 – Cyclist provision  
 R2 – Deficiencies in public open space provision  
 R4 – Outdoor playing space standard

- R5 – Loss of outdoor playing space
- R6 – Provision of outdoor playing space
- R8 – Children’s play areas

## 2.2 Herefordshire UDP (Deposit Draft):

- S1 – Sustainable development
- S2 – Development requirements
- S3 – Housing
- DR1 – Design
- H1 – Hereford and the market towns

## 3. Planning History

- 3.1 CE2001/2756/O - Site for mixed use development to provide housing, open space, community and local retail (Phase 1) - approved 19 January 2004.
- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses (Phases 1, 2 and 3) - Sub-Committee resolution to approve subject to Section 106 agreement 1 December 2003.
- 3.3 DCCE2004/0094/RM - Proposed infrastructure roads and sewers for Phase 1 residential development - under consideration.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: Recommend conditions as outline planning permission.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation: Recommend conditions as outline planning permission.
- 4.3 Head of Conservation: No comments.

## 5. Representations

- 5.1 Hereford City Council: essential that adequate drainage provision is made for the development, together with all other conditions on the outline consent being complied with.
- 5.2 There are no third party representations.
- 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 This application comprises the details of the layout and design of the second part of Phase 1. The outline planning permission has established the principle of residential development on the site, including the specific number of units and the implications for highway safety and drainage. The main issues now are the acceptability of the design and layout of the development, the mix and form of the units, the standards of privacy for both existing and proposed houses and the acceptability of the highway details.
- 6.2 As with Phase 1a (application No. DCCE2004/0095/RM), the layout is fairly typical of any modern housing development with a range of house types set around local distributor roads and cul-de-sacs. The housing mix includes 1, 2, 3, 4 and 5 bedroom units in a well balanced arrangement and including 19 low cost market units in accordance with the Section 106 agreement.
- 6.3 Privacy margins between units on the site and the adjacent Wimpey land are acceptable. No part of the site adjoins existing residential development.
- 6.4 The road layout satisfies adopted standards and provides adequate parking and turning space. Adequate land is retained for landscaping and tree planting including alongside "The Avenue" which provides views to the city. Conditions on the outline permission will require full landscaping details to be submitted in due course.
- 6.5 The outline application established that existing infrastructure in Hoarwithy Road is, in principle, capable of accommodating both foul and surface water discharges from Phase 1. Separate application No. DCCE2004/0094/RM provides the specific details of the on site drains and this is currently being considered by the Drainage Engineer.
- 6.6 Conclusion

This second part of the first phase of the development satisfies policy requirements in accordance with the original master plan and outline planning permission.

## RECOMMENDATION

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

- 1 The applicant's attention is drawn to condition Nos. 6, 14, 27, 29, 30, 31, 32 and 36 which require further details to be submitted prior to commencement of development.**
- 2 The applicant's attention is drawn to condition No. 26 which requires all construction traffic to use Bullingham Land only. No construction traffic should enter or leave the site via Bradbury Close or Hoarwithy Road.**
- 3 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
- 4 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.**

- 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:

**Hereford Local Plan:**

- ENV7 – Noise
- ENV8 – Contaminated land
- ENV14 – Design
- H3 – Design of new residential development
- H4 – Residential roads
- H5 – Public open space provision in larger schemes
- H12 – Established residential areas
- CAL15 – Long distance views
- NC6 – Criteria for development proposals
- T11 – Pedestrian provision
- T12 – Cyclist provision
- R2 – Deficiencies in public open space provision
- R4 – Outdoor playing space standard
- R5 – Loss of outdoor playing space
- R6 – Provision of outdoor playing space
- R8 – Children’s play areas

**Herefordshire UDP (Deposit Draft):**

- S1 – Sustainable development
- S2 – Development requirements
- S3 – Housing
- DR1 – Design
- H1 – Hereford and the market towns

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).

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**4 DCCE2004/0568/F - CONSTRUCTION OF NEW DETACHED BUILDING FOR TEACHING MUSIC PLUS ASSOCIATED ACTIVITIES, TOGETHER WITH CURVED ROOF EXTENSION OVER EXISTING SINGLE STOREY BUILDING, AND NEW COVERED CORRIDOR LINK. HEREFORD SIXTH FORM COLLEGE, FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LU**

**For: Hereford Sixth Form College per Mr. Morris,  
Stocks Tree Cottage, Kings Pyon, Hereford, HR4 8PT**

**Date Received: 24th February, 2004**

**Ward: Aylestone**

**Grid Ref: 52256, 40727**

**Expiry Date: 20th April, 2004**

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

**1. Site Description and Proposal**

- 1.1 The application site is located within the grounds of Hereford Sixth Form College on the north east side of Folly Lane. The Sixth Form College itself forms part of the Hereford "Learning Village" which also includes Herefordshire College of Art & Design and Herefordshire College of Technology.
- 1.2 The site itself is positioned amongst existing college buildings on an area presently used for car parking and for the stationing of temporary classroom units. To the north of the site are residential properties in Aylestone Grange.
- 1.3 The proposal is to remove the existing temporary classrooms and erect a permanent two storey music/art and design building. The building would be positioned between and attached to the existing performing arts building and sports annex. Its overall dimensions would be 33.2m by 22m by approximately 8.5m high to the ridge of the curved roof.
- 1.4 It is also proposed to erect a curved roof over the existing single storey wing to the rear of the sports annex incorporating first floor offices and stores. A suspended and enclosed walkway would link the music/art and design building to the new offices and stores.
- 1.5 Outside new car parking courts would be constructed to the rear of the new building providing spaces for 34 vehicles. A further temporary classroom would also be removed to the side of the sports annex, allowing 20 additional spaces to be provided in this area. New planting would be provided on the boundary with Aylestone Grange and further parking areas by the main entrance to the college.

## 2. Policies

### 2.1 Hereford Local Plan:

ENV14 – Design

CON13 – Conservation areas – development proposals

SC6 – Permanent educational accommodation

### 2.2 Herefordshire UDP (Revised Deposit Draft):

S2 – Development requirements

DR1 – Design

T11 – Parking provision

HBA6 – New development within conservation areas

## 3. Planning History

- 3.1 CE2001/1687/F - Erection of two temporary classrooms - approved 30 July 2001.
- 3.2 CE2001/2153/F - Alterations to existing and construction of a new three storey main classroom block - approved 6 November 2001.
- 3.3 CE2002/0110/F - Gravelled area to allow car parking during construction of new developments on college campus - two year temporary permission approved 27 February 2002.
- 3.4 CE2002/1387/F - Temporary permission for pre-fab classroom - approved 1 July 2002.
- 3.5 DCCE2004/0475/O - Partial redevelopment of college campus to provide new learning village - approved subject to Section 106 agreement 7 April 2004.
- 3.6 DCCE2004/0859/F - Retention of gravelled area to allow staff car parking during construction of new developments on college campus - approved 28 April 2004.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: recommends conditions.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation: no objection.
- 4.3 Chief Conservation Officer: no objection.
- 4.4 Director of Education: no objection; proposed will enhance the provision of education in Herefordshire.

## 5. Representations

- 5.1 Hereford City Council: no objection.
- 5.2 There are no third party representations.

5.3 In support of the application, the applicant states the following:

"The existing Music Department is housed in temporary prefabricated buildings or is forced to use various other remote classrooms as the timetable allows.

The existing Art & Design facility is at present housed off site in rented accommodation. There are no existing rooms suitable for the Design Workshop where prototypes of designs can be fabricated.

The Sixth Form College has been subject to recent development, part of which, in addition to providing badly needed additional teaching facilities, has rationalised access corridors through the school. The only remaining isolated building is the Sports Building/Classrooms which is situated to the east (rear) of the site.

The Performing Arts Building (The Griffin Centre) which caters for theatrical/dance studies has outgrown its present building and no longer provides adequate accommodation. Siting the new Music Facility is intended to rationalise accommodation.

The Music Department, as a result of its performance/reputation, is no longer able to continue to provide accommodation for the student enrolment nor facilities consistent with the teaching standards being achieved from the temporary prefabricated buildings now occupied.

The Sixth Form College has therefore identified a need to expand the Music Faculty to incorporate both the performance and the technical aspects of Music Art. The subjects recognise both academic achievement and vocational needs. This proposal is intended to show how the location of the new facility adjacent to the existing Performing Arts Building will allow cost saving and operational efficiencies by linking with the Foyer and auditorium of the existing building.

This proposal will contribute to the facilities required as part of the Herefordshire Learning Village project, and ancillary works are intended to form the remaining link between the existing Sports Building Classroom Annexes and the Main Classroom/Administration Buildings of the Sixth Form College.

The proposed building will become the administrative base of The Herefordshire LEA and the building will provide bespoke accommodation for teaching Music and associated studies not available in any other school within the county.

This proposal is a part of the general development planned for the Combined Folly Learning Village. There is provision in the proposed application to maintain the existing number of car parking spaces. This is achieved by the proposed building resulting in the final removal of temporary buildings on the site together with the addition of visitors parking adjacent to the existing main school reception. The final provision of parking facilities will be better addressed as part of the co-ordinated Transport Plan and Student Welfare Facilities for the Herefordshire Learning Village."

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 development on the visual and residential amenities of the locality and highway safety. The site is an established educational facility and, consequently, no objection can be raised to further development and/or redevelopment as a matter of principle.
- 6.2 On 7 April 2004 the Sub-Committee resolved to grant outline planning permission for the partial redevelopment of the entire college campus (comprising Herefordshire Sixth Form College, Herefordshire College of Technology and Herefordshire College of Art & Design), to provide a new 'Learning Village'. The resolution is subject to the applicants entering into a Section 106 Agreement requiring a financial contribution to be made towards the cost of a resident only on-street parking scheme on nearby roads. Work is currently progressing towards completion of this agreement.
- 6.3 More particularly, the outline application includes a Master Plan which details a phased approach to the redevelopment/refurbishment of the village, including new decked car parks at the rear. Conditions will require minimum numbers of the car parking spaces to be provided as part of the phasing in accordance with a programme to be agreed.
- 6.4 This current detailed planning application for the music/art and design building features in phase 1 of the Master Plan. Regrettably the application has been made outside of the outline application. Normally such a detailed proposal would be expected to be presented as reserved matters following the grant of outline planning permission. This situation has arisen in view of the Sixth Form College's requirement for the building now. The implications are that the development cannot readily be 'tied' into the phased programme of works set out in the Master Plan and, more particularly the expected phased provision of new car parking.
- 6.5 In an attempt to address this, the proposal incorporates, in isolation, improved parking facilities within the grounds of the Sixth Form College. This would include some 20 extra spaces to the side of the sports annex, where a temporary building would be removed and existing parking spaces reordered, 3 new spaces by the reception area and 5 extra spaces to the rear of the new building. The College also points out in supporting documentation that it " .... is a 16 – 18 institution. Less than half of our students are even old enough to drive. Transport is provided for all students living more than three miles away. Cycle sheds have been installed and no students are permitted to park on the site ....". These circumstances are material to the consideration of the application in isolation of the Master Plan.
- 6.6 Notwithstanding these circumstances, it is considered that the Sixth form College does contribute to the acknowledged on-street parking problems in the vicinity of the colleges. This is because some students do drive in their own vehicles, regardless of the alternative options made available by the college through its successful Green Transport Plan. Furthermore, it is considered that although the proposals are intended to upgrade existing facilities at the college only, additional students are likely to be attracted by the new building. The proposed additional on-site parking would help to meet extra demand for parking at least from staff and would, it is considered, remove the immediate need for the decked car parking proposed in the Master Plan to be provided as part of this element of phase 1. However, this would not address the student related on-street parking problems in the locality.

- 6.7 To address these problems, it is considered that the Sixth Form College will have to make a financial contribution towards the resident only parking scheme now (effectively its share of the contribution already expected as part of the outline planning application). This will require a separate Section 106 agreement in isolation of the agreement relating to the outline planning application. Planning permission is recommended on this basis.
- 6.8 Regarding amenity, the sites for the building and roof alterations are adjacent to residential properties in Aylestone Grange. However, the height of the building is limited (8 to 8.5m) with sufficient intervening space to ensure no adverse relationships. The roof alterations are much closer to the common boundary but, being curved and 'read' against an existing gable wall, are not considered to be overbearing or unneighbourly. The parking areas associated with the building are positioned in areas already used for this purpose and consequently would not cause additional nuisance. Removal of the existing temporary classrooms would positively enhance the visual amenities of the area and conservation area.

## 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 towards 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 conditions considered necessary by Officers.**

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

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

**3 All windows/glazing panels in the north west facing (rear) elevation of the Music Building, any elevation of the curved roof over the existing single storey flat roof, and to the sides of the suspended new corridor shall be glazed with obscured glass and permanently fixed shut.**

**Reason: To safeguard the amenities of nearby residential properties.**

**4 F01 (Scheme of noise attenuating measures)**

**5 F48 (Details of slab levels)**

**6 Prior to the first use of the Music Building hereby approved the temporary buildings named 'TEMP'Y1', 'TEMP'Y2', 'TEMP'Y3' and 'TEMP'Y4' on drawing No. SITE PLAN 1 shall be removed from the site.**

**Reason: To accord with the terms of the application and safeguard the amenities of the locality.**

7 H13 (Access, turning area and parking)

8 Foul water and surface water discharges must be drained separately from the site. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system. No land drainage run off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

**Informatives:**

1 - N02 - Section 106 Obligation

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**5 DCCW2004/0933/F - PROPOSED TWO STOREY DETACHED DWELLING WITH INTEGRAL GARAGE AT LAND ADJACENT TO DORGAR, SHELWICK, HEREFORD, HR1 3AL**

**For: Mr. & Mrs. E.M. Brimfield, Dorgar, Shelwick, Hereford, HR1 3AL**

**Date Received: 15th March, 2004    Ward: Burghill, Holmer & Lyde    Grid Ref: 52067, 42992**

**Expiry Date: 10th May, 2004**

Local Member: Councillor Mrs. S.J. Robertson

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

1.1 The application site is located at the western edge of the settlement of Shelwick which is approximately 1.5 kilometres to the north-east of Hereford. It currently comprises the side garden area of an existing bungalow "Dorgar" and adjoins the eastern boundary of Shamrock which is a detached two storey dwelling.

1.2 The proposal seeks full planning permission for the erection of a two storey detached dwelling which will be sited in a "gable on" position to the road adjoining Dorgar. As submitted the building contains two bedrooms on the first floor and would be sited three metres away from an existing side wall of the applicant's bungalow. The proposed dwelling measures 7.1 metres to the ridge and also contains an integral garage. Access and parking would be provided via a new entrance point created adjoining an existing access which serves Shamrock immediately to the west of the site. The site itself is also in a slightly elevated position and given its relatively narrow width the garden areas will be provided primarily to the front and rear of the property.

### **2. Policies**

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH10	-	Housing in Smaller Settlements

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy H7	-	Housing in the Countryside Outside Settlements

### **3. Planning History**

3.1	CW2002/3292/F	Erection of a detached dwelling - Refused.
	CW2003/0421/F	Two storey detached dwelling with integral garage (revised scheme) - Refused 31st Mach 2003.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 The Environment Agency - The Agency has no objections to the proposed development but wishes to make the following comments. The applicant should ensure that land proposed for soakaway has adequate permeability in accordance with BS 6297 : 1983. The developer must ensure the existing private foul drainage system can adequately accommodate the likely increase in foul flows. The foul drainage system should be sited so as not to cause pollution of any watercourse, borehole, spring or groundwater. Any waste excavation material or building waste generated in the course of development should be disposed of in accordance with Section 34 of the Environmental Protection Act 1990.
- 4.2 Dwr Cymru Welsh Water have no comment to make on the application given the use of a private foul water treatment system.

##### Internal Council Advice

- 4.3 Head of Engineering and Transportation recommends a condition ensuring parking and turning facilities for two cars are available on site.

#### 5. Representations

- 5.1 Holmer Parish Council - no objections. However would like details of drainage as no sewer or private sewer plant is available.
- 5.2 Two letters of objection have been received from G.E. Walwyn, Peppercorn, Shelwick, Hereford and Mr. & Ms. Stinton, Shamrock, Shelwick, Hereford. Objections raised on the following points.
- This application is no different to the previous which have been refused and would lead to a cramped form of development which is out of keeping with the area. The erection of a dwelling here would be ugly on the eye and would be unpleasant for neighbouring properties, it would be overlooked.
  - One letter raises concerns about a potential boundary dispute with the application site, however this is not a material planning issue.
  - The proposal would lead to additional traffic and the road through the village is being used more and more as a rat run from Holmer to Sutton St. Nicholas.
  - The application will be contrary to planning regulations regarding the density of dwellings in rural areas and therefore out of character.
  - The sewerage system owned by Mr. Powell has been problematic. In fact Mr. Powell has requested users take over the ownership of the system. Further connection to this private system is unauthorised.
  - In our opinion the proposal should be refused on several grounds. This is a rural area overlooking fields and meadows and the applicant has already built a bungalow on the site.

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 this application are the principle of new residential development in this location, the design and siting of the proposed dwelling having regard to the character and appearance of the area, residential amenity of adjoining properties and the highway safety.
- 6.2 With regard to the principle of development Shelwick is identified under Policy SH10 of the South Herefordshire District Local Plan and listed as a small settlement. Whilst there is no settlement boundary contained within the Plan, it is considered that this site is just within the main built up part of the village where Policy SH10 would apply. Whilst accepting the site is within a settlement, it does not automatically follow that permission should be granted for development. The policy also requires that each of the eight criteria listed should be complied with prior to the granting of permission.
- 6.3 In the case of the application site, it is considered that it represents an attractive part of the village and is located on the edge of the settlement. At present it forms a raised garden area for Dorgar which is one of many dwellings which have been erected in recent years on both the north and south sides of the main road through the settlement. The area around the application site does however retain a much more rural character and appearance than the central part of the village. Furthermore, it should be noted that the linear group of dwellings to the north of the road are not mirrored on the south side adding to a particularly rural feel in this part of Shelwick.
- 6.4 Having regard to the width of the plot and the appearance of the proposed development, it is considered that this proposal will fail to meet the criteria set down by Policy SH10 and that the development would be of a scale and character not appropriate to this particular location. The resulting building would dominate the existing bungalow and give a cramped and unsympathetic appearance to the locality. Furthermore, approval should only be given under Policy SH10 where it can be clearly demonstrated that there is a local need for the development and that it would be sustainable in terms of reducing the need to travel. Whilst the South Herefordshire District Local Plan is time expired (1996-2001), the policy is still applicable and this issue has not been addressed.
- 6.5 Whilst the size and scale of the dwelling proposed have been significantly reduced from previous refusals on this site, the restrictive width of the plot leads to a "gable on" layout. The dwelling would also be a considerable higher structure than Dorgar which is a bungalow and having regard to the close proximity of the two properties, it would undoubtedly appear cramped, out of scale and unsympathetic in this attractive rural area.
- 6.6 In view of the above, whilst the site in theory represents an infill location the proposed two storey detached dwelling represents an unacceptable form of development which would cause harm to the attractive character and appearance of the immediate locality and would have a cramped and overbearing appearance on the existing dwelling.

**RECOMMENDATION**

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

**The proposed dwelling represents a revised scheme to a previous refusal of planning permission under reference CW2003/0421/F. Notwithstanding the design alterations which reduce the overall size and height of the proposed unit, in accordance with adopted Policies SH10 and GD1 of the South Herefordshire District Local Plan, the proposed development is not acceptable. By virtue of its siting, design and scale the dwelling would have a cramped and overbearing appearance which would result in an over development of the application site. Furthermore, having regard to the site's location close to the edge of the settlement of Shelwick the proposal would cause harm to the attractive rural character and appearance of the area.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**6 DCCW2004/0922/F - DEMOLITION OF SOME EXISTING STABLE BLOCKS AND ERECTION OF NEW STABLE BLOCKS AND VETS TREATMENT BUILDING TO EXISTING STABLE YARD AT HEREFORD RACECOURSE, ROMAN ROAD, HEREFORD, HR4 9QU**

**For: Northern Racing Limited per Mason Richards Partnership, Highfield House, 5 Ridgeway, Quinton Business Park, Birmingham, B32 1AF**

**Date Received: 29th March, 2004**

**Ward: Three Elms**

**Grid Ref: 50145, 42116**

**Expiry Date: 24th May, 2004**

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

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

- 1.1 The Hereford Racecourse complex is located to the south side of Roman Road between the A49 Holmer Road roundabout and the Canon Pylon Road junction with the A4110. The main complex of buildings is located to the north side of the racecourse and adjoins a large area of open car parking to the west and residential properties on Ingram Avenue to the east. The racecourse itself is to the south of this group of buildings and adjoins Hereford Leisure Centre to the west of Holmer Road.
- 1.2 This application seeks full planning permission to demolish some existing stable facilities and erect new stable blocks and a vets treatment building within the existing footprint of the stables area. Primarily this involves the removal of three existing single storey stable units and their replacement with more modern blocks. The most prominent of the new units will be the new vets treatment/sampling area on the north edge of the existing stable complex and the replacement of the existing stables along the entire eastern boundary adjoining properties on Ingram Avenue.
- 1.3 The proposed stable buildings are a conventional design and vary between 4.0 and 4.5 metres in height. The buildings generally have a pitched roof design as opposed to the existing monopitch sloping roofs and are finished with timber weather boarding on the walls and covered with a profiled metal sheet roof. In total 38 new loose boxes will be provided as will new wash boxes and the vets treatment/sampling area.

## **2. Policies**

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

Policy ENV14	-	Design
Policy H21	-	Compatibility of Non-residential Uses
Policy R9	-	Hereford Racecourse

## 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy RST1	-	Criteria for Recreation/Sports and Tourism Development

## 3. Planning History

- 3.1 The racecourse site has a history of previous planning applications relating to the on-going development and alterations which have been made at the course over recent years. It is not considered that any specific application is directly relevant to this proposal.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 The Environment Agency - letter received 26th April 2004. "The Agency would raise an holding objection until more information has been submitted with regard to foul water treatment. An indication is given that a new septic tank will be provided, however the Agency will resist small private treatment plants (or septic tanks) where there are main sewers in the area. We would refer the Council to advice in Circular 03/99 and the developer should demonstrate why it is not possible to connect to the existing public foul sewer. The applicant/LPA should also consult with the utility company to ensure that they are aware of all medicines/disinfectants which may be used and disposed of through the sewer system (as a trade effluent discharge consent may be required). An assurance should be sought from the utility company so that a discharge of this additional effluent to the foul sewer will not exacerbate the operation of any storm or pumping station overflow."

Comments are also made about potential waste excavation material from the building operation and surface water (flood risk) advice is given which could be included as an Informative.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection to the development.
- 4.3 Head of Environmental Health and Trading Standards - no objection.

## 5. Representations

- 5.1 Hereford City Council - no objection.
- 5.2 One letter of objection has been received from Mrs. G. Thomas, 2 Holmer Hall Cottages, Roman Road, Hereford who objects for the following reasons.
- The height and choice of materials especially sheet metal roof will have an overbearing impact on this property and encompass the entire southern boundary depriving the property of light.

- ° A loss of privacy given the introduction of windows and concerns are expressed about the description of an "access road " as it is only a narrow overgrown path which adjoins my boundary hedge.

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 new stables in this location and the impact that the proposed units will have on the character and appearance of the area and the residential amenity of adjoining properties. Adequate measures to deal with foul water and surface water are also an important material consideration.
- 6.2 Having regard to the established use of the racecourse, the principle of replacing these ageing stable units is considered acceptable. The adopted Hereford Local Plan identifies the racecourse as an important recreational asset to the city which the Council will seek to retain. The applicant has indicated that the need for new stables and the vets treatment/sampling unit comes from new Jockey Club standards and the continuing programme of improvement works being carried out at the racecourse. As such it is considered that the principle of development which will enable each horse racing to have its own loose box is acceptable subject to the criteria set out below.
- 6.3 The design and siting of the proposed units has been carefully considered and it should be noted that the replacement boxes will be higher than those on site at present. The existing units have a flat/monopitch roof and the proposed units will be between 4.0 and 4.5 metres in height. Some of the previous stables have already been replaced with more modern units and the proposal will enable the whole stable area to be brought up to modern standards. The timber cladding to the wall and profiled sheet roofing are typical for a stable building and no objection is raised to the materials in this instance. Whilst the comments from the neighbour have been considered, with an appropriate colour applied the profile sheeting is considered a reasonable choice for this form of building.
- 6.4 The proposed units will be sited primarily on the line of existing units to be demolished although as noted above they will be slightly larger. Careful assessment has been made of this increase in size particularly on the site's eastern and northern boundary which are the closest to adjoining residential property. A significant hedge is established on the eastern boundary between the stable yard and existing dwelling on Ingram Avenue. A condition is suggested which will enable this mature screen to be retained and as such reduce any impact from the higher stable units. The relationship on the northern boundary has also been carefully considered, however with a distance in excess of 25 metres between the rear of the properties on Roman Road and the back of the proposed units, an objection on loss of light or that the buildings would be overbearing could not be sustained.
- 6.5 The Environment Agency have put forward a "holding objection" on the scheme on the basis that the application indicates a new septic tank in an area where mains drains exist. Members will be aware of objections from Welsh Water who are the statutory utility company for any additional input to the existing mains sewer. Having regard to the potential contamination issues from chemicals and foul water, the issue of appropriate drainage is an important material planning consideration. Additional information has been requested from the applicant with regard to the proposed septic tank, however it is not considered to be an issue which cannot be satisfactorily

resolved through a condition. The proposal will not lead to any significant increase in the amount of foul water generated from the site having regard to the fact that in the main these are replacement units. A condition is suggested to ensure this matter is satisfactorily resolved prior to the commencement of any development.

**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. **G11 (Retention of hedgerows (where not covered by Hedgerow Regulations)).**

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

- 4. **F16 (Restriction of hours during construction).**

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

- 5. **F17 (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 Planning Permission.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**7 DCCE2004/1255/F - PROPOSED "DASH" FACILITY (DROP-IN COUNSELLING PLACE AND OFFICES) TO GROUND AND FIRST FLOOR. MONKMOOR COURT, 31-34 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BG**

**For: Herefordshire Primary Care Trust, Capita Property Consultancy, Eastgate House, 35-43 Newport Road, Cardiff, CF24 0SB**

**Date Received: 5th April, 2004**

**Ward: Central**

**Grid Ref: 51434, 40305**

**Expiry Date: 31st May, 2004**

Local Member: Councillor D.J. Fleet

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

- 1.1 The application site comprises a three storey office block with car park to the rear positioned on the north west side of Commercial Road within the city centre and Conservation Area. The building has entrances to the front and rear. The second floor is/will be occupied by the NSPCC.
- 1.2 The proposal is to use the ground and first floors of the building and associated rear parking area for offices and/or a "DASH" facility comprising offices for the Herefordshire Primary Care Trust's consultant drug workers and support staff, drop-in/interview rooms and a needle exchange facility for drug users. Access to the building for drug users would be via the rear entrance only. No external alterations are proposed to the building.
- 1.3 The DASH facility currently occupies the neighbouring office block at 28-30 Commercial Road where similar services are provided. The reason given for the move is to take advantage of the more modern accommodation and additional space offered by Monkmoor Court. Number 28-30 Commercial Road would revert to conventional office use albeit still occupied by the Trust.

## **2. Policies**

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

CON12 – Conservation Areas  
SC1 – Health Care

### **2.2 Herefordshire UDP (Revised Deposit Draft)**

S11 – Community facilities and services  
CF5 – New community facilities

### 3. Planning History

- 3.1 HC/890355/PF/E - Demolition of dwelling house due to dereliction and redevelopment with new 3 storey office development - approved 17 October 1989.
- 3.2 HC/960156/PF - Change of use from office accommodation to drug and alcohol abuse day centre including internal alterations (29-30 Commercial Road) - approved 9 August 1996.
- 3.3 HC/970171/PF - Change of use from existing office accommodation to drug and alcohol abuse day centre ancillary use (29-30 Commercial Road) - approved 2 July 1997.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 There are no statutory consultations.

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation: No objection.
- 4.3 Chief Conservation Officer: No objection.
- 4.4 Head of Environmental Health and Trading Standards: No objection.

### 5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 C.A.A.C.: No objection
- 5.2 One letter of objection has been received from the NSPCC who are/will be occupying the second floor of Monkmoor Court. The letter states the following:

"The service provided by us in Hereford currently works with vulnerable young people who have been abused and display sexualised behaviour. Also based in the Hereford office is one of our fund raisers. We are the only service in Herefordshire to undertake this specialist intervention for children and we have a service level agreement with Herefordshire Council and the Youth Offending Service relating to this. Our client group is comprised almost exclusively of children in the 'looked after' system or on the county's 'at risk' register. These are the most vulnerable children in Herefordshire and the proposal that a service for the 'Dash' service clients, addicted adult drug and alcohol users, be based on the ground floor of the premises gives rise to concern that encounters with the 'Dash' clients may expose our young people to an unacceptable level of influence and risk.

The proposed separate access to the 'Dash' facility which involves needle exchange via the relatively private rear parking area and a natural dropping off point close to the rear of the supermarket does not resolve the conflict of use. There is the possibility that some of the 'Dash' clients could be the abusers of some of our child clients. Had the possibility of the change of use of parts of the building from office use and, in particular, the sharing of the building with 'Dash' facility we would

not for operational reasons have taken a lease and committed ourselves to significant expenditure. We were not forewarned of this possibility prior to taking our lease and would wish to have our strong objection noted by you. We are also protesting strongly to the Landlord, the Local Councillor and others about this unacceptable juxtaposition of uses which could reasonably be expected to be a potential risk."

- 5.4 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 suitability of the site for the proposed use and its impact on, and compatibility with, neighbouring occupiers.
- 6.2 Policy SC1 Of the Local Plan supports proposals to develop and improve health care facilities provided that they are readily accessible by both public and private transport. The proposal, which is for a health care related use, accords with this broad approach being in a central and accessible city centre location.
- 6.3 Compatibility of uses is a material consideration, particularly where sensitive uses are involved. In this case the proposal includes a drop-in and needle exchange facility for drug users to be provided in a building which is shared with other tenants. The principal other tenant is the NSPCC, and it has raised objection in view of the possibility of DASH service clients exposing its particular vulnerable young clients to "unacceptable levels of influence and risk".
- 6.4 To a degree, this objection is addressed by the arrangement of the uses within the building. The proposal affects the ground and first floor of the building only whereas the NSPCC occupies the second floor. Additionally, the applicant intends that DASH service clients will enter the building by the rear entrance only leaving the front entrance for NSPCC clients. Under these circumstances, and with appropriate internal security and management of the building by the responsible occupiers, it is considered that the issue should be addressed.
- 6.5 Outside of the building it is possible that some overlap between the different service clients would occur, including within the rear car park and access. Such an overlap is, in any event, probable elsewhere within Hereford's relatively small city centre and, consequently would not amount to a sustainable reason for refusing planning permission in this particular location. It is material that the DASH facility is currently in the office building next door to Monkmoor Court with an existing close relationship and inevitable overlap of service clients. Any occupier of the application site, not just DASH clients, could potentially be an "abuser" of the objector's service clients.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))
- 2 The premises shall be used for offices and/or a DASH facility comprising offices for the Herefordshire Primary Care Trust's consultant drug workers and support staff, drop-in/interview rooms for service users and a needle exchange facility for service users, and for no other purpose.

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

**Informatives:**

- 1 N03 - Adjoining property rights
- 2 N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

**8 DCCW2004/1220/O - CONSTRUCTION OF NEW BUSINESS UNITS FOR B1, B2 & B8 USES, NEW ESTATE SPINE ROAD AND PARKING AREAS, DEMOLITION OF EXISTING UNIT 9A AT THREE ELMS TRADING ESTATE, BAKERS LANE, THREE ELMS ROAD, HEREFORD, HR4 9PU**

**For: Kenmore Hereford 2 Limited per Crouch Butler Savage Limited, 32 Usborne Mews, London, SW8 1LR**

**Date Received: 5th April, 2004**

**Ward: Three Elms**

**Grid Ref: 49413, 41446**

**Expiry Date: 31st May, 2004**

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

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

1.1 The Three Elms Trading Estate is located to the east of Three Elms Road and covers an area of 2.786 hectares. The site was originally developed during the 1960s as Westfields Cold Store which later became Sun Valley Poultry Limited. The central part of the site was occupied by the large brick built cold store that was demolished in April 2003. The application site is sandwiched by public open space off Grandstand Road to the northern boundary and similarly Moor Park on the southern side. It also adjoins the established residential area on Grandstand Road and Sidney Box Drive to the east on to which several existing buildings have a very close relationship. At present a large section through the central part of the site is undeveloped where the former cold store unit was constructed.

1.2 This application proposes to complete the development of the site with the erection of relatively small business units and the creation of a new internal spine road and defined parking areas. The total additional new space will have a gross external floor area of 4,934m<sup>2</sup> (53,100 feet squared). The outline application is for the erection of B1, B2 and B8 uses with external appearance, design and landscaping being reserved for future consideration. The means of access and siting/layout of the proposed site are for consideration at this stage and the application has been accompanied by a Transportation Assessment.

## **2. Policies**

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

Policy ENV14	-	Design
Policy H21	-	Compatibility of Non-residential Uses
Policy E2	-	Established Employment Areas
Policy E5	-	Hybrid Uses
Policy E7	-	Criteria for Employment Development

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

Policy S1	-	Sustainable Development
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Policy DR1	-	Design
Policy E5	-	Safeguarding Employment Land and Buildings

### **3. Planning History**

- 3.1 There are no recent applications which are considered directly relevant to the consideration of this current proposal.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 No comments from statutory consultees have been received.

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation - after consideration of the submitted Transportation Assessment, no objections are raised to the proposed development subject to the conditions set out. The development does not appear to affect any public right of way and as such there are no objections to this application.

### **5. Representations**

- 5.1 Hereford City Council - no objections but suggest a site visit to consider the traffic implications locally and the relationship to Yeomans transport operation.
- 5.2 Two letters of objection have been received as well as one letter which outlines concerns but has no objection in principle to the proposed development.

The two objection letters have been received from H. Lee, 20 Sidney Box Drive, Hereford and Mr. & Mrs. T.D. Emmett, 57 Chequers Close, Hereford. Their concerns relate to the potential for car parking off the site which currently takes place in Sidney Box Drive. Concerns on levels of traffic are also raised and concerns are expressed about potential for loss of light, the creation of noise and loss of privacy through the position of windows in any detailed design and layout. In essence the objectors do not wish to lose any light of privacy or have noise issues to deal with post development.

- 5.3 The letter which has no objection in principle again raises concerns about potential for workers to park in Sidney Box Drive. It is also noted that many children use Sidney Box Drive to walk/cycle to Trinity and Whitecross Schools and any increase in the volume of traffic will have unwanted consequences for them as well as the residents.

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 for consideration in determining this outline application are the principle of development, the siting and layout as indicated on the submitted drawing and potential transportation and access issues resulting from the sites redevelopment.

- 6.2 As identified in the existing Hereford Local Plan and the emerging Unitary Development Plan, the Three Elms Trading Estate is shown as an established employment site and as such the principle of this development for further B1, B2 and B8 uses is fully in accordance with Development Plan policies.
- 6.3 In this case having regard to the former buildings on site, the development will marginally increase the density of building units on the estate albeit it is proposed that they will be in a completely different format from the historic and established uses on site. A Traffic Assessment has been prepared to accompany the application and that fully examines potential traffic generation from the site and compares that with previous uses with specific emphasis on the capability of the Three Elms Road junction to accommodate any additional movement.
- 6.4 As indicated in the Planning Statement with the application, the units proposed will be single storey terraced buildings approximately 6 metres to the eaves and designed to a modular format to facilitate their potential combination into larger units. The terraces would be formed from steel portal frames and faced with composite cladding panels above a plinth of brick/blockwork. Internally there could be potential for mezzanine floor areas, however this will not necessitate a need for higher buildings.
- 6.5 As indicated a total of 234 car parking spaces are shown which would create one space per 50m<sup>2</sup> for the new development. There is a minimum of one lorry space per unit although it should be noted that most of the existing businesses on site use vehicles no larger than an average transit size van.
- 6.6 The applicant has indicated that detailed landscaping works will also be undertaken and that a programme of refurbishment of existing uses will also be undertaken as and when they become vacant. At present the site has a rather unattractive and rundown appearance with a particularly poor road surface through its main part. It is considered that there is potential for a development here which will not only offer significant employment benefits but also enhance the visual and environmental appearance of the trading estate bringing it up to modern standards.
- 6.7 The Transportation Assessment has been carefully considered by the Head of Engineering and Transportation and conditions are suggested.
- 6.8 In conclusion, the proposed outline planning application sits comfortably with adopted and emerging Development Plan policies and should enable the provision of good quality employment provision from the presently underused site. Detailed design and landscaping will be important future applications to ensure the development makes a positive contribution to the local environment and does not cause any harm to the amenity of adjoining properties.

## RECOMMENDATION

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

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

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

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

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

3. A04 (Approval of reserved matters).

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

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

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

5. H29 (Secure cycle parking provision).

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

Informative:

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

Decision: .....

Notes: .....

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Background Papers

Internal departmental consultation replies.



## **9 DCCW2004/1290/F - PROPOSED HOUSE AT LAND ADJACENT TO 21 GUILDFORD STREET, HEREFORD, HR4 0DS**

**For: S. Berekdar per Mr. J. Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 27th April, 2004      Ward: St. Nicholas      Grid Ref: 50176, 40237**

**Expiry Date: 22nd June, 2004**

Local Members: Councillors Mrs. E.M. Bew and Miss F. Short

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

- 1.1 The application site lies to the northern end of Guildford Street adjacent to the boundary with No. 21. The site is bound to the north by the small area of amenity space to No. 55 Whitecross Road, a dwelling currently sub-divided into flats. Amenity space to No. 57 Whitecross Road abuts the rear, whilst Guildford Street runs parallel to the eastern boundary. The majority of dwellings on Guildford Street are terraced and built close to the pavement edge creating a dense and close knit residential environment and well enclosed streetscape.
- 1.2 Existing buildings on site comprise four deteriorated lock-up garages, set back approximately 2.9 metres from the edge of the highway and extending the full width of the site. The garages are of brick built construction with mono-pitch roof and it appears that they have been used for storage rather than the garaging of vehicles for some years.
- 1.3 The application is for the demolition of the garages and erection of a single two bedroom dwelling. The proposed dwelling would measure 6.5 metres to the ridge, have an overall width of 7 metres and measure 6 metres in depth. A parking area is indicated to the side elevation, adjacent to the rear boundary of No. 55 Whitecross Road providing off-street provision for two vehicles.

### **2. Policies**

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

PPG1	-	General Policy and Principles
PPG3	-	Housing

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

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

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

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking

## 3. Planning History

3.1 There is no relevant planning history.

## 4. Consultation Summary

### Statutory Consultations

4.1 The Environment Agency - the Agency would encourage a sustainable approach to the management of surface water run-off arising from the development.

### Internal Council Advice

4.2 Head of Engineering and Transportation - "the site is in an area where there are many existing vehicular crossings of the footway that do not have room within the property to enter and leave in a forward gear. It is considered that it is possible to approve this small dwelling with similar requirements."

## 5. Representations

5.1 Hereford City Council - no objection.

5.2 Two letters of representation have been received from the occupiers of 55C Whitecross Road and No. 1 Guildford Street. The contents are summarised below:

- ° The view from the flats would be impaired. A large amount of light would be lost and privacy adversely affected.
- ° Adding another house would make the parking problem in the area worse.
- ° The area in front of the garages is used as a passing place on what is a narrow road.
- ° Further proposals may be forthcoming on the land set aside for parking.
- ° The house has no private amenity space and would be unsuitable as a family dwelling.
- ° During construction, Guildford Street will become inaccessible.
- ° The proposal would permanently degrade the character of the street.

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 proposals on the character and amenities of the area and highway safety.
- 6.2 The application site lies within the established residential area where residential development can be appropriate as a matter of principle. The site presently supports four lock-up garages and redevelopment would therefore constitute the reuse of previously developed land and buildings in accordance with Central Government Guidance and emerging Unitary Development Plan policy.
- 6.3 Policy H12 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 dwellings, adequate means of access and servicing, adequate landscaping and an appropriate impact on the overall character of the area.
- 6.4 The proposal before Members is a revision of the original scheme submitted. The principal amendments are a reduction in the ridge height and rear eaves height of 200mm and 600mm respectively, the introduction of quoin block detail and the rendering of the north elevation. Members will note that in the interest of the protection residential amenity there are no window openings proposed to either the rear or north elevations.
- 6.5 It is accepted that the site is limited in terms of plot size, and the resulting dwelling would offer relatively modest accommodation. Furthermore, it will be noted that there is no provision of private amenity space to the proposed dwelling. However, this consideration has been held at appeal to constitute an issue for prospective purchasers rather than the local planning authority. Overall, the relationship between the proposed and existing development is commensurate with other developments in the city and considered acceptable given the local context.
- 6.6 On issues of parking, guidance suggests a maximum of 1.5 spaces per unit with no minimum standard. In this instance the Head of Engineering and Transportation considers the provision of two off-street parking spaces in the location proposed to be acceptable, notwithstanding the fact that access and egress could not be undertaken in forward gear. Furthermore, it is considered that the provision of a parking area in this location would provide a break between built forms and retention of the existing space around buildings.
- 6.7 Due to current on-street parking and limited turning area it is not always possible to utilise the garages for the housing of vehicles. As a consequence it is considered that their removal and the provision of two off-street spaces would not exacerbate the current parking problem.
- 6.8 In conclusion, this proposal is considered to comprise a modest but appropriate form of development within the current policy context, compatible with surrounding development and in keeping with the general character of the area in accordance with Planning Policy Guidance Note 3 – Housing.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

2. **A09 (Amended plans).**

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

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

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

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

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

5. **E18 (No new windows in specified elevation) (north and west elevations).**

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

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

**Reason: In the interests of highway safety.**

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

**Reason: In the interests of highway safety.**

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

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

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

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

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

**Reason: To enable the local planning authority to maintain control over extensions and alterations in the interests of residential amenity.**

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

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

**Informatives:**

1. **HN01 - Mud on highway.**
2. **HN04 - Private apparatus within highway.**
3. **HN05 - Works within the highway.**
4. **N15 - Reason(s) for the Grant of Planning Permission.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**10 DCCW2004/0867/F - CONSTRUCTION OF TWO  
POULTRY HOUSES AND ASSOCIATED ANCILLARY  
WORKS AT LAWTONS HOPE FARM, WESTHOPE,  
HEREFORD, HR4 8BJ**

**For: S. Morgan & Sons per Mike Hall Advisory, 14  
Sunningdale, Leominster, Herefordshire, HR6 8EH**

**Date Received: 8th March, 2004      Ward: Wormsley Ridge      Grid Ref: 47100, 50116**

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

Local Member: Councillor J.C. Mayson

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

- 1.1 The site is located approximately one kilometre to the south east of the settlement of West Hope and is accessed via the A4110 from Canon Pyon. The site is directly accessed via an unclassified farm track serving Lawtons Hope Farm, is rectangular in shape and measures 0.8 hectares.
- 1.2 This application seeks full planning permission to erect two poultry houses with a common control room running across the full width of the units together with low profile feed silo and ancillary works. The proposed units are to accommodate 21,800 birds with each unit holding 10,000 females and 900 males. The houses will be stocked with a specialist parent breeding birds producing fertile eggs for the next generation. The application states that because of the specialist nature of the stock these numbers will not be exceeded either by increasing the number of birds housed or requiring additional houses in the future.
- 1.3 Each of the units are approximately 80 metres by 15 metres with a ridge height of 5.5 metres. The submitted application shows the proposed buildings will be cut into the hillside to reduce the impact from long distance views towards Lawtons Hope Farm.
- 1.4 Given the number of birds proposed to be housed in the units, a full Environmental Impact Assessment (EIA) is not required in this instance. The application is however supported by a detailed Environmental Statement which covers landscaping, ecological, drainage and general management issues.

## **2. Policies**

### **2.1 Hereford and Worcester County Structure Plan:**

Policy CTC2	-	Areas of Great Landscape Value
Policy CTC3	-	Nature Conservation
Policy CTC6	-	Landscape Features
Policy CTC9	-	Development Requirements
Policy A1	-	Development of Agricultural Land
Policy A3	-	Agricultural Building
Policy A5	-	Intensive Food Production Units

## 2.2 Leominster District Local Plan:

Policy A1	-	Managing the District's Assets and Resources
Policy A9	-	Safeguarding the Rural Landscape
Policy A12	-	New Development and Landscape Schemes
Policy A13	-	Pollution Control
Policy A14	-	Safeguarding Water Resources
Policy A16	-	Foul Drainage
Policy A24	-	Scale and Character of Development
Policy A35	-	Rural Employment and Economic Development
Policy A42	-	Intensive Livestock Units
Policy A54	-	Protection of Residential Amenity
Policy A70	-	Accommodating Traffic from Development

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

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR9	-	Air Quality
Policy DR13	-	Noise
Policy E6	-	Expansion of Existing Businesses
Policy E11	-	Employment in the Countryside
Policy E13	-	Agricultural and Forestry Development
Policy E16	-	Intensive Livestock Units
Policy LA2	-	Landscape Character of Areas Least Resilient to Change
Policy LA6	-	Landscaping Schemes

**3. Planning History**

- 3.1 There is no record of any planning applications on the site of the proposed poultry houses.

**4. Consultation Summary**Statutory Consultations

- 4.1 Environment Agency (letter dated 22nd April 2004) - the Agency has no objection to the proposed development but wishes to make the following comments:

"It is considered rations should be formulated to minimise the amount of nitrogen excreted by the birds over the rearing cycle, by optimising crude protein input and feed utilisation. Phosphorus levels in rations for poultry should be reduced over their rearing and production cycle.

To fully account for nitrogen, phosphorus and potassium in manures it is advised that the applicant implements a Manure Management Plan for the poultry houses.

The facilities must comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, as amended 1997.



Agrochemicals and pesticides should be stored and used in such a manner so that pollution of surface or groundwater cannot occur.

The site should be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water. Drainage from contaminated yard areas should be isolated from the clear water system, and collected and stored safely in a tank until application to land or export from the site can take place in accordance with the Manure Management Plan. Water which has been used for cleaning within the housing should be collected and stored, either in a slurry store or in a separate tank, until application to land in accordance with the Manure Management Plan.

On removal from housing, manure and litter shall be applied directly to land, when field conditions are appropriate, as detailed in the Code of Good Agricultural Practice for the Protection of water, or stored safely until field conditions are appropriate for application to land.

You should not apply livestock manures and other organic wastes when the soil is; waterlogged, flooded, frozen, snow-covered, steeply sloping or within 10 metres of a watercourse (including field ditches) or 50 metres of any spring, well or borehole supplying water for human consumption or its to be used in farm dairies. For each field application rates shall not exceed 250Kg/Ha of Total Nitrogen (N) in any 12.”

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation - no objection subject to condition - The development hereby permitted shall not be brought into use until an appropriate routing agreement for HGVs has been submitted to and approved in writing by the local planning authority. HGVs accessing and leaving the site shall only use the approved routing agreed under this condition. Reason: In the interests of highway safety having regard to the local highway network. Public Rights of Way - the proposed development does not appear to affect any public right of way and there is no objection to this application on this basis.

### **5. Representations**

- 5.1 Canon Pyon Parish Council - the Parish Council has no objections subject to the comments below (the Environmental Statement was clear and helpful).
- a) The effect of added run-off water caused by the area of poultry houses should be considered in light of the flooding already prevalent at the foot of farm lane.
  - b) Kinford Cross Cottage and other estate properties in Kinford have private water supplies - the owners are concerned that the supplies remain untainted.
- 5.2 Two letters have been received on the application, the first from M.J. Hawkins, Kinford Cross, Canon Pyon, Hereford who raises the following concerns.

We are concerned about the amount of heavy goods vehicles passing our property to get to the farm. The front door of our property is only 5 metres from the road and the road is only 4 metres wide. We have spoken previously to the Herefordshire Council's Highways Manager regarding the state of the unclassified road which runs from the A49 at Dinmore to Kinford Cross. We were advised that these roads were not

designed to take a lot of heavy goods vehicles and after only a few months potholes are being filled in the road.

We believe the construction is to be terraced into the hillside. Our concern is to the effect this will have on water running from Dinmore and the farm as all the roads in the area have had problems with flooding/standing water in heavy periods of rain but our property is potentially at risk. We trust the necessary design steps have been incorporated to reduce the effects on the local environment, e.g. noise, discharge of dust and smell.

- 5.3 A further letter has been received from Berringtons, Chartered Surveyors and Land Agents who refer to part of the application which states that R. Phillips of Kinford Farm has agreed to utilise 80% of the poultry manure emanating from the houses subject of this application. They identify that Kinford Farm is a tenanted farm and wish to advise that any agreement made by the tenant would not be binding upon the landowner and consequently the landlords would not wish to be bound by any agreement to receive poultry manure from the proposed units after the expiry of the current agricultural tenancy.

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 for consideration in determining this application are as follows:

- a) The principle of the proposed development.
- b) Siting and design of the proposed unit and the resulting landscaping impact.
- c) Potential impact of the development on the local environment including ecology, drainage, noise and odour issues associated with the proposal.
- d) The highway and transportation issues associated with the scheme.

- 6.2 Having regard to adopted Development Plan policies, it is considered that the principle of the two agricultural buildings proposed is acceptable subject to the site specific issues to be addressed below. Policies within both the Hereford and Worcester County Structure Plan, the adopted Leominster District Local Plan and the emerging Unitary Development Plan all seek to allow suitable expansion of agricultural buildings and farming enterprises to support the County's rural economy.

- 6.3 The proposed siting of the two poultry units are approximately 160 metres to the south west of the main Lawtons Hopes Farm complex. Whilst normally the Local Planning Authority would seek to site the building in close proximity to any existing farm units, in this instance having regard to archaeological issues around the main farm site, a siting which is somewhat divorced from the existing farm buildings is proposed. The site itself is in a relatively remote part of the countryside and is set against the backdrop of the rising hill towards the farm complex when viewed from the south. The existing mature hedgerow on the southern boundary of the application site has been allowed to grow in recent months and has established as an excellent visual screen along the entire length of the proposed units. The application also details that the buildings will be cut into the slope, however the Council's Landscape Officer has raised some concerns with regard to the amount of "cutting in" which may affect the quality of the proposed landscaping scheme. In essence any trees planted will not establish as well if they are on a steeply graded embankment or artificial landscape feature such as a mound or bund.

- 6.4 After careful consideration it is considered that the siting of the proposed units is acceptable in landscape term and with a condition controlling the level of cut and fill and materials of the proposed units, the scheme will not have a harmful visual impact on the character and appearance of the Area of Great Landscape Value.
- 6.5 The environmental supporting documents submitted with the application examines in detail issues of geology, hydrology, archaeology and any impact on the flora and fauna. The nearest water feature is a tributary of the Size Brook some 850 metres to the south-west and no surface water bodies pass directly through the application site with the exception of minor field drains located at the field boundaries. The comments of local residents have been noted with regard to water supplies and the detailed response from the Environment Agency also addresses this matter. With suitably worded conditions requiring a specific foul and surface water drainage scheme to be submitted and approved, it is considered that there will be no detrimental impact on any local watercourses. Furthermore, the impact on flora and fauna and archaeology have been satisfactorily addressed by the submission.
- 6.6 The issue of ventilation of the unit and resulting air quality has also been examined. A modern ventilation system would be fitted along the ridge line of each building and the nearest and associated properties are 400 metres to the north-west on higher ground than the application site. In association with the modern extract unit and proposed tree planting, it is accepted that any nuisance from smells caused by the ventilation of the units are unlikely to cause any wider nuisance. The potential for dust generation through associated delivery of food stuffs and servicing by large vehicles does exist. In support of the application the agent indicates that best practice will be used during dry periods to reduce any dust by spraying the delivery areas that will limit the amount of dust produced.
- 6.7 The access and transportation issues associated with the scheme have also been considered and no objections have been raised subject to a condition by the Transportation Manager. All vehicles servicing the site would enter and exit as at present from the south and use the two junctions with the A4110 Hereford to Knighton road. The condition proposed will ensure the Transportation Manager is satisfied with this arrangement and the level of movements associated with this scheme being submitted with the application. The birds within the units will be brought to the site from dedicated parent rearing units elsewhere at 16 weeks of age and will require three vehicles to convey them. The birds will remain on site for 56 weeks producing fertile eggs. On removal at the end of that cycle by a further three vehicles the houses are cleansed and remain empty for four weeks before restocking. During the 56 weeks that the birds are housed they will require 56 feed deliveries, one per week. Egg collection for transportation to the hatchery will require 84 vehicles over the 56 weeks and will be in the form of one vehicle one week and two vehicles the following and so on throughout the cycle. The matter has been discussed with the Council's Transportation Unit. This will mean an average of 2.5 vehicles a week are accessing the site in relation to the poultry units.
- 6.8 In conclusion, Officers are of the view that with appropriate conditions, the proposed scheme is acceptable and permission is recommended.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

5. **G07 (Details of earth works).**

**Reason: To ensure that the application site is properly landscped in the interest of visual amenity of the area.**

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

**Reason: To safeguard the amenity of the area.**

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

**Reason: To safeguard local amenities.**

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

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

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

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

**Informatives:**

1. **HN01 - Mud on highway.**

2. **The attention of the applicant is drawn to the comments of the Environment Agency in the letter dated 22nd April 2004. The scheme as submitted in relation to Condition 9 shall incorporate measures as specified by the Environment Agency for the prior approval of the local planning authority.**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**11 DCCW2004/0938/F - CONSTRUCTION OF 44 DWELLINGS, A NEW CRICKET PAVILION, IMPROVED SPORTS FACILITIES, CAR PARKING AND ASSOCIATED WORK AT LAND AT PENTLAND GARDENS, KINGS ACRE, HEREFORD**

**For: Persimmon (South Midlands Ltd) per Mr. G. Brockbank, Hunter Page Planning Ltd., Thornbury House, 18 High Street, Cheltenham, GL50 1DZ**

**Date Received: 31st March, 2004**

**Ward: Three Elms**

**Grid Ref: 48631, 41276**

**Expiry Date: 26th May, 2004**

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

**1. Site Description and Proposal**

- 1.1 The Bulmers sports ground consists of 3.5 hectares (8.64 acres) of land on the western edge of Hereford city. The site is bounded to the south and east by housing developments and to the north and west by open countryside. The sports ground itself is a relatively flat site with a number of trees, particularly to the western boundary and a mature hedge on the west and north boundaries. The site is currently laid out for use as a single football pitch, a cricket pitch, a bowling green, disused tennis courts and a car park. There are four buildings currently occupying the site, all of which are predominantly wooden in construction. The application site also includes an existing play area off Pentland Gardens which would be reconfigured as part of the development proposed. Access to the site is obtained off Kings Acre Road via Cotswold Drive. This one access point onto Kings Acre Road serves all of the existing housing on site and would serve the 44 dwellings proposed by this scheme.
- 1.2 This application seeks full planning permission for the erection of 44 dwellings, 15 of which would be dedicated as affordable housing. The scheme also involves the dedication of approximately 2 hectares (4.98 acres) of land to be used as sports facilities to Herefordshire Council. This would enable the retention of the cricket pitch (relocating the square) and the bowls club in its current position and would involve the construction of a new sports pavilion on the site. The applicant has also agreed the principle of financial contributions for the ongoing maintenance of the facility and a contribution to provide a replacement football pitch elsewhere in the city.
- 1.3 The scheme as submitted which is accessed via Pentland Gardens across an existing area of public open space contains a mixture of housing types ranging from four bedroomed detached houses to two bedroomed bungalows. The majority of the housing is indicated on the site of the existing football pitch at the southern end of the site adjoining Pennine Close and Grampian Close. The northern part of the site would remain predominantly as a cricket pitch which adjoin the bowling club facility. A new pavilion and parking area are also to be provided. At present the site is fenced and protected by locked gates and there is no incidental public access to any of the land. The land has not been maintained as a cricket pitch for some time.

- 1.4 As identified in the adopted Hereford Local Plan (1996), the site is allocated as private outdoor play space where Policy R5 is applicable. In the emerging Unitary Development Plan (revised deposit draft) the site is shown as "safeguarding open space and allotments" where Policy RST4 is applicable.

## 2. Policies

### 2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport
PPG17	-	Sport and Recreation

### 2.2 Hereford and Worcester County Structure Plan:

Policy H2B	-	Housing Requirements
Policy H2C	-	Housing Requirements
Policy CTC9	-	Development Requirements
Policy CTC18	-	Development in Urban Areas
Policy LR12	-	Recreational Facilities in Sensitive and Pressure Areas

### 2.3 Hereford Local Plan (1996):

Policy R4	-	Outdoor Playing Space Standards
Policy R5	-	Loss of Private Outdoor Playing Space
Policy R8	-	Children's Play Areas
Policy ENV14	-	Design
Policy ENV15	-	Access for All
Policy ENV16	-	Landscaping
Policy H3	-	Design of new Residential Development
Policy H4	-	Residential Roads
Policy H5	-	Public Open Space – Provision in Larger Housing Schemes
Policy H6	-	Community Open Space Provision in Smaller Schemes
Policy H8	-	Affordable Housing
Policy H12	-	Established Residential Areas – Character and Amenity
Policy R2	-	Deficiencies in Public Open Space Provision
Policy T3	-	Traffic Calming
Policy T11	-	Pedestrian Provision
Policy T12	-	Cyclist Provision

### 2.4 Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk



Policy H2	-	Hereford and the Market Towns – Housing Land Allocations
Policy H3	-	Managing the Release of Housing Land
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirement
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision
Policy T16	-	Access for All
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy RST4	-	Safeguarding existing Open Space
Policy CF5	-	New Community Facilities
Policy CF6	-	Retention of existing Facilities

### 3. Planning History

- 3.1 HC900262PO/W Site for residential development, open space and car park at part of Bulmers Sports Ground. Outline permission 28th October 1991 - a legal agreement was signed restricting any other planning application on the remainder of sports ground - this lapsed 31st March 2001.
- 3.2 CW2003/0223/F Residential development of 59 no. 2, 3 and 4 bed dwellings, associated roads, drives and sewers on former Bulmers playing field including the upgrade of existing cricket and bowling facilities and new pavilion. Application withdrawn 11th June 2003.

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 Welsh Water - Sewerage:

Conditions:

1. Foul water and surface discharges must be drained separately from the site.  
Reason - To protect the integrity of the public sewerage system.
2. Surface water discharges will only be permitted to discharge to the public surface water sewerage system.  
Reason: To prevent hydraulic overloading of the public foul/combined sewerage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.
3. No land drainage runoff will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

4. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

5. The proposed development site is crossed by a public sewer/rising main/disposal main, the approximate position being marked on the statutory public sewer record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centre line of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

#### Advisory Note:

If a connection is required to the public sewerage system the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants.

#### Sewerage Treatments:

No problems are envisaged with the waste water treatment works for the treatment of domestic discharge from this site.

#### Water Supply:

Dwr Cymru Welsh Water has no objections to the proposed development. The proposed development is crossed by a trunk/distribution water main. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 4.2 Sport England - the application is significantly different from the earlier application that was withdrawn in that it is no longer proposed to replace the grass pitch that would be lost if this development were to proceed. It is not, therefore, appropriate for the applicant to attach a letter from us regarding the previous application as an appendix to the supporting statement for the development.

Sport England needs to consider the application in light of its playing fields policy. This policy is now largely incorporated in paragraph 15 of Planning Policy Guidance Note. The policy aims to ensure that there is an adequate supply of playing fields and quality pitches to satisfy the current and estimated future demands for pitch sports. The policy identified is far in exception to our normal position and proposing development, which would result in the loss of playing fields.

This proposal means the loss of a substantial amount of playing field land and not simply in the loss of the football pitch but also the former tennis courts, grass play area and part of the car parking. These would all fall within the definition of a playing

field. Sport England consider that the package of proposals that accompanies the previous application could address the loss through a combination of our policy exceptions, E4 and E5, which all form criteria iii and iv in paragraph 15. That is by providing a replacement playing field facilitating benefits to sport to outweigh the loss of the playing field.

In my previous letter I suggested that the applicant are proposing a combination of E1 and E5 in terms of our policy. This would combine criteria iv of paragraph 15 and the advice in paragraph 10. If the applicants are seeking to address playing field policy in this way it would seem obvious that the recommended methodology in paragraph 10 is relevant and a matter for consideration. Playing fields are a form of open space. For RPS to offer the option they have suggested that the protection of open space has no relevance to our remit of protecting playing fields would suggest an overly pedantic and unimaginative interpretation of our role.

To address paragraph 10 the assessment has to be of all the functions that the open space can perform. Furthermore, the applicants need to demonstrate their proposals are widely supported by the local community. In their letter the applicants have commented that an alternative methodology to that recommended by PPG17 has been agreed with your Council. Your Council's views on the study and the conclusions would be welcomed. I have asked our Headquarters to look into the RPS letter, to comments about team generation rate and will advise of any useful response.

The applicants refer to an offer to invest in the quality and improvement of alternative facilities in the area. I would welcome further clarification of this offer.

On the basis of the current information Sport England objects to the planning application on the grounds that there will be a loss of playing field land that has the potential to be benefit to sport and local amenity. We hope that the issues raised in this letter will be addressed and that we will be given a further opportunity to comment based on the information requested.

#### Internal Council Advice

- 4.3 Head of Policy and Resources - Education - the provided schools for this site are Trinity Primary and Whitecross High Schools. It is likely that there will be space at Trinity, however additional children entering the area would prevent us removing temporary classrooms that we may otherwise be able to do. Whitecross has already reached its capacity and would require additional accommodation to house additional children on its current site. The UDP includes a planning obligation policy requiring financial contributions for housing developments towards education facilities. Other plan policies will require new developments to be located and address safe routes to schools.
- 4.4 Head of Transportation and Engineering - recommends amendments to the proposed highway network to service development at the junction with Pentland Gardens and further information is required. The application does not state how stormwater will be disposed of and as there are no watercourses nearby, the developer may have to consider on site storage with flows limited to green field valleys.
- 4.5 Leisure Services Manager - after considering the revised document from RPS - Playing Pitch Assessment we have some minor reservations around some of the additional information given, but on the whole the document provides a very robust

assessment of the current provision and the conclusion that there is a surplus provision within this area is accepted. Given Sport England objections, the compensatory provision alone proposed should satisfy their policy.

- 4.6 Head of Environmental Health & Trading Standards - no comments.
- 4.7 Head of Forward Planning - the sports ground is identified as private outdoor play space in the Hereford Local Plan (Policy R5) and it is also allocated as open space to be safeguarded in the emerging revised deposit draft of the UDP (Policy RST4).

The adopted Hereford Local Plan Policy R5 allows development on such areas in exceptional circumstances. Playing fields should normally be protected except where sports and recreation facilities can be retained and enhanced with a redevelopment of a small part of the site, alternative provision of equivalent community benefit is made available, or the Local Plan shows an excess of sports pitch provision and public open space in the areas, taking account of the recreation and amenity value of such provision. The proposal is to develop a significant part of the site and to lose a football pitch. No alternative provision is proposed for this lost pitch. The remaining cricket pitch and bowling area and the appropriate building appear to be improved to some extent and these recreational areas would be able to be used by the general public rather than run as private club facilities for workers at Bulmers.

Emerging UDP Policy RST4 is similar in that development proposals involving the loss of public or private open space will not be permitted except in specified circumstances. Circumstances relevant to this case are:

- 1) Any evidence of an excess (or deficiency) of provision in the area, or
- 2) Alternative provision of at least equivalent benefit in a convenient and accessible location.

The Council does not yet have its own rigorous assessment of open space needs and provision in place to judge accurately whether there is a surfeit or deficiency of pitches in this area. This assessment will need to take account of projected participation rates of population growth, as well as the current situation. Some impression of planned local population growth up to 2011 can be gained from the UDP. The Plan presently makes no land allocations for housing development close to the application site, the nearest in this north west sector being at Whitecross School, the Eye Hospital and Friars Street. Any growth in demand around the application site over the Plan period could therefore be expected to come mainly from growth in local households, windfall site development and increase participation in sports.

PPG17 has been revised since the Hereford Local Plan was published. In the absence of the "robust assessment of need" by the Council, as referred to in paragraph 1-5, stringent requirements are set out in PPG17 (paragraph 15, i-iv). The scheme will not appear to meet these criteria, unless point iv is interpreted as including cases where improved recreational facilities are provided as part of a wider development that outweighs the loss of any existing facilities. If this interpretation is valid, the value of the improved/replacement facility offered on site by the applicant, including improvement "conversion" from private to public facilities, need to be weighed against the loss of existing facilities, based on technical advice from the

Council's Leisure Services and Sport England. [It is noted that Sport England does not appear to make this interpretation of point iv at paragraph 15 of PPG17].

If this interpretation is not valid, then replacement playing fields of equivalent or better quality and utility would be required. However, it is acknowledged that the applicant has included a study document, which assesses the need for outdoor recreational space in the northwest of Hereford, in accordance with national guidance (paragraph 10). This has to be regarded by the Case Officer as a material consideration, and the technical data and conclusions therein should also be fully considered and commented upon by the Council's Leisure Services. If it is then considered that the applicant has made a sufficiently justified case for development, which includes the loss of playing field, taking into account the requirements of national planning and local planning guidance, then this application could be progressed.

## **5. Representations**

- 5.1 In support of the application a Planning Statement has been produced by the applicant's agent which concludes firstly, the proposed development sits comfortably with the sequential test application of PPG3, which identifies greenfield sites adjacent to urban areas as being the most appropriate places for housing developments after previously developed land.

The development of 44 units will help Herefordshire Council meet their required provision of dwellings during the Plan period up to 2011.

The proposed development will respect the existing character of the landscape, which has a flat topography and will correspond to the existing pattern of development that exists in Pentland Gardens. Furthermore, the proposed residential development will not compromise the existing landscape transition between the urban fringe of Hereford and the surrounding open countryside.

The additional dwellings proposed are ideally located to take advantage of the well-established transport links to the area. In addition, the opportunity exists to ensure that there is minimal reliance on the private car, as alternative modes of transport exist close to the site in the form of bus services for the centre of Hereford, linking the site and its potential occupants to shops, services and employment opportunities.

The additional traffic that is likely to be generated by this proposal can easily be accommodated safely on the existing road system without undue environmental consequences. In addition this proposed revised planning application incorporates an improved access for occupiers of the site and emergency vehicles as necessary.

Importantly the proposed development due to the enhancement of the existing sporting facilities and surplus of senior sports pitches in the northwest of Hereford, will not result in a shortfall of recreational opportunities within this part of the city. The residential development will complement to the existing recreational facilities providing exceptional circumstances in which to justify the residential development that forms part of this proposal.

In essence the proposed development will be entirely in accordance with Planning Policy Guidance and it is hoped that this proposal is considered appropriately and planning permission is granted in due course.

A supporting assessment of playing pitch provision for the northwest sector of Hereford City produced by RPS on behalf of the applicant demonstrates that the loss of the playing field at Bulmers Sports Ground would not result in the under provision of pitches in the study area.

- 5.2 Hereford City Council - concern at how backland development can be accommodated via existing local road pattern without congestion arising.
- 5.3 Hereford Civic Society - while this application appears to show some improvements over the previous application withdrawn by Persimmon we believe that it should be rejected unless some agreement is reached with the developer on improvement to the standard of architecture of the proposed houses which, to say at the least, is uninspired. Until some effort is made to ensure that housing developers raise the standard of their architecture we shall continue to have Hereford condemned to have large areas of poorly designed speculative houses. Also we are not convinced that the access arrangements have been modified sufficiently to ensure safe and adequate movement of traffic to existing houses in the area, to the new development proposed and to the sports facilities.
- 5.4 Herefordshire Football Association - Herefordshire FA and Herefordshire Local Football Partnership formally object to the loss of the football facility at this site. Hereford is devoid of quality pitches as confirmed by the REFF Report. The loss of one of the best playing surfaces in the county without the compensatory measures is strongly objected to and contrary to Policy R5 and R11 of the Hereford Local Plan. At a time when the issues of obesity are high on the agenda it is important that we increase participation through the recreation and provision of quality facilities. The development of football within Herefordshire is directed to the local football partnership strategy of which your Council is a key partner and player. This identifies the need to upgrade existing facilities and support the promotion of enhanced community pitches rather than part pitches as provided by the Herefordshire County Council. Accordingly appropriate planning gains should be achieved through either the provision of a compensatory provision or money to enable other facilities to be enhanced. Through discussion with the Football Association Facilities Manager, Herefordshire is lacking behind the provision of Section 106 money from development and this is a key issue which must be addressed as it would enable the Council and the local football clubs to draw down several hundreds of thousands of pounds of grant money into the county. We therefore urge you to seek compensatory football facilities in light of the above or if not forthcoming refuse the application.
- 5.5 39 letters of objection have been received from local residents. The contents of the letters often raise very strong objections to the proposed development and go into considerable detail on specific issues. For the purpose of this report the key planning issues will be summarised as follows:
- The principle of housing on this protected site is objected to as the site is clearly shown as private recreation land in the Development Plan. Such land should not be built on and there is a strong presumption against new residential development especially involving the loss of good quality sports facilities. This site offers some of the best sporting facilities in the city.
  - Very strong objections are raised with regard to additional vehicular traffic entering the site via Cotswold Drive which is the cul-de-sac already serving in excess of 150 houses. Parking is already a problem and this proposal does not accommodate enough parking for any visitors. Significant increases in traffic will

be particularly dangerous giving the amount of children playing in the area and it will be totally unsafe for the Council to approve such a development on an inadequate road network. The knock on impact onto Kings Acre Road and into the city would be horrendous, the visibility from the existing road network onto Kings Acre Road is below standard and unsafe. In reality the scheme would generate at least 100 cars plus sporting visitors at the weekend and through the week given Council ownership of the land. The access road was only put in to serve Cotswold Drive and now takes extra traffic from Pentland Gardens. The increase is not acceptable. Within the layout there are no footpaths on the side of the road which again will lead to children playing behind cars and will be extremely dangerous. Peak time traffic is already particularly bad and this scheme will only go to add to the problem and endanger other highway users.

- Strong concerns are raised about the density and mixed nature of the development proposed including the social housing element. The character of the area is defined by detached and semi-detached dwellings and this high density proposed including social housing is totally out of character with the immediate area.
- There is a lack of sports and recreation facilities in the locality and the loss of the football pitch would be unacceptable. The children's play area is to be modified and repositioned, this area is already abused and the children for who it is designed are unable to use it and this will compound the situation which will become an eyesore as it currently is.
- Strong concerns that the infrastructure of the area such as drains won't be able to cope with the new capacity from the development and would the development result in flash flooding and is there sufficient capacity such as schooling in the area which is already severely stretched. Concerns that if the development is constructed that emergency vehicles will not be able to access the area which would result in delays.
- The proximity of new houses to the common boundary with existing properties and the impact that such development would have in relation to overlooking, loss of light and general amenity.

5.6 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 consideration of this application relate to

1. The principle of residential development in accordance with adopted planning policy.
2. The impact on sports and recreation facilities.
3. The access and transportation issues.
4. Site layout.
5. Any other material considerations.

6.2 Policy R5 of the adopted Hereford Local Plan (1996) states that development proposals which would lead to the loss of private playing fields, school playing fields

and other private outdoor sports facilities would only be permitted in exceptional circumstances, having regard to

- a) where sports and recreation facilities can be best retained and enhanced through the development of a small part of the site, particularly in respect of any improvements in public access;
- b) the extent to which alternative provision of equivalent community benefit is to be made available in a suitable location;
- c) the role of the facility meeting outdoor play needs, taking into account the long term impact of the loss of the facility.

6.3 The site is identified in the Hereford Local Plan as private recreational space. As will be noted from the above policy requirement, development proposals will only be permitted in exceptional circumstances having regard to the three criteria set out. As set, there is a general presumption against residential development on such sites.

6.4 The scheme itself proposes the erection of 44 dwellings which are predominantly sited on the southern half of the sports field where an existing football pitch is presently located. The scheme itself provides a good mix of residential units ranging from two bedroom, bungalows and semi-detached properties through to four bedroom detached dwellings. It should also be noted that the proposal includes the full 36% policy requirement for affordable housing which are to be provided in 2 bed bungalows, 2, 3 and 4 bed houses, giving a total number of dwellings of 15. In terms of residential density and provision of affordable housing the scheme is fully compliant with the latest advice contained in PPG3 (Housing).

6.5 Officers consider the principle of housing on this land should only be accepted if the proposal is submitted in "exceptional circumstances" and the provision and enhancement of the sports and recreation facilities offer the opportunity for enhanced community participation. If planning permission is granted then the proposal would represent a departure from the Development Plan.

6.6 The sports facilities provided on the former Bulmers playing field are considered to be of a particularly good quality when they were in use, most notably the cricket pitch was arguably the best in the city. The application proposal whilst retaining the cricket use on the site would involve the relocation of the square to the pitch to the moved in a northern direction. Also proposed by the application is the erection of a new cricket pavilion which will be access via a new road network from Pentland Gardens, a coach parking facility, 41 car parking spaces are also shown on the site to serve both the cricket pitch and the retained bowls club. An area of grasscrete is also detailed for overspill parking.

6.7 At present all of the sports and recreation facilities are undertaken on a private club basis and the site remains locked and gated when not in use. From a recent inspection, it would appear that the cricket pitch is not in use in the current season as the square is in an unkempt state. With the scheme before Members, 2 hectares (4.9 acres) of the 3.5 hectares (8.64 acres) of the application site would be dedicated to the Council as well as a commuted sum for the long term maintenance of the site. The developer would also construct a new cricket pavilion and associated storage shed and could provide money to refurbish the existing bowls club house to provide toilet accommodation.

6.8 At present all of the sports and recreation facilities on site are undertaken on a private club basis and the site remains locked and gated when not in use. The



Leisure and Countryside Manager has indicated that in principle the Council would be willing to take control of the sports facility proposed within this scheme with a view to reaching an agreement with the Education Department as the new Whitecross High School is an approved specialist college which has outline permission on the adjoining site and the cricket facility could form part of the overall sports offer as part of that scheme. The Whitecross School scheme makes provision that all the sports facilities will be open for public use outside school hours and due to the location of the cricket pitch and site boundary both proposals could easily form one sports site. However, the Leisure Services Manager is concerned in respect of the maintenance costs of such a facility and the applicants have put forward as part of the scheme £10,000 for the repositioning of the cricket square, and £50,000 towards the maintenance of the cricket pitch. These commuted sums would be secured as part of a Section 106 Agreement and would represent a Planning Obligation. As part of this sports offer, it is proposed that a new cricket pavilion would be constructed on the site for that facility. After discussing this matter with the Leisure Services Manager and a inspection of the current facilities on site, all of the existing buildings with the exception of the bowls club pavilion are to be removed. The bowls club pavilion is a timber structure which if acquired by the Council would have a relatively high maintenance regime due to its construction form. It is the opinion of your Officers that the new pavilion as put forward should be extended to include two more changing rooms and associated changing facilities so one building is provided on site to a modern standard to the appropriate specification that will serve both the cricket and bowls purposes. This matter has been taken up with the applicants and their formal response on this matter is awaited.

- 6.9 A contribution of £44,000 is also proposed as part of the scheme towards appropriate schemes for Trinity Primary School. Given that this site is not an allocated housing site and is brought forward on a "windfall" basis, the Local Education Authority have requested a contribution of £1,000 per unit.
- 6.10 The response of Sport England on this application is presently one of objection as they are not convinced from the initial report submitted that the proposal complies with the terms of PPG17. However, a key issue in respect of sports provision is the loss of the football pitch which is currently on site. At the submission of the current application £20,000 was offered towards the provision of a new football pitch off site. After discussions, it is clear that such a contribution is not sufficient to provide such a facility off site. From the assessment carried out by RPS on behalf of the applicant, it is stated there is not a shortfall of such sports pitches within this quadrant. It is therefore proposed that the replacement pitch is provided at the recreation site at Aylestone Hill. After negotiations it is now proposed to offer £100,000 for this purpose. Such a contribution is considered sufficient to provide a pitch off site to a standard acceptable to the relevant leagues that play in Hereford. Once this offer has been formally submitted to the Local Planning Authority an updated position on the latest Sport England views will be requested and reported at the meeting,
- 6.11 To summarise the sport and recreation position on this application, it is considered that the dedication and relocated cricket pitch, new sports pavilion, financial contributions for the relocated football pitch are in principle welcome. However, this is on the basis that the financial contribution offered by the developer is considered acceptable by the Leisure Services Manager and Sport England. It should be noted however that the relaying of the cricket square and repositioning of the pitch could take a significant period of time to establish and the quality of the cricket provision and the setting of the ground will be significantly different to that which exists on site presently. Furthermore, whilst the dedication of the facilities to the Council in theory

makes the facility more available to the general public, it is intended that the existing club using the bowling facility will continue, and the cricket provision will be included within the management of the adjoining Whitecross High School approved specialist sports college campus. The facilities on offer at Whitecross School will be managed by "Halo" and it will be for the Education Directorate in conjunction with Whitecross School to open negotiations with regard to the open availability of the cricket facility. It is a view of the Leisure Services Manager that Whitecross High School should act as a feeder club to a senior club who and could use the facility on weekends and evening matches. As part of the package for the cricket ground, it is proposed also to provide a cricket roller shed and associated car parking for the facilities.

- 6.12 The access and transportation issues associated with this scheme have been an area of particular concern to local residents. Almost all of the objection letters submitted raise concerns on highway safety grounds and potential for congestion, both within the site and on Kings Acre Road. Given that all of the existing development (in excess of 150 houses) is served by one access point off Kings Acre Road, the Head of Engineering and Transportation does not raise any objections to the capacity that the existing highway network which would serve the development but raises issues on a number of details, particularly the positioning of car parking for the sports facilities, specification of coach parking, details of visibility of the new access road with Pentland Gardens and details of the bollards on the proposed emergency access route located directly to the rear of the pavilion. The issue of road capacity has been discussed at length with the Transportation Unit who are of the opinion that the existing road network can accommodate the dwellings proposed.
- 6.13 The issues raised in the Transportation Unit's comments can be generally addressed with the submission of amended plans and this matter is currently being processed by the applicant's agent. Therefore, in conclusion the Transportation Unit has no objections in principle to the scheme but requires reassurance on a number of detailed design elements which relate to the junction of Pentland Gardens and the new development and within the proposal itself not the wider highway network.
- 6.14 The previous application was submitted on the basis of the importance of the development of the site in relation to the then financial difficulties of H.P. Bulmers Plc and justification was submitted which made a case that the cash sum released from the site would underpin the company's position. That argument no longer exists since the Scottish and Newcastle takeover and therefore the scheme must be considered against relevant adopted policies and other material considerations.
- 6.15 It is your Officers opinion that if the cricket pitch is managed from the new Whitecross High School site then there is an argument that the car parking associated with the cricket pitch use which has been proposed as part of this scheme could well be removed and located within the school grounds. Clearly local residents have concerns as already set out in respect of the road network capacity and highway safety issues and the removal of this car parking provision would take some capacity away from the local highway network. This matter is currently being discussed with the applicant's agent and if progressed amended plans detailing this will be submitted. The area in question for the car parking is to the west of Plot 46. It is your Officers opinion that if this car parking is removed then it would be more appropriate to relocate Plots 1 and 2 to the northern side of the proposed access road adjoining the new bowls club, the resulting area which is currently detailed for Plots 1 and 2 could then be used as a further area of open space which would then form a linear strip of open space from Pentland Gardens to the rear western

boundary thus having a more open feel to the development when approaching and viewed from Pentland Gardens.

- 6.16 Issues of building to building relationship have been considered extremely carefully as those residents which currently back onto the site have an open aspect. The issue of the loss of view is not a material planning consideration, however the issue of the proximity to the new development to the adjoining dwellings is. The closest relationship between existing dwellings and those proposed is in the vicinity of Plots 11, 13, 21 with development proposed within some 1-2 metres of the common boundary. In relation to the development on Plot 11, the new dwellings proposed are of bungalow single storey design and it is considered that relationship is acceptable. In relation to development on Plot 13, the new dwelling is set some 5 metres to the rear of the existing dwelling, the relationship when in the garden of the existing dwelling adjacent to this plot would one looking at a gable wall which is not an uncommon relationship on modern day residential developments, the densities of which are set by those in PPG3 where the Local Planning Authority is duty bound to seek the most effective use of land at a higher density than historic developments such as that adjacent to the application site. In relation to Plot 21, although the building is located in close proximity to the boundary some 2 metres, the rear elevation of the existing property to the side elevation of the proposed property is some 18 metres.
- 6.17 The issue of proximity of dwellings has also been raised in relation to those properties in Pentland Gardens and the new development where the back to side relationship is 15 metres. Although this may appear close to the residents of those properties and their views are clearly appreciated in respect of the planning merits such a distance of 15 metres again is considered to be an appropriate distance and indeed Inspectors on schemes in Hereford City have reduced such relationships to a much lower level.
- 6.18 In correspondence received a number of residents have commented on the surface water issue that in periods of heavy rainfall water has been visible standing on the site, and indeed one residential has produced photographic evidence of such. This matter has been discussed with the Council's Drainage Section, and it is considered that appropriate conditions are required for the development to ensure that a flash flooding situation does not occur to both the adjoining existing residential properties and those part of the scheme proposed. Detailed conditions therefore would be necessary to ensure that detailed drainage systems are submitted and should be designed on the basis of the existing greenfield runoff capacity which may require holding tanks to be constructed on the site which is not an unusual situation and there are many recent residential developments in Hereford City which have been designed in such a manner.
- 6.19 On balance and after careful consideration, Officers conclude that the methodology submitted in respect of the assessment of playing pitch provision and the views of our own Leisure Services Manager detail that there is not a shortfall of playing pitch capacity in the locality and in fact once the Whitecross High School scheme is constructed for which there is outline planning permission already granted and a current application being considered for the detailed scheme, there would be an increase in football pitch provision in the locality as those pitches will be open for public use as part of the school's proposals. Therefore the Planning Obligation proposed will allow the provision of a football pitch for Aylestone Hill to come on line adding to the capacity of the northern part of Hereford City which would result in added capacity to football provision. It is also proposed that the cricket pavilion

proposed notwithstanding the submitted details and its location should be subject of a condition whereby that provision is combined with new provision for the bowls club and located in an appropriate location somewhere in the area of the existing bowls club building. Your Officers are of the opinion that this matter can be controlled appropriately through a planning condition. Such new provision would upgrade the facility for the bowls club and providing the necessary facility for the cricket pitch.

- 6.20 The issue of the orientation of the pavilion was raised in the previous application by Sport England when it was located in a similar position, however it is not unusual to have the orientation of the pavilion orientated towards a westerly direction. The acquisition of the cricket pitch by the Local Authority and used in conjunction with Whitecross High School for the students of that campus and outside hours use, will open up a facility which is currently private with extremely limited use to the former Bulmers employees. As already noted in the report and from a recent site visit, the pitch is no longer in a condition that could be played without substantial work to the wicket. It is therefore considered by your leisure experts from this Authority that the proposals put forward and the evidence supplied by the applicants and the amendments proposed by this report by the provision of a joint pavilion that the sports offer gives added value to sports facilities for this part of Hereford and the wider area, however the views of Sport England on these proposed amendments are awaited and will be reported verbally to Committee.
- 6.21 The issue of the transportation network raised by local residents is noted and afforded some weight in the consideration of this proposal, however with Transportation's opinion that the highway network can accommodate the scheme as proposed, a reason for refusal on this basis would be unreasonable when highway engineers have not offered objections on this basis but it is your Planning Officers opinion that the removal of the car parking capacity allocated for the cricket use will reduce traffic flows to the sports pitches. If the existing pitches were to be used then they could be used more intensively than previous which would result in the capacity associated with such uses increasing.
- 6.22 The removal of cricket car parking will allow for the relocation of Plots 1 and 2 in a manner that would visually open up the site and increase the open space provision for not only the residents that would occupy the new and adjoining properties but the area as a whole. The issue of the building to building relationships have also been considered and amendments have also been requested to all those plots adjacent to the southern boundary by means of removing the existing gabled end details and those roofs redesigned to include a hip which will cut down the physical bulk so when viewed from the adjoining properties, it is considered that such treatment is appropriate for Plots 41 and 42 also and if such design amendments cannot be accommodated then newly designed dwellings may be required for these plots.
- 6.23 It is your Officers opinion that the scheme has addressed the normal planning issues associated with a residential development of this type in relation to the issues raised in this report. An appropriate weight is given to the added value to sports and recreation facilities being offered to the general locality and the northern area of Hereford City as a whole. On the basis of the case put forward it is considered that there will be an improvement to sports provision. On this basis having regard to all the material considerations considered with this detailed and complex application, the scheme is recommended for approval subject to a Section 106 Planning Obligation to ensure the delivery of the benefits and financial contributions put forward.

**RECOMMENDATION**

**1. That:**

- i) the application is notified to the Secretary of State for the Environment, Transport and the Regions as a departure from the Development Plan;**
- ii) subject to the Secretary of State confirming that he does not intend to call it in**

**The County Secretary and Solicitor be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to**

- 1) Provision of affordable housing (15 units comprising of 6 rented and 9 shared equity).**
- 2) A contribution of £44,000 to Trinity Primary School.**
- 3) A contribution of £50,000 towards the maintenance of the cricket pitch.**
- 4) A contribution of £100,000 for the provision of a new football pitch off site.**
- 5) A contribution of £10,000 for the repositioning of the cricket square.**
- 6) The construction of a new cricket/bowls pavilion to Sport England's specification design guidance.**
- 7) The relocation and siting of play equipment and laying out of public open space together with a commuted sum for the maintenance of such areas for a period of 10 years after completion of development.**
- 8) Payment of the Council's legal costs in preparing the Planning Obligation**

**and any additional matters and terms as she considers appropriate.**

- 2. On completion of the aforementioned Planning Obligation Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the receipt of suitably amended plans and no further objections raising additional material planning considerations after a reconsultation with adjoining residents and no objections being raised by Sport England.**

Decision: .....

Notes: .....

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Background Papers

Internal departmental consultation replies.



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