

A G E N D A

Central Area Planning Sub-Committee

Date: **Monday, 27th September, 2004**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 14
To approve and sign the Minutes of the meeting held on 25th August, 2004.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the central area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
4. DCCE2004/2658/F - 6 ST. PAUL ROAD, HEREFORD, HR1 1SR	15 - 18
Demolish and rebuild existing garage and add first floor extension.	
Ward: Tupsley	
5. DCCW2004/1978/F - LAND ADJACENT TO BRECKLANDS, MARDEN, HEREFORDSHIRE, HR1 3EW	19 - 22
Proposed four bedroom dwelling and garage.	
Ward: Sutton Walls	

6.	(A) DCCW2004/1762/F AND (B) DCCW2004/1763/L - PIGEONHOUSE BUILDINGS, BREINTON, HEREFORD	23 - 30
	(A) Conversion to one dwelling with annexe, garaging and storage buildings.	
	(B) Conversion of listed barn to one dwelling, conversion of curtilage granary / stable to annexe and restoration of small curtilage buildings to garaging and storage.	
	Ward: Credenhill	
7.	DCCW2004/2667/F - BEWELL STREET CAR PARK, BEWELL STREET, HEREFORD	31 - 40
	Proposed development to incorporate 7 retail units and 14 residential units.	
	Ward: Central	
8.	DCCW2004/1429/F - BARTON YARD, REAR OF J. SAINSBURY PLC, HEREFORD, HR4 0AG	41 - 48
	Construction of 22 dwellings comprising 13 houses and 9 flats.	
	Ward: St. Nicholas	
9.	DCCE2004/2003/F - LAND ADJACENT TO MORTIMER ROAD AND BURCOTT ROAD, HEREFORD	49 - 54
	Storage compounds (7) together with perimeter fence.	
	Ward: Three Elms	
10.	DCCE2004/2601/F - HOLMER TRADE PARK, HOLMER ROAD, HEREFORD	55 - 62
	Erection of 1890 square metres of new build commercial/industrial units and refurbishment of existing B1/B8 units. Demolition of flat roof extension.	
	Ward: Three Elms	
11.	DCCE2004/1930/F - LAND ADJACENT TO 68 ST. GUTHLAC STREET, HEREFORD, HR1 2EX	63 - 66
	Proposed house.	
	Ward: Central	
12.	DCCE2004/2455/F - CWM CRAIG FARM, LITTLE DEWCHURCH, HEREFORD, HR2 6PS	67 - 70
	Demolition and rebuilding of a stone barn to incorporate a two bedroom bungalow for the use of a disabled person.	
	Ward: Hollington	
13.	DATE OF THE NEXT MEETING	
	The next scheduled meeting is Wednesday 20th October, 2004.	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 25th August, 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, A.C.R. Chappell, P.J. Edwards, J.G.S. Guthrie, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson

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

31. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. E.M. Bew, Mrs. S.P.A. Daniels, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, Mrs. S.J. Robertson, Miss F. Short and A.L. Williams.

32. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
Mrs. P.A. Andrews	Item 4, DCCW2004/1679/F – Amendment to planning permission ref: CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free standing canopy in association with home delivery service at: TESCO STORES LTD., ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS	Declared a prejudicial interest and left the meeting for the duration of this item.
R. Preece	Item 9, (A) DCCW2004/1701/F and (B) DCCW2004/1703/F (A) Change of use from public house to private dwelling. Alterations and extensions to convert the existing building into two units and the erection of two additional units and (B) Change of use of existing car park to residential use and for the erection of two dwellings and associated covered and uncovered parking at: THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU	Declared a prejudicial interest and left the meeting for the duration of this item.

33. MINUTES**RESOLVED:**

That the Minutes of the meeting held on 28th July, 2004 be approved as a correct record and signed by the Chairman.

34. DCCW2004/1679/F - TESCO STORES LTD., ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS (AGENDA ITEM 4)

Amendment to planning permission ref: CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free standing canopy in association with home delivery service.

The Chief Development Control Officer reported the receipt of the comments of the Head of Environmental Health and Trading Standards (no adverse comments).

Councillor P.J. Edwards, a Local Ward Member, felt that the potential impact of the development on adjoining properties had been underestimated and proposed that Officers be authorised to grant planning permission, in consultation with the Local Members and the Chairman, to enable further consideration to be given to amenity issues. Councillor Edwards, noting that the existing gated access was not frequently used, felt that the increased use of the access onto Abbotsmead Road would cause highway safety problems and suggested that the developer should contribute to the provision of a no waiting order outside the access. Councillor Edwards also felt the proposal would increase noise disturbance and he suggested that an improved noise attenuation fence should be required.

The Chief Development Control Officer advised that the local planning authority could not control the public highway and that this proposal would not justify the provision of a no waiting order. He also advised that a condition requiring additional measures to control noise could be added to any planning permission granted if the Head of Environmental Health and Trading Standards felt it to be necessary.

Councillor Edwards felt that controls were needed to prevent indiscriminate parking near to the access to the site. The other Local Ward Members also commented on concerns regarding highway safety and noise issues.

Officers were asked to consider whether restrictions could be imposed on the operating times of the vehicles associated with the home delivery service.

RESOLVED:

Officers named in the Scheme of Delegation to Officers, in consultation with the Local Ward Members and the Chairman, be authorised to grant planning permission subject to the following conditions and any other conditions felt to be necessary by Officers:

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

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

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

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

3. H16 (Parking/unloading provision - submission of details).

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

4. H23 (Canopies/signs/projections over the highway).

Reason: In the interests of highway safety.

5. H26 (Access location).

Reason: In the interests of highway safety.

Informative:

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

35. DCCE2004/1858/F - PAGETS SPRING, HAWKERS LANE, FOWNHOPE, HEREFORDSHIRE, HR1 4PZ (AGENDA ITEM 5)

Proposed stable block and hardstanding, retention of gates.

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

Councillor Mrs. J.E. Pemberton, the Local Ward Member, outlined a number of concerns associated with these proposals and the area in general, including: the limited accommodation for horses in the stable block; the size of the hardstanding; surface water drainage problems; the condition of public footpaths; the number of retrospective planning applications being dealt with; the controversial design of the gates; the need to preserve a nearby stone bothy; and the need to minimise light overspill.

In response to a question, the Chief Development Control Officer advised that there were no development rights and any further proposals would require planning permission.

A number of Members felt that the lighting at the entrance gates should be kept to a minimum in order to protect the amenity of neighbouring properties. Some Members commented on the attractiveness of the gates but others felt them to be unsuitable.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2 The development shall be carried out in all respects strictly in accordance with the approved plans date stamped 20th May 2004.

Reason: To ensure adherence to the approved plans in the interests of

a satisfactory form of development.

3. B01 (Samples of external materials).

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

4. Notwithstanding the submitted application, details of the external lighting to be installed at the entrance gates shall be submitted to and approved in writing by the local planning authority within one month of the date of this decision. This shall include light positions, light wattage and time periods of operation. Only the approved details shall be installed and operated on site. The approved scheme shall be implemented on site within three months from the date the scheme is approved.

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

5. Notwithstanding the submitted drawings, ground levels and drainage of the hardsurfacing area shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is of a scale and height appropriate to the area.

6. Notwithstanding the submitted drawings, details of any materials surfacing the hardstanding including technical engineering specification of the area shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

7. E11 (Private use of stables only).

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

8. The waste material from the development is to be disposed of on site, none of the material should be disposed of inside the SSSI boundary and neither spread across the meadow.

Reason: To protect the natural environment.

Informatives:

1. Referring to Conditions 5 and 6, the local planning authority in the absence of the information requested has concerns regarding the surface of the area and request discussions with the local planning authority prior to commencement of the submitted application.

2. The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion and should remain open at all times. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way Department, preferably 6 weeks in advance of work starting.

3. All washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water".
4. Developments on this scale in these lower risks locations outside zone 3 fall outside the scope of formal standing advice. The following is offered to aid local planning authorities and developers in managing the surface water runoff issues for information purposes only as a pointer towards best practice for surface water disposal.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of Building Regulations 2000 sets out a hierarchy for surface water disposal which encourage a SUDs approach.

In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

5. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990.
 6. N15 - Reason(s) for the Grant of Planning Permission.
36. DCCE2004/0535/F - WORKSHOP ADJACENT TO STONELEIGH, BULLINGHAM, HEREFORD, HEREFORDSHIRE, HR2 6EG (AGENDA ITEM 6)

Proposed 2 no. 1 bedroom flats and parking areas.

The Planning Officer advised that the recommendation detailed in the report should be amended to read '...Subject to no objections raising additional material *planning* considerations...'

RESOLVED:

That the Environment Agency be notified and re-consulted on the decision to approve the application and;
Subject to no objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the

following conditions and any further conditions considered necessary by officers.

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

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

2 B01 (Samples of external materials)

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

3 H05 (Access gates)

Reason: In the interests of highway safety.

4 H13 (Access, turning area and parking)

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

5 H27 (Parking for site operatives)

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

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

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

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

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

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

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

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

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

Informatives:

1 The Environment Agency Flood Defence team can be contacted in Monmouth on 01600 771145 with regard to the flood warning system.

- 2 If a connection is required to the public sewerage system, the developer is advised to contact the Network Development Consultants (DVWW Sewerage Agents) on tel: 01443 331155.
- 3 HN04 - Private apparatus within highway.
- 4 HN05 - Works within the highway.
- 5 Your attention is drawn to the concerns of the Environment Agency who maintain that the access to the site could be affected by flooding at a rate of 1% apf (annual probability flooding). The Council can take no legal responsibility whatsoever in the event of a flood.
- 6 N15 – Reasons for the Grant of PP/LBC/CAC.

37. **DCCE2004/1826/F - LAND AT BREWERS ARMS, EIGN ROAD, HEREFORD, HR1 2RU (AGENDA ITEM 7)**

Proposed 2 no. 3 bed dwellings.

The Planning Officer recommended additional conditions in respect of slab levels and hours of working. An informative note was also recommended which would stress the absence of parking within the site and on-street parking restrictions.

Councillor W.J. Walling, a Local Member, expressed concerns about the density of the development, parking problems in the area and the potential impact of the proposal on residential amenity. Councillor Walling felt that the proposal would represent over-development and over-crowding of the site.

In response to questions, the Planning Officer advised the Sub-Committee that the design and form of the properties respected the character and scale of surrounding properties and explained the measures to mitigate the perception of overlooking. The Sub-Committee was also advised that the parking issue was not one that would uphold a refusal of planning permission given the government policy to encourage city centre living and the use of sustainable methods of transport. In response to a suggestion, the Chief Development Control Officer advised that it might be unreasonable to require the developer to provide bicycles and/or bus passes to the future occupants of the dwellings given the scale of the proposed development.

A number of Members spoke in support of the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1 **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 **A07 (Development in accordance with approved plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3 B01 (Samples of external material)
Reason: To ensure that the materials harmonise with the surroundings.
- 4 E19 (Obscure glazing to windows)
Reason: In order to protect the residential amenity of adjacent properties.
- 5 E17 (No windows in side elevation of extension)
Reason: In order to protect the residential amenity of adjacent properties.
- 6 Foul water and surface water discharges must be drained separately from the site.
Reason: To protect the integrity of the public sewerage system.
- 7 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
Reason: To prevent hydraulic overload of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 8 No land drainage run-off will be permitted, either directly or indirectly, to discharge to the public sewerage system.
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 9 E16 (Removal of permitted development rights)
Reason: To protect the character and amenities of the surrounding area.
10. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

Informatives:

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

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

7. It is drawn to the applicant's attention that the site does not accommodate off street parking. Parking on Eign Road is subject to a Residents' Parking Scheme. Herefordshire Council is not under any obligation to agree to a parking permit for these dwellings.

38. DCCE2004/2101/F - MERIDIAN GRANGE DEVELOPMENT (OPPOSITE) LAND OFF WITHIES ROAD, WITHINGTON, HEREFORDSHIRE (AGENDA ITEM 8)

Retrospective application for the siting of temporary sales centre for use in connection with Jennings Homes Ltd.

The Planning Officer suggested amendments to the recommendation to require the removal of the development within one month of the occupation or sale of the last dwelling, whichever was the sooner, and to require a scheme of work for the restoration of the site to be submitted within three months. She also advised that the drawing number of the submitted plans was 131.

Councillor R.M. Wilson, the Local Ward Member, advised the Sub-Committee that, contrary to rumour, he was not a member of Withington Parish Council and therefore did not need to declare an interest in this respect. Councillor Wilson said that he would have preferred a more suitable external colour to have been used but felt that temporary permission was acceptable subject to conditions.

Some Members expressed strong views about the retrospective nature of this application, particularly given that the applicant was a major developer and would be well aware of planning law; there was a suggestion that the application should be refused as a matter of principle. In response, the Principal Lawyer (Planning, Environment and Transport) clarified how retrospective applications had to be dealt with and outlined potential enforcement issues. The Chief Development Control Officer added that it was possible that the sales centre would have fulfilled its function and be relocated by the applicant by the time that enforcement action could proceed. The Sub-Committee was advised that a planning permission provided an opportunity to control the development.

A number of Members felt that the retrospective nature of the application to be regrettable but, given the current position in law, a refusal on this ground was unlikely to be sustained on appeal. The Sub-Committee agreed that a strongly worded letter should be sent to the developer, copied to other major developers, to highlight the unacceptable number of developments being built in the County without prior planning consent and reminding them of the relevant procedures.

In response to a suggestion that the sales centre be painted a more subdued colour, the Planning Officer advised that the development was considered acceptable in this location having regard to the temporary nature of the application.

To ensure the removal of the development within a reasonable timescale, it was proposed that the sales centre be removed within eighteen months.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1 Within one month of the occupation or sale of the last dwelling on the**

associated site or within eighteen months of the date of this decision, whichever is the earliest, the use and temporary building hereby approved shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to, within three months of the date of this decision, and approved in writing by the local planning authority.

Reason: The local planning authority is only prepared to allow the use and temporary building until sale of the dwellings is complete.

- 2** Notwithstanding the submitted plans on drawing number 131, the area of car parking shown, and marked with a 'X' shall be omitted from the scheme.

Reason: The local planning authority would not support the introduction of parking in this location having regard to the close proximity of the car parking available at the village hall.

Informative:

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

- 39.** (A) DCCW2004/1701/F AND (B) DCCW2004/1703/F - THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU (AGENDA ITEM 9)

(A) Change of use from public house to private dwelling. Alterations and extensions to convert the existing building into two units and the erection of two additional units.

(B) Change of use of existing car park to residential use and for the erection of two dwellings and associated covered and uncovered parking.

In accordance with the criteria for public speaking, Mr. Vaughan spoke on behalf of Canon Pyon Parish Council and Mrs. Santillo spoke in support of the application. Mr. McLeod had registered to speak against the application but was not present at the meeting.

Councillor J.C. Mayson, the Local Member, acknowledged the depth of local feeling regarding the loss of community facilities but noted that the business was, regrettably, no longer commercially viable.

RECOMMENDATION

In respect of DCCW2004/1701/F:

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. **D03 (Site observation - archaeology).**
Reason: To allow the potential archaeological interest of the site to be investigated and recorded.
5. **E16 (Removal of permitted development rights).**
Reason: In the interests of the character and amenity of the surrounding area.
6. **E18 (No new windows in specified elevation).**
Reason: In order to protect the residential amenity of adjacent properties.
7. **E19 (Obscure glazing to windows).**
Reason: In order to protect the residential amenity of adjacent properties.
8. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
9. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
10. **G01 (Details of boundary treatments).**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
11. **H14 (Turning and parking: change of use - domestic).**
Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.
12. **Foul water and surface water discharges must be drained separately from the site.**
Reason: To protect the integrity of the public sewerage system.
13. **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of exiting residents and ensure no detriment to the environment.
14. **No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

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

- 15. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached 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 centreline of the public sewer.**

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

- 16. E24 (Staging of Development)**

Reason: To ensure that adequate parking provision for the overall development is provided.

- 17. F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

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

Reason: To protect the amenity of local residents.

Informatives:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01441 331155.**
- 2. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.**
- 3. N15 - Reasons for the Grant of PP.**

In respect of DCCW2004/1703/F:

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. **D03 (Site observation - archaeology).**
Reason: To allow the potential archaeological interest of the site to be investigated and recorded.
5. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
6. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
7. **G01 (Details of boundary treatments).**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
8. **H14 (Turning and parking: change of use - domestic).**
Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.
9. **Foul water and surface water discharges must be drained separately from the site.**
Reason: To protect the integrity of the public sewerage system.
10. **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of exiting residents and ensure no detriment to the environment.
11. **No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
12. **E16 (Removal of permitted development rights).**
Reason: In the interests of the character and amenity of the surrounding area.
13. **F39 (Scheme of refuse storage).**
Reason: In the interests of amenity.
14. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

Informatives:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01441 331155.**
- 2. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.**
- 3. N15 - Reasons for the Grant of PP.**

40. DATE OF THE NEXT MEETING

The Chairman advised that the date of the next meeting would be Monday 27th September, 2004.

The meeting ended at 3.22 p.m.

CHAIRMAN

4 DCCE2004/2658/F - DEMOLISH AND REBUILD EXISTING GARAGE AND ADD FIRST FLOOR EXTENSION AT 6 ST. PAUL ROAD, HEREFORD, HR1 1SR

For: Mr. & Mrs. D. McLaren per Mr. Griffiths, 41 Widemarsh Street, Hereford, HR4 9EA

Date Received: 19th July, 2004

Ward: Tupsley

Grid Ref: 52877, 39683

Expiry Date: 13th September, 2004

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

1. Site Description and Proposals

- 1.1 The application seeks planning permission for the demolition of the existing integral single garage and erection of a new integral garage with first floor extension over.
- 1.2 The existing dwelling is a two storey semi-detached with fully hipped gable, characteristic of the wider area. The proposed extension would project 3.5 metres from the side of the dwelling, which is identical to the existing and occupies broadly the same footprint. In order that the original dwelling is retained as the dominant feature the building line is set back and the ridge line kept lower.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H14	-	Established Residential Areas – Site Factors
Policy H16	-	Alterations and Extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S2	-	Development Requirements
Policy H18	-	Alterations and Extensions
Policy DR1	-	Design

3. Planning History

- 3.1 None relevant to the consideration of this application.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory consultations were necessary.

Internal Council Advice

4.2 Head of Engineering and Transportation - no objection.

5. Representations

5.1 Hereford City Council: "Concern at potential extinguishing of access to rear of property."

5.2 One letter of objection has been received from Mr. & Mrs. Godsall, 7 St. Paul Road, Hampton Dene, Hereford.

5.3 The concerns raised can be summarised as follows:

- Loss of privacy through the introduction of an additional bedroom window at first floor level.
- The first floor extension over the garage would extinguish the view of Haugh Wood and Checkley Wood that No. 7 St. Paul Road currently enjoys.

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

6. Officers Appraisal

6.1 The application seeks planning permission for the removal of the existing monopitch integral garage and erection of a replacement garage with first floor extension over.

6.2 The key issues for consideration in the determination of this application are as follows:

- (a) the scale of development in relation to both the existing dwelling and the character and appearance of the wider area;
- (b) the effect of the proposal upon the amenities of neighbouring occupiers.

The Scale of Development

6.3 In considering extensions to dwellings regard must be had to Policy H16 of the Hereford Local Plan, which states that alterations and extensions should be in scale and in keeping with the character of the existing building and its surroundings.

In this regard, the proposal is considered acceptable. The building line of the proposed extension has been set back from that of the original dwelling, which, when taken in conjunction with a lower ridge height creates a sense of subservience, allowing the original dwelling to remain as the dominant feature in the resultant scheme.

The Affect upon the Residential Amenity of Neighbours

6.4 The letter of representation makes reference to the potential for direct interlooking from the window at first floor level, and those in the dwelling immediately opposite.

Bedroom windows already exist at first floor level at No. 6 and consequently interlooking is already a possibility. By virtue of being set back, the window in the first floor extension would be approximately 20 metres from the windows opposite. This

distance is considered acceptable and would not in the Officer’s opinion constitute a substantive reason for refusal of the development, given the local context.

6.5 The letter of representation also makes reference to a loss of view. Although regrettable this does not form a material planning consideration.

6.6 In summary, it is considered that the proposal accords with the relevant plan policy in terms of scale, design and impact on residential amenity. As such it is recommended that planning permission be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCCW2004/1978/F - PROPOSED FOUR BEDROOM DWELLING AND GARAGE ADJACENT TO BRECKLANDS, MARDEN, HEREFORDSHIRE, HR1 3EW

For: Mr. & Mrs. R. Downey per Country Homes, The Mill House, Marsh Farm, Cross Keys, Withington, HR1 3NN

Date Received: 28th May, 2004

Ward: Sutton Walls

Grid Ref: 52664, 47795

Expiry Date: 23rd July, 2004

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

1.1 This full planning application seeks planning permission for the erection of a four bedroom dwelling with integral double garage, on land immediately to the north of the property known as "Brecklands". The site measures approximately 20 metres by 50 metres and is bounded to the west by Rudge Close and to the east by the established residential cul-de-sac, Springfield Close. The site falls within the defined Marden settlement boundary.

1.2 Proposed vehicular access is via a driveway shared with Brecklands and taken from the C1124 which runs west to east through the village.

2. Policies

2.1 Planning Policy Guidance:

PPG3 - Housing
PPG13 - Transport

2.2 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria
Policy C2 - Settlement Boundaries
Policy C43 - Foul Sewerage
Policy SH6 - Housing Development in Larger Villages
Policy SH14 - Siting and Design of Buildings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1 - Design
Policy DR2 - Land Use and Activity
Policy DR4 - Environment
Policy H4 - Main Villages – Settlement Boundaries
Policy H13 - Sustainable Residential Design

3. Planning History

- 3.1 DCCW2001/0449/F Four bedroom domestic dwelling and garage (Brecklands). Approved with conditions 19th April 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory consultations were necessary.

Internal Council Advice

- 4.2 Head of Engineering and Transportation - no objections.

5. Representations

- 5.1 Marden Parish Council - "Marden Parish Council is opposed to this application on the grounds that the access to the site is too narrow to support vehicular access for two dwellings, both of which have double garages. The access onto the main road is also too narrow for safety."
- 5.2 Two letters of representation have been received from Mrs. S. Mumby, Brenick, High Close, Bovey Tracey, Devon, TQ13 9EX and Miss S. Smith, 18 Rudge Close, Marden, HR1 3HD.

The objections to the proposed development can be summarised as follows:

- The development would adversely affect the privacy currently enjoyed by adjacent properties.
 - The proposed access is dangerous and an intensification should be avoided.
 - The presence of the dwelling and associated private cars will create unacceptable noise levels.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issues for consideration in determining this application are the principle of the proposed development, the siting, design and layout of the site and any access and transportation issues associated with the scheme.
- 6.2 The site lies within the settlement boundary for Marden in both the adopted South Herefordshire District Local Plan and the emerging Unitary Development Plan. Policy SH8 allows new housing within the settlement boundaries subject to the development being of a size, scale and character in keeping with the settlement and meeting highway safety standards/requirements. Whilst on plan the application site represents a backland location, it can clearly accommodate a dwelling of the size and scale of which is proposed without being detrimental to adjoining properties. Access is proposed by using the shared driveway to the recently constructed "Brecklands" and the application site originally formed the curtilage indicated for that property when

permission was granted in 2001. Having regard to the site specific characteristics, it is not considered that an objection in principle to a new dwelling could be sustained in this instance.

- 6.3 The proposed design, siting and scale are similar to that of the adjoining dwelling and has a one and a half storey design. Given the size of the plot, it is considered that the siting, design and scale are acceptable and that the proposed unit would sit comfortably alongside "Brecklands" without giving an overdeveloped or cramped appearance to the site.
- 6.4 Issues of potential overlooking have been carefully considered, however first floor windows will not create direct overlooking having regard to the distances involved and the existing boundary screening.
- 6.5 With regard to access and transportation issues, both the Parish Council and letters of objection have raised this as a strong concern on this proposal. Presently access is obtained to "Brecklands" on a relatively narrow (4.5 metres width) access drive surfaced with loose stone chippings. Careful consideration has been given to both the access width, visibility at the junction and the potential level of disturbance through a more intensive use of the driveway to local residents on either side of the access. The Transportation Unit raise no objections and it is considered difficult to sustain an argument that the traffic generated by two properties would be sufficiently detrimental to warrant refusal having regard to the existing use of the driveway. A condition to ensure the existing loose stone chippings are not dragged onto the adjoining carriageway is suggested should Members be minded to approve the scheme.
- 6.6 After careful consideration the proposed scheme represents a development in accordance with the existing and emerging Development Plan policies and would not be detrimental to the amenity of adjoining residential properties. As such permission is recommended subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. G01 (Details of boundary treatments).**

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

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

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

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

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

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

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

Informative:

1. N15 - Reasons for the Grant of PP.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6(A) DCCW2004/1762/F - CONVERSION TO ONE DWELLING WITH ANNEXE, GARAGING AND STORAGE BUILDINGS AT PIGEONHOUSE BUILDINGS, BREINTON, HEREFORD

For: Miss G. Bulmer per Mr. R.L. Gell, The Old Post House, Blakemere, Hereford, HR2 9PZ

6(B) DCCW2004/1763/L - CONVERSION OF LISTED BARN TO ONE DWELLING, CONVERSION OF CURTILAGE GRANARY/STABLE TO ANNEXE AND RESTORATION OF SMALL CURTILAGE BUILDINGS TO GARAGING AND STORAGE AT PIGEONHOUSE BUILDINGS, BREINTON, HEREFORD

For: Miss G. Bulmer per Mr. R.L. Gell, The Old Post House, Blakemere, Hereford, HR2 9PZ

Date Received: 13th May, 2004

Ward: Credenhill

Grid Ref: 47321, 39733

Expiry Date: 8th July, 2004

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 The site is located to the north side of the main road in the small settlement of Lower Breinton. It currently comprises of the main roadside barn which is a Grade II Listed Building and there is a range of other traditional and more modern farm storage buildings which are not used in connection with any agricultural activity. The site has a generally overgrown and unkempt appearance and vehicular access is obtained between the listed barn and a single storey outbuilding in the south-eastern corner of the site. The most notable other building from the main listed barn is a two storey detached brick built former stable on the eastern boundary of the site in a setback position.
- 1.2 These Planning and Listed Building Consent applications propose the conversion of the main barn to one dwelling and the detached stable building is intended to create an annexe. Three other small traditional buildings will be used for garaging/storage on the site.

2. Policies

2.1 Planning Policy Guidance:

- | | | |
|------|---|-------------------------------|
| PPG1 | - | General Policy and Principles |
| PPG3 | - | Housing |

PPG7	-	The Countryside and Rural Economy
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C27A	-	Change of Use of a Listed Building
Policy C27B	-	Alterations or Additions to Listed Buildings
Policy C29	-	Setting of a Listed Building
Policy C36	-	Reuse and Adaptation of Rural Buildings
Policy C37	-	Conversion of Rural Buildings to Residential Use
Policy SH24	-	Conversion of Rural Buildings

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy H7	-	Housing in the Countryside outside Settlements
Policy HBA12	-	Reuse of Traditional Rural Buildings
Policy HBA13	-	Reuse of Traditional Rural Buildings for Residential Uses
Policy HBA1	-	Alterations and Extension to Listed Buildings
Policy HBA3	-	Change of Use of Listed Building

3. Planning History

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

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency - the Agency has no objections in principle to the proposed development but recommends planning conditions should permission be approved. The suggested condition requires a scheme for foul drainage works to be approved by the local planning authority.

Internal Council Advice

4.2 Head of Engineering and Transportation - has no objection to the development subject to conditions.

5. Representations

5.1 Breinton Parish Council - the Parish Council consider the application to be unclear. Further confusion comes from the plans for the "garages" which are marked "proposed conversion to residential and workshop/gallery". The Parish Council are concerned that four dwellings may be on site as opposed to one plus an annexe. The Council feels that even the minimum proposal of two dwellings is over development of the site in this rural context.

Concerns are also expressed about the access to the scheme which is on to a narrow lane. Mostly this lane is only wide enough for one vehicle and a quiet road used by horses, walkers and cyclists. The lane is suitable for its current agricultural use but not residential development as the road becomes extremely congested at times with church activity.

This is a Listed Building and documentation supplied with it states the building dates from the late 17th century or early 18th century. The Parish Council are concerned that much of the traditional historic appearance of the barn will be lost with this conversion.

This is an area liable to flooding and there is a slight slope towards the road which will mean increased water runoff from buildings and land will increase the likelihood of flooding.

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

6. Officers Appraisal

6.1 The main issues for consideration in the assessment of this application are:

- The principle of residential development in this location.
- The detail of the conversion scheme proposed.
- Provision of safe vehicular access to the site.
- Drainage and flooding issues.

6.2 The submitted application gives full details of the market testing exercise which has been undertaken seeking to use the site for employment purposes in accordance with the Council's adopted policy and Supplementary Planning Guidance. The building has been included and marketed since the 31st January, 2002 and the agents have confirmed no interest in the building or site for those purposes. As such the proposal for residential development is considered acceptable in principle subject to the detail of the scheme.

6.3 The Pigeonhouse buildings are in an open countryside location approximately 3 kilometres to the west of Hereford. The land to the west and south of the site is a designated Area of Great Landscape Value. The site is dominated by the large two storey barn which is a Grade II Listed Building with a range of smaller outbuildings mainly to the rear of the site. The detailed conversion scheme has been subject to considerable discussion with the Council's Conservation Officer and whilst initial concerns were expressed, it is considered the detail of this scheme is in principle acceptable and will retain much of the historic integrity of the building. Whilst the main barn will provide a large dwelling unit the use as a single dwelling means that the intensity of use is low allowing a more sympathetic conversion with limited interruption internally. It is considered that the scheme will sensitively retain the main character and appearance of the building and with suitable conditions no objections are raised on Listed Building or conservation grounds.

6.4 The proposed access to the site will be obtained via the existing gated entrance between the main barn and the existing single storey outbuilding in the south-eastern corner. Whilst concerns have been expressed by the Parish Council about vehicular access to the site, the Council's Transportation Unit do not consider a conversion to one dwelling with a detached annexe would unduly intensify the use of this site. Furthermore, with appropriate conditions visibility and the entrance position are acceptable in this location.

6.5 The Parish Council have also expressed concerns with regard to land drainage and whilst the site does slope gently towards the main road, the Environment Agency have confirmed no objection to the scheme. Furthermore, with appropriate foul water

treatment which would be secured through a condition and the fact that no significant areas of new build are proposed, the actual hard surface area of the site will not be significantly different to that which exists at the present time.

- 6.6 To clarify the detail of the application, the Parish Council have expressed concerns of potentially four dwellings being proposed by this scheme. The application is for one dwelling with a detached annexe conversion in the former stable building. Whilst the stable building in itself will provide a good level of accommodation, its conversion to an independent dwelling would undoubtedly create issues of privacy and amenity between the two units having regard to their proximity on site. The other buildings to be retained are for use as storage and garaging. Officers are satisfied that with the use of planning conditions, the use of the annexe can be reasonably controlled. The site also has a number of attractive mature trees which add to the rural character and appearance of the area and a condition is suggested to ensure their retention.
- 6.7 In conclusion, it is considered the schemes for Planning and Listed Building Consent are acceptable subject to the conditions set out below.

RECOMMENDATION

In respect of DCCW2004/1762/F:

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. B05 (Alterations made good).**

Reason: To maintain the appearance of the building.

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

- (a) Full schedule of repairs to be submitted to and approved in writing.**
- (b) Full details of the internal treatment of walls.**
- (c) Full details of the method of insulation.**
- (d) Full joinery details and finishes.**
- (e) Full joinery details of the new stairs and gallery.**
- (f) Finishes to flues.**

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

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

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

6. G04 (Landscaping scheme (general)).

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

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

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

8. G10 (Retention of trees).

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

9. 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.

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

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

11. E16 (Removal of permitted development rights).

Reason: To preserve the character and appearance of this conversion scheme.

12. E29 (Occupation ancillary to existing dwelling only (granny annexes)).

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

13. F18 (Scheme of foul drainage disposal).

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

14. G39 (Nature Conservation - site protection).

Reason: To ensure that the nature conservation interest of the site is protected.

15. H01 (Single access - not footway).

Reason: In the interests of highway safety.

16. H05 (Access gates).

Reason: In the interests of highway safety.

17. H12 (Parking and turning - single house).

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

Informatives:

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. HN05 - Works within the highway.**
- 4. HN10 - No drainage to discharge to highway.**
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

In respect of DCCW2004/1763/L:

That Listed Building Consent be granted subject to the following conditions:

- 1. CO1 – Time limit for commencement (Listed Building Consent).**

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

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

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

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

Reason: To maintain the appearance of the building.

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

- (a) Full schedule of repairs to be submitted to and approved in writing.**
- (b) Full details of the internal treatment of walls.**
- (c) Full details of the method of insulation.**
- (d) Full joinery details and finishes.**
- (e) Full joinery details of the new stairs and gallery.**
- (f) Finishes to flues.**

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

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCCW2004/2667/F – PROPOSED DEVELOPMENT TO INCORPORATE 7 RETAIL UNITS AND 14 RESIDENTIAL UNITS AT BEWELL STREET CAR PARK, BEWELL STREET, HEREFORD

**For: Berekdar Enterprises per Jamieson Associates,
30 Eign Gate, Hereford, HR4 OAB**

Date Received: 13th August, 2004

Ward: Central

Grid Ref: 50887, 40070

Expiry Date: 8th October, 2004

Local Member: Councillor D.J. Fleet

Members will recall this application was considered at the Central Area Planning Sub-Committee on the 30th June, 2004 where there was a resolution to refuse the scheme on the grounds that the building's height, design and scale were inappropriate to its location and would harm the character and appearance of the Hereford Central Conservation Area. Members were also concerned regarding the issues of car parking as the scheme contained no provision for parking or service vehicles off Bewell Street. Prior to the decision being issued following the meeting's resolution the applicant choose to withdraw the proposed scheme to reconsider the issues which had been raised.

This revised application is very similar to the scheme previously considered. To avoid unnecessary repetition the detail of the report below is very similar to that which was originally presented to Committee on the 30th June, 2004. The consultation summary and representation sections have been updated.

The applicant states that following Members' comments regarding the design and scale of the proposed development we have revisited the scheme in general. We believe the original solution to have been appropriate in plan form and density bearing in mind that the site is in the city centre. The height to second floor parapet levels was carefully set to relate directly to the parapet levels of All Saints Church and to the ridge line of the Bowling Green Public House adjoining. We have however lowered the overall height of the building by 900 millimetres which we believe will lessen the visual impact considerably bearing in mind the tight perspective when viewed from both ends of Bewell Street. In response to the comments made regarding landscaping, we have more accurately indicated both existing greenery and shown proposed landscaping to the first and second floor roof terraces and balconies. This will soften the elevations considerably and will enhance the building as a whole.

We have also reduced the overall size of windows to the east elevation such that these now comply with spread of flame regulations in the Building Regulations Act. These windows will also be obscured glazed as they give light only to kitchens and bathrooms.

Materials chosen are of the highest quality we believe with limestone panels to all the principal elevations and with western red cedar cladding panels to lighten the overall effect, these materials will blend happily with both the church opposite and Bewell Street.

UPDATE

The consultation process with the new application has been undertaken, however the level of response is significantly less than previously submitted. It is important that Members are aware of the comments on the scheme as originally submitted as many of those responses have a direct relevance to this proposal. One update with regard to representations is a letter received from All Saints Church who have made amendments to their original comments. They comment that following discussions with the applicant and in light of the revisions we are confident our initial reservations are no longer an issue and are fully supportive of the application. We wish to point out that the recent media publicity regarding access to the Bowling Green is not the fault or responsibility of any other body than the Bowling Club themselves. All Saints Church considered purchasing their former property when it first came up for sale several years ago. It was evident that the club was selling their access route to the bowling green. Clearly the club has been badly advised both on this matter and on the possible demolition of the building that formerly occupied the site. The problems of the bowling green should not be a reason to refuse consent of the above planning application.

Two further letters have been submitted by Hereford Bowling Club on this scheme which reiterate the concerns expressed on application DCCW2004/0950/F. They highlight that the development will seriously jeopardise the very existence of a 500 year old facility and should not be supported.

Updated Officer comments:

As stated above this application is almost identical to the previous application considered by the Central Area Planning Sub-Committee on the 30th June, 2004. As will be noted from the detailed report below Officers concluded that the scheme would make a positive contribution to this city centre location and recommended that planning permission was granted. Officers maintain that position with the revised scheme which lowers the height of the building and makes minor changes to its fenestration. On the issue of access and transportation, the Head of Engineering and Transportation has no objection to the scheme and confirms this site as being appropriate for zero parking provision. A condition is suggested to actually prevent car parking on site.

Officers conclude that the application is acceptable and will make a positive design contribution to the city centre. As such the recommendation remains as per the report of the 30th June, 2004 set out below.

1. Site Description and Proposal

- 1.1 The application site is located on the north side of Bewell Street in the heart of the Hereford Central Conservation Area. It is bounded to the west by the Bowling Green Public House, to the north by Hereford Bowling Green and to the east by the service yard belonging to Primark. The south of the site adjoins Bewell Street and is directly opposite All Saints Church which is a Grade II* Listed Building. The site itself has a gross area of 0.074 hectares and is currently used as a private car park for 30 vehicles although this use has not been formalised in terms of surface and boundary treatment or landscaping.
- 1.2 The application seeks full planning permission for the erection of a four storey building which will contain 7 retail units on the ground floor and 14 one and two bedroomed apartments above. The fourth floor would contain two penthouse apartments which are set back from the main building lines and will be covered with a "gull wing" style of

roof. As indicated the building would be finished with a mixture of limestone cladding and coloured render to the walls with a standing seam roof. The facades of the building would also contain elements of horizontal western red cedar rain screen cladding, powder coated aluminium windows and doors and glass and stainless steel balustrading. At its highest point (to the top of the penthouses) the building is 11.4 metres high, however the main block adjoining the Bowling Green Inn measures 9.1 metres in height which is similar to that of the ridge line of the public house.

- 1.3 As submitted there is no provision for any car parking or service delivery areas associated with the development.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
- PPG3 - Housing
- PPG6 - Town Centres and Retail Development

2.2 Hereford and Worcester County Structure Plan:

- Policy CTC5 - Development affecting Archaeological Sites
- Policy CTC15 - Preservation, Enhancement and Extension of Conservation Areas
- Policy S1 - Criteria for Retail Development

2.3 Hereford Local Plan:

- Policy ENV14 - Design
- Policy ENV15 - Access for All
- Policy ENV16 - Landscaping
- Policy ENV17 - Safety and Security
- Policy H23 - City Centre Residential Accommodation
- Policy S1 - Role of Central Shopping Area
- Policy S2 - Retail Development within the Central Shopping Area
- Policy S3 - Bewell Street – Site for Small Scale Retail Development
- Policy CON2 - Listed Buildings – Development Proposals
- Policy CON3 - Listed Buildings – Criteria for Proposals
- Policy CON12 - Conservation Areas
- Policy CON13 - Conservation Areas – Development Proposals
- Policy CON14 - Planning Applications in Conservation Areas
- Policy CON18 - Historic Street Pattern
- Policy CON19 - Townscape
- Policy CON20 - Skyline
- Policy CON35 - Archaeological Evaluation
- Policy CON36 - Nationally Important Archaeological Remains
- Policy CON37 - Other Sites of Archaeological Interest
- Policy CON39 - Enhancement
- Policy T5 - Car Parking – Designated Areas
- Policy T6 - Car Parking – Restricted Areas

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- Policy DR1 - Design

Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy TCR1	-	Central Shopping and Commercial Uses
Policy TCR2	-	Vitality and Viability
Policy TCR8	-	Small Scale Retail Development
Policy T11	-	Parking Provision
Policy T12	-	Existing Parking Areas
Policy HBA4	-	Setting of Listed Building
Policy HBA6	-	New Development within Conservation Areas
Policy HBA8	-	Locally Important Buildings

3. Planning History

- 3.1 SC990342/PF Erection of 5 no. retail units with 5 no. flats over. Approved 9th September, 1999.
- 3.2 SC990343/LE Demolition of shop. Conservation Area Consent 8th September, 1999.
- 3.3 CW2000/2193/F Minor amendments to 5 no. two storey accommodation units on first and second floor and substitution of 3 no. 1-bed wheelchair accessible units for 5 retail units, previously approved (SC990342PFW). Refused 9th October, 2000.
- 3.4 DCCW2004/0950/F Proposed redevelopment to incorporate 7 retail units and 14 residential units. Withdrawn 8th July, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - the Environment Agency has no objection to the proposed development. Comments are also made with regard to sustainable drainage arrangements in an urban environment.
- 4.2 Welsh Water - has no objection to the grant of planning permission subject to conditions.
- 4.3 English Heritage - English Heritage would welcome the development of this site in principle and we would consider that the development proposed would achieve a significant townscape benefit for a nondescript part of Bewell Street. Accordingly English Heritage would judge that the proposed development would enhance the character and appearance of the Hereford Central Conservation Area. For the same reasons and in light of the analysis above the development would also improve the setting of All Saints Church, a Grade II* Listed Building and we consider that these benefits are successfully realized by the proposed design. We do have some reservations over materials and while we would not disagree with the principle of the

materials suggested, would suggest that that detail is carefully considered by the Local Planning Authority.

Internal Council Advice

- 4.4 Head of Engineering and Transportation - has no objections to the proposed development.
- 4.5 Head of Environmental Health and Trading Standards - have no objection to the development subject to conditions regarding hours of operation and details of any fixed ventilation, refrigeration or other plant to be installed being submitted prior to its installation.
- 4.6 Chief Conservation Officer - has no objections subject to conditions ensuring satisfactory materials for the whole development are submitted to and approved in writing by the Local Planning Authority.

5. Representations

- 5.1 Hereford City Council – current application comments (9th September, 2004) – considered to over dominate and unsympathetic to historic surroundings – recommend refusal.
- 5.2 Fifteen private letters of objection were received on the previous application DCCW2004/0950/F. Four separate identical petitions provided by Hereford Bowling Club were also submitted which in total contain 158 signatures. The comments made are summarised below.
- 5.3 The objections raised relate almost solely to the access arrangements associated with this site and primarily the obstruction of the existing access to the bowling green. It is pointed out that the bowling club in this city centre location was established in 1484 and was the first or second built in the country and as such is of historical interest to the City of Hereford. The club brings an enormous amount of interest to Hereford from visiting teams of bowlers and the general public and so in turn provides hotels with trade etc. It is essential that the club maintain access to the green for vehicles to enable maintenance contractors to access the site as well as players, social members and visiting teams from all over the country.
- 5.4 Hereford Bowling Club point out that the land of the application has never been the bowling green car park. The car park which our members used is behind our boundary wall at the rear of the development site and access to it is across the development site via the green sliding doors in the boundary wall. This has been the situation for the past 20 years when a garden at the bowling club was converted into a small car park. During this time we have paid rent to various owners of the development site for access.
- 5.5 The bowling club go on to state there is no provision in the proposed development to maintain vehicular access for our members despite repeated assurances from the developer over the past few years to the contrary. The only entrance to the club premises and bowling green would be via our front door in Bewell Street. The maintenance of the green often involves contractors who bring machinery which is too large and too heavy to take through the club house itself and as such we will be unable to maintain the green to the standard required by the County and National Bowling Associations. In essence the bowling green would be landlocked.

- 5.6 The bowls club go on to state that the blocking of this vehicular access point would prevent medical emergency vehicles arriving on site should they be required and would mean that they were unable to remove paraphernalia such as green refuse bins from Bewell Street which would result in harm to the Conservation Area. Furthermore, the height of the development means there will be a loss of sunlight, possible implications for the grass on the bowling green and the green would be overlooked.
- 5.7 Other objections point out to the fact that there are no provision for deliveries or services within the development and no car parking for residents of the flats. The loss of this access would force the bowling club to close which is also the headquarters of Herefordshire County Bowling Association.

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 are the principle of the proposed development, the design of the proposed building, the impact of the development on the Conservation Area and adjoining listed building and the access and transportation issues associated with this scheme.
- 6.2 The Hereford Local Plan identifies this area as being suitable for small scale retail development under Policy S2. It is considered that Bewell Street provides an important link into High Town from Tesco's city centre store and therefore the development of retail units on the street frontage is welcomed. In respect of the proposed residential accommodation above the retail units, Policy H23 of the existing Local Plan allows this type of development providing it is in accordance with other Plan policies, particularly with regard to the impact on the Conservation Area. PPG6 (Town Centres and Retail Development) encourages and promotes mixed use development including flats above shops. They can increase activity within the city centre and contribute to the vitality and viability of other services. Similarly, PPG3 (Housing) also promotes residential development above shop uses. It is considered that the principle of development on this site incorporating retail on the ground floor and small scale residential units above sits comfortably with existing Development Plan policy and no objections are raised on this issue.
- 6.3 In this sensitive historic urban context, the design, siting and scale of the proposed building are critical considerations in dealing with this proposal. The site is currently in use for car parking although this has never been formalised and it retains a rather unsightly appearance. The historic urban pattern of development on the north side of Bewell Street has largely been lost which has degraded this part of the city centre in terms of townscape and environmental quality and it is considered that it is subsequently detracts from both the Conservation Area and adjacent listed buildings.
- 6.4 In this case the design solution proposed is characterised by a simple rectangular form with varied planes to the elevation on Bewell Street and bowling club to the rear. Detailed discussions have taken place with the Council's Chief Conservation Officer and English Heritage in terms of the modern form and detail of this building, and it is considered that the proposal addresses the sensitive townscape issues well in terms of form, scale and detail. The new building would have its greatest impact when viewed from the west at the entrance to Bewell Street where its mass will appear greatest adjacent to the existing public house. The stepping back of the building at first floor level will though help reduce the perceived mass significantly from both the street level

and with regard to all views of the building. Subsequently it is not considered that it would dominate or compete with adjacent structures to an unacceptable extent.

- 6.5 The contemporary form and detail will give a significant contrast with the historic environment but this will allow the historic trust structures (particularly All Saints Church, a Grade II* Listed Building) to stand apart and gives a greater sense of depth between the buildings. The materials proposed are integral to achieving the clean lines which are a fundamental part of the building's design and which in themselves enhance the building's architectural merit. This contrast in materials will again help add visual interest to the street scene and set the old apart from the new.
- 6.6 In terms of long distance views, the rear of the building will clearly be visible from the ring road as one looks to All Saints Church and the Bowling Green Club house but again the new building will stand apart from the listed building and both the Council's Conservation Officer and English Heritage feel that it will give definition within this urban context which is currently lacking. It is considered that the building will add interest to the skyline but will not obscure views of All Saints Church spire or detract from the setting of this important listed building. Glimpsed views at All Saints Street will also be significantly improved and the historic street pattern restored.
- 6.7 Very careful consideration has been given to both the design approach, the siting and the scale of the proposed building and Officers conclude that the proposed development with appropriately detailed materials and finishes will achieve significant townscape benefits in a currently nondescript part of Bewell Street. For these reasons the design is considered to be a positive enhancement to the character and appearance of the Hereford Central Conservation Area that will also help improve the setting of All Saints Church.
- 6.8 As Members will note from the representations, the access and transportation issues are of significant concern in the representations made on this application. Most notably, the loss of the access to the bowling green. This issue has been thoroughly considered by Officers, however it is clear that there is no adopted public right of way across the site to serve the bowling green and that the private agreement between the bowling club and the landowner is not a material planning issue. From representations received from the developer's solicitor, it would appear that the necessary legal contract and agreements have all been resolved and that the bowling club no longer have any rights to access the green from the current car park. Whilst this position is clearly regrettable, it must be stressed that it is not a material planning issue which can affect the consideration of this application. It is a private agreement between parties which has no bearing on a planning application to develop the site.
- 6.9 Having regard to the private issues over the access to the bowling green, the club now have only one point of entrance and exit through their existing club house. Whilst Officers will give every possible assistance to the club in identifying alternative potential access arrangements, it is not an issue which the Council can consider in determining this application.
- 6.10 Other access issues which have been raised relate to no provision for service deliveries or private parking arrangements for the 14 residential units proposed. In this city centre context, a car free development is considered to be acceptable having regard to all the services and amenities which are available associated with city centre living. With regard to service vehicles for the proposed retail units, the delivery provision will be similar to most of the retail units on Bewell Street which requires vehicles to park within the highway. Having regard to the constraints of the street

width and the importance of the design and siting of the proposed development, it is not considered that off street provision can be made available in this historic street context.

- 6.11 Given to the site's proximity to All Saints Church, an archaeological evaluation has been carried out as part of the consideration of this proposal. The majority of the features uncovered dated from the 16th century AD or earlier and many of them contained tap slag and smithy waste indicating the site was used for small scale iron working. It is considered that with appropriate conditions the archaeological issues have been satisfactorily resolved in this case and subject to further detailed conditions on the buildings foundations.
- 6.12 In conclusion, whilst the access to the bowling green is clearly a sensitive issue and one of some regret, it is unfortunately not an issue which the planning process can resolve on behalf of the club. When consideration is given to the planning issues associated with this scheme, it represents a proposal that complies with Development Plan policy and also can offer significant townscape enhancement and benefit to the historic Central Conservation Area. Through use of high quality materials and finishes, the proposed scheme could make a significant contribution to the locality and as such is supported by Officers subject to the conditions set out.

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. C02 (Approval of details).**

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

- 4. D01 (Site investigation - archaeology).**

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

- 5. D04 (Submission of foundation design).**

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

- 6. E06 (Restriction on Use).**

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

7. F15 (Scheme of noise insulation).

Reason: To safeguard the amenity of the area.

8. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

9. F18 (Scheme of foul drainage disposal).

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

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

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

11. F38 (Details of flues or extractors).

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

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

Reason: To safeguard residential amenity and prevent pollution.

13. G13 (Landscape design proposals).

Reason: In the interests of visual amenity.

14. H27 (Parking for site operatives).

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

15. 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.

Informatives:

1. HN22 - Works adjoining highway.

2. N03 - Adjoining property rights.

3. N04 - Rights of way.

4. N08 – Advertisements.

5. N12 - Shopfront security.

6. N15 - Reasons for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCW2004/1429/F - CONSTRUCTION OF 22 DWELLINGS COMPRISING 13 HOUSES AND 9 FLATS AT BARTON YARD, REAR OF J. SAINSBURY PLC, HEREFORD, HR4 0AG

For: South Shropshire Housing Association per J.B.D. Architects, Mortimer House, Holmer Road, Hereford, HR4 9TA

Date Received: 20th April, 2004 Ward: St. Nicholas Grid Ref: 50339, 39752

Expiry Date: 15th June, 2004

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

1. Site Description and Proposal

- 1.1 The application site is located on land to the rear of the recently extended Sainsbury's supermarket and to the north of Barton Road to the west of Hereford city centre. The site was formerly a car parking area associated with the supermarket and is immediately to the east of the Great Western Way which forms an important pedestrian and cycle link to the city centre and adjoins the former B.T. telephone exchange to the west. Access to the site is obtained via Barton Yard to the rear of Sainsburys.
- 1.2 This application seeks full planning permission for the erection of 22 dwellings comprising of 13 houses and 9 flats. All of the accommodation is provided in two separate blocks, one of which to the southern part of the site has a east to west orientation and the other adjoining the Great Western Way has a north south orientation. Vehicular access and car parking is provided in a courtyard area with 23 spaces indicated. A small proportion of the application site (southeast corner) lies within the Central Conservation Area. The scheme is solely for affordable housing which includes a mix of subsidised and low cost market housing.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport
PPG15	-	Planning and The Historic Environment
PPG24	-	Planning and Noise

2.2 Hereford and Worcester County Structure Plan:

Policy H2B	-	Housing Requirements
Policy H2C	-	Housing Requirements
Policy CTC9	-	Development Requirements
Policy CTC15	-	Conservation Areas
Policy CTC18	-	Development in Urban Areas

2.3 Hereford Local Plan:

Policy H3	-	Design of New Residential Development
Policy H6	-	Amenity Open Space Provision in Smaller Schemes
Policy H8	-	Affordable Housing
Policy ENV9	-	Energy Conservation
Policy ENV14	-	Design
Policy ENV17	-	Safety and Security
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy T12	-	Cyclist Provision

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy HBA6	-	New Development in Conservation Areas
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H19	-	Open Space Requirements

3. Planning History

- 3.1 CW1999/3090/O Site for residential development. Approved 19th October 2001.

4. Consultation SummaryStatutory Consultations

- 4.1 The Environment Agency - the Agency has no objection in principle to the proposed development but recommends conditions.
- 4.2 Welsh Water - Welsh Water has no objections to the proposed development subject to conditions.

Internal Council Advice

- 4.3 Head of Engineering and Transportation - request additional information on sustainable access issues to enable a more detailed assessment of the scheme.
- 4.4 Public Rights of Way Officer - no objections.
- 4.5 Strategic Housing Manager - the Strategic Housing Services fully support this application for the provision of affordable housing to meet housing need in Herefordshire and we have been working with South Shropshire Housing Association from the outset to bring this scheme forward.

The ownership of the land is in the process of being transferred to Herefordshire Council from J. Sainsburys Plc as part of the negotiations to dispose of the former Grimmer Road depot. Once this has been completed the land will then be transferred to South Shropshire Housing Association for the provision of affordable housing. Herefordshire Council will be part funding the scheme with capital resources.

Strategic Housing will seek to ensure the allocation of the properties will be done through a partnership arrangement with Home Point Herefordshire and South Shropshire Housing Association via Choice Based Lettings.

- 4.6 Head of Environment Health and Trading Standards - very strong concerns are raised regarding potential noise arising from the deliveries to Sainsburys Supermarket immediately to the north of the development. It is understood that there are no restrictions on the hours of deliveries at Sainsburys. The proposal of flats that are two storeys high means there are both living and sleeping areas directly facing the delivery yard.

During a site inspection a delivery vehicle arrived at Sainsburys, noise levels could be described as intrusive and this of course could be worse during night time. A refusal could be justified on the potential impact of noise. If however members are minded to approve the application, I would suggest the following conditions attached to any planning consent.

Development shall not begin until a scheme for protecting the proposed dwellings from noise from the Sainsburys delivery yard has been submitted to and approved in writing by the local planning authority. All of the works of the approved scheme shall be completed prior to the first occupation of any of the dwellings.

Reason: In the interests of residential amenity of the future occupiers of the proposed development.

5. Representations

- 5.1 Hereford City Council - has no objections.
- 5.2 Hereford Civic Society - wish to lodge an objection to the development on the basis that the site is not suitable for this type of development with poor access, high density and appalling appearance. It is not considered a suitable area for development and there is no suitable open space and very limited gardens. The proposed fence around the site will give the appearance of prison and the architectural approach is not what is needed in the centre of the city. We would recommend this application is refused.
- 5.3 Conservation Area Advisory Committee (CAAC) - the design is considered monolithic and does nothing to enhance the area in fact does just the opposite. From Barton Road the site was looked upon by vehicular and pedestrian traffic and is considered a recipe for a slum area in a few years. There is no way it fits into a Conservation Area.

Doubts were expressed about the feasibility of housing in this area trapped between the high bank of Barton Road and the superstore. A mix of town house development giving a lower density would be the only suggestion that could be made and a recommendation of refusal is put forward.

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:

- The principle of the proposed residential development.
- The design, siting and layout of the site having regard to adjoining uses and a Conservation Area.
- Access and transportation issues.
- Drainage and flooding issues.

6.2 The adopted Hereford Local Plan does not allocate this land for any specific use and it is shown as “white land” where any application for development should be treated on its merits. The land is similarly identified in the emerging Unitary Development Plan. Residential development on brownfield land within city centre locations is considered acceptable and there is no policy objection to a residential use on this site. In this case outline planning permission was granted on the 19th October, 2001 for residential development under reference CW2001/3090/O.

6.3 This scheme is solely for affordable housing and will therefore be suitable for people not easily able to compete in the housing market and schemes for this form of development are generally encouraged to increase the County’s stock of affordable housing. The scheme makes efficient use of the land and is an appropriate edge of centre brownfield site close to shops, local facilities and with access to the public transport network.

6.4 With regard to the siting, design and layout of the site the proposal is a modern design which adopts energy efficient principles in accordance with the emerging Unitary Development Plan policies. Two three storey blocks are proposed with each containing a mixture of three bedroomed dwellings and two bed flats. The site was previously used by J. Sainsbury’s as a car park and is currently vacant. It abuts and is partly within the western boundary of the Central Conservation Area and to the east faces the boundary of the Broomy Hill Conservation Area. Its levels are significantly below that of Barton Road and Barton Manor, a Grade II Listed Building is situated a short distance from the eastern boundary of the site. The levels of the site compared to those to the south and east in particular are such that the scale of the proposed three storey development will not be fully appreciated either within or adjacent to the Conservation Areas.

6.5 Two blocks of similar architectural style are proposed, one of which runs east to west and is sited along the southern boundary of the site and the other running north to south in orientation will be sited against the Great Western Way. At the point where the buildings meet they have an apsidal (semi circular) form which will give a strong visual interest to views from Barton Road and the approach on the Great Western Way to the south. A mixture of brick render and timber are used in the elevations which help break the mass of the structure. Officers have expressed some concern with regard to the scale of the proposed building adjoining the Great Western Way and amended plans have been submitted which add a more architectural interest when viewed from the north (Sainsbury’s car park). It is still however considered that more relief could be added to the elevation adjoining the Great Western Way and amended plans are suggested in this respect. The design approach adopted is

similar to that at Coningsby Court on Coningsby Street which is a recently completed scheme of affordable housing within the city centre.

- 6.6 On access and transportation issues, car parking provision is provided at one space per unit which in principle is considered acceptable in this location. Concerns have been expressed by the Transportation Unit with regard to the proposed access arrangements and additional information has been requested from the applicant in this respect. Regard must however be had to the previous grant of outline planning permission which showed car parking layout with a higher number of spaces. The site relates well to the city centre and adjoins the Great Western Way giving good cycle and pedestrian links both north and south of the site. Subject to the concerns of the Transportation Unit being addressed, no objections are raised on this issue.
- 6.7 Both the Environment Agency and Welsh Water have confirmed no objection to the development on this site and there is no record of any flooding or land drainage issues on the land.
- 6.8 One area of concern which has been highlighted as part of the consultation process relates to the building's relationship with the Sainsbury's delivery yard at the recently extended store. The Council's Environmental Health Officer has expressed strong concerns with regard to potential disturbance from delivery vehicles which are uncontrolled in terms of time and may well cause disturbance for future residents of the site. Whilst mitigation can be addressed through an appropriate planning condition, given that outline planning permission was previously granted on the site, it would be difficult in dealing with a residential scheme for development to refuse permission on this basis. Furthermore, the orientation of the buildings is such that the majority of properties in this scheme will be sited a significant distance from the activities to the rear of the Sainsbury's store.
- 6.9 In conclusion it was considered this scheme is in principle acceptable subject to the conditions set out below and will provide a very valuable contribution to the city's affordable housing provision.

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. Prior to the commencement of development, architectural details of the proposed balconies including a sample of the proposed finish shall be submitted to and approved in writing by the local planning authority.**

Reason: To ensure a satisfactory form of development.

- 4. C11 (Specification of guttering and downpipes).**

Reason: To safeguard the character and appearance of the Conservation Area.

5. E16 (Removal of permitted development rights).

Reason: Having regard to the design of the development approved and to ensure the character and appearance of the Conservation Area is preserved or enhanced.

6. F13 (Scheme to protect new dwellings from road noise).

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

7. F18 (Scheme of foul drainage disposal).

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

8. F27 (Interception of surface water run off).

Reason: To prevent pollution of the water environment.

9. G01 (Details of boundary treatments).

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

10. G04 (Landscaping scheme (general)).

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

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

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

12. G31 (Details of play equipment).

Reason: To ensure the play area is suitably equipped.

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

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

14. 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.

Informatives:

1. HN02 - Public rights of way affected.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCCE2004/2003/F - STORAGE COMPOUNDS (7) TOGETHER WITH PERIMETER FENCE. LAND ADJACENT TO MORTIMER ROAD AND BURCOTT ROAD, HEREFORD

For: Mr. R. Taylor per Mr. R. Pritchard, The Mill, Kenchester, Hereford, HR4 7QJ

Date Received: 1st June, 2004

Ward: Three Elms

Grid Ref: 50875, 41149

Expiry Date: 27th July, 2004

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

1. Site Description and Proposal

- 1.1 The application site comprises a 0.56ha plot of land that has been vacant for a number of years. The site lies between Burcott and Mortimer Road and currently has a steel pallasade fence erected around the perimeters. Access to the site is gained via Burcott Road. The surrounding area predominantly consists of buildings in commercial and industrial use, although there are some residential properties in the vicinity.
- 1.2 The proposal is for the use of the site for the erection of 7 compound units of approximately 30m x 30m in size, defined by open mesh-metal fences, 2.3m in height. The compounds would be used for storage, for example by builders and business' that may require a storage facility. The proposal also includes the removal and 'upgrading' of the existing boundary fences although no details of this are provided with the application.
- 1.3 Part of the application site lies on the site of the old canal and the canal restoration line. As such it is proposed that the use of the site be on a temporary basis to allow the development of the canal.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
PPG13 - Transport

2.2 Hereford Local Plan:

- E2 - Established employment area
E7 - Criteria for employment development
R15 - The Herefordshire and Gloucestershire Canal

2.3 Unitary Development Plan (Deposit Draft):

- T4 - Rail Freight
RST9 - Herefordshire and Gloucestershire Canal

3. Planning History

- 3.1 DCCE2003/3719/F - Use of land for proposed storage compounds by sub-division into 9 no. units including perimeter and internal fences. Refused 4th February, 2004.
- 3.2 HC970448PF - Use of obsolete land as secured lorry and car compounds with general overspill car parking including services block, cctv on pole and security fence. Deemed withdrawn.

4. Consultation Summary

Statutory Consultations

- 4.1 There are no statutory consultations.

Internal Council Advice

- 4.2 Head of Engineering and Transportation, response from Transportation Manager: Provided there is no intensification of the use we would have no objection to the application. Provided the access is constructed as per the drawing it would help visibility if the metal line of the boundary with Burcott Road was removed or replaced with railings.
- 4.3 Environmental Health Officer: No adverse comments.
- 4.4 Head of Forward Planning summarises: There are no policy objections in terms of the adopted local plan policy, however, increasing weight should now be given to the policies of the emerging UDP. It is my opinion, however, that the portacabins, which are temporary in nature and the proposed storage uses are unlikely to prejudice the implementation of any potential for the reintroduction of rail freight uses. Therefore in this instance it is considered that a recommendation of refusal would not be appropriate.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Herefordshire & Gloucestershire Canal Trust: Object to the proposals (see appendix)
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The issues for consideration in the appraisal of the application are:
- The principle of the use of the land for temporary storage compounds.
 - Highway safety implications.
 - The impact of the proposals for the restoration/development of the Herefordshire and Gloucestershire Canal Trust and potential introduction of a freight rail system.
- 6.2 The Hereford Local Plan allocates this land as an established employment area where development falling within Class B8 (storage) is permitted provided that the proposal is also in accordance with Policy E7. The use of the site for storage compounds would

not have an adverse impact on the amenities or character of the surrounding area, although an alteration to the style of boundary fence is required in order to improve the visual appearance of the site. A condition is recommended. There are no highway objections providing the revisions are made to the access. Again, a condition is recommended.

- 6.3 Whilst there are no objections in principle to the proposal the main issue is the gaining of consent for development that may compromise the development of the Herefordshire and Gloucestershire Canal. Herefordshire Council is fully supportive of the policies and proposals to restore the canal, and accepts that this would be a fundamental part to the success of the Edgar Street Grid proposals. Policies in both the Hereford Local Plan and Unitary Development Plan (Revised Deposit Draft) look to protect these aims by restricting development that may prejudice the redevelopment. The UDP also looks to re-introduce a freight rail system in this location raising the same issue as with the canal route.
- 6.4 The majority of the proposed compounds do not directly affect the canal route, they would however, if permanent restrict the future uses of the site. The compounds and portacabins are fully removable and temporary in nature allowing for their removal at such time that the canal projects are furthered. The Canal Trust has not yet offered a timescale for these proposals. Having regard to the temporary nature of the portacabins and fencing, and the lack of detail regarding the timescale for the implementation of the canal restoration in this area, it is accepted that the proposal, if controlled by conditions, as a temporary use, is unlikely to prejudice the implementation of any potential re-introduction of the redevelopment of the canal line.
- 6.5 A two year temporary permission is recommended during which, a permanent scheme, that accepts and embraces the requirements of the canal restoration can be developed. In its current form we would not entertain a permanent permission on this site. A temporary permission would also mean that any potential freight rail uses could be addressed in a later permanent scheme and at this stage would not harm or prejudice its progress. The applicant, through this submission, has acknowledged the site restrictions and the line of the canal. Further discussion and acknowledgement of the canal corridor, freight rail line and highway issues would need to be addressed in any permanent scheme on the site.
- 6.6 It is emphasised that the local planning authority fully support the proposals for the redevelopment of the canal corridor. The examples given in the letter of representation from the Canal Trust show that where permanent buildings are proposed, the local authority has advocated and supported proposals that would not have prejudiced the canal redevelopment. Any application for a permanent use on this site would be required to have regard to the line of the canal and towpath as well as the requirement to provide a turning head. Unfortunately the Canal Trust have not provided a timescale for the redevelopment of this particular site, making the refusal of a temporary permission difficult to inappropriate.
- 6.7 To conclude, the proposed use and structures, erected and used for a temporary period, would be an acceptable form of development. The temporary permission would prevent the prejudice of the redevelopment of the canal corridor. As such, the acceptance of temporary permission, for an employment-based use would accord with the policies of the adopted Hereford Local Plan and emerging Unitary Development Plan. As such, it is recommended that a two-year temporary permission is granted, with conditions to improve the appearance of the boundary treatments and visibility at the access.

RECOMMENDATION

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

- 1 E21 (Temporary permission and reinstatement of land)

Reason: The site lies on the route of the Herefordshire and Gloucestershire Canal where Policy R15 of the Hereford Local Plan resists permanent development that would prevent restoration.

- 2 A07 (Development in accordance with approved plans)

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

- 3 G01 (Details of boundary treatments)

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

- 4 F43 (Restriction on height of open air storage)

Reason: To protect the appearance of the locality.

- 5 E06 (Restriction on Use)

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

- 6 No permanent structures shall be erected within or around the site other than those specified in this permission or conditions attached to this permission.

Reason: The site lies on the route of the Herefordshire and Gloucestershire Canal where Policy R15 of the Hereford Local Plan resists permanent development that would prevent restoration.

INFORMATIVE:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

HEREFORDSHIRE & GLOUCESTERSHIRE KS CANAL TRUST

WORKING TOGETHER IN THE PRESENT, TO REVIVE THE PAST, AND SECURE A BETTER FUTURE

Please reply to:- David Penny,
"Coppice",
Burley Gate,
HEREFORD.
HR1 3QS
Tel:- (01432) 820420

Miss K Gibons,
Central Divisional Planning Office,
Herefordshire Council,
Blueschool House, Blueschool Street,
HEREFORD,
HR1 2ZB



2nd July, 2004

Dear Miss Gibons,

DIVISION INTO 7 UNITS AND USE OF LAND ADJACENT TO MORTIMER ROAD/BURCOTT ROAD HEREFORD FOR STORAGE - DCCE2004/2003/F

Thank you for your consultation on the revised Application for the above site, following its previous refusal.

Unfortunately this Application does not appear to be valid as there are considerable and critical errors between the various plans. The location plans (1:1,250 & 1:500) show the red line boundary excluding the Canal Land. The detailed Site Plan (A2 sized with no scale) clearly shows the Canal Land within the red line boundary, and utilised as part of the development. The Application drawings are therefore completely misleading as the red line boundaries etc do not correlate between drawings and we would respectfully suggest that this is not a duly made Application.

Despite the above I will deal with the sketch Site Plan. The proposed change of use as shown on the site plan is in breach of both established and emerging Planning Policy and well established Planning Precedent, and we therefore **OBJECT** to this Application.

The site plan shows the Canal Corridor being an integral part of the operation of the adjoining land, being utilised for turning and parking for the adjoining proposed units and with two units encroaching onto it and with access to those two units from the protected Canal Corridor. This is little improvement from the last Application for this site which was refused. One of the reasons for refusal was protection of the Canal Corridor. This revised Application remains in breach of both Policy and Precedent protecting the Canal Corridor.

We have already sent to your Council a copy of the more detailed layout for the Canal in this area and the area of land that is required for the Canal Corridor (colour A4 attached). This Application shows complete disregard for that. There is little point in showing a Canal Corridor (which is in any case not to the correct dimensions) on the Site Plan and then showing development occupying the same space.

In addition we object to the lack of provision of a suitable turning head at the entrance to the site. As part of the Hereford Retail Park development it was accepted by both Hereford City and Hereford & Worcester County Council Highways that Burcott Road would be closed at the crossing of the Canal. Any development of this site should facilitate that closure by ensuring that its entrance meets the Highway Department's requirements for the turning head which will form the termination of Burcott Road on this side of the Canal.

It should be noted that the Applicants comments with regard to temporary use are spurious as we have clear Precedent at Appeal at Rudford (in the Forest of Dean), where the Inspector ruled very clearly that he would not permit a temporary use on the line of the Canal.

... continued

We always wish to work with Applicants, to protect the Canal Corridor whilst permitting them to maximise the returns from their adjoining land. Whilst we would far prefer a better quality of adjoining development, we attach an amended version of the Applicants Site Plan showing how 5 Units could be accommodated without prejudicing the Canal Corridor. Should they accept such a proposal we would request a Condition requiring the erection and maintenance of the fence shown on the boundary line between the development and the Canal Corridor, to prevent encroachment onto the canal line, as well as the provision of the turning head as part of the entrance.

It should be noted that this site can be viewed in the very clear planning history of the area, specifically related to the Canal Protection Policies:-

1. This specific site has already seen a clear refusal for the use proposed.
2. Previous proposals for similar development expanding on to this site from the Imperial Business Park were judged unacceptable and the Applicant revised the proposals to exclude the Canal Corridor
3. The West Midlands Farmers site adjoining this section of Canal Corridor was subject to the amendment of both building locations and levels to facilitate the Canal restoration on the current Application site
4. Immediately adjoining the Application site is the Hereford Retail Park which saw some 25% of the site reserved for the Canal Corridor which, combined with the Planning Gain of the structures and other works to facilitate the Canal's future passage unencumbered through the site, saw Planning Gain worth some 15% of development value.
5. Immediately adjoining the Hereford Retail Park site is a section of Canal Corridor in three parcels. Each end is owned by Herefordshire Council with a Cabinet resolution earlier this year for their transfer to the Canal Trust for Canal restoration. The central section is owned by Harper Group and represents 50% of their adjoining development site (formerly Votex) which has now commenced development. This is subject to a s.106 Planning Obligation requiring the transfer of the Canal Corridor to the Canal Trust. This is expected within the next 12 months and the Trust, Council and Harper are currently pursuing the restoration of this section of the Canal.
6. All the above sections of the Canal Corridor, including that within the Application site, form part of the proposed Canal restoration which is an integral part of the Edgar Street Grid.

The coherent and strategic defence of the Canal Corridor within the City has been ongoing for many years and is now bringing positive results, not just of protection but also of land transfer, s.106 Planning Obligations to meet the long term maintenance and management costs of the waterway, and the active planning for restoration in the short term.

We hope that we may therefore rely on you, your Members and the Council as a whole to continue the defence of this site from such clear breaches of Planning Policy and Precedent as are clearly represented by the current Application. We Object to this Application and request that it be Refused with clear reference to its failure to comply with Policies protecting the Canal within the reasons for Refusal.

If for some reason you are minded to make any other recommendation or decision we request that you contact us so that we may make further representations. Please do not hesitate to contact me if you have any queries or wish to discuss any aspect.

Yours sincerely,



DAVID R. PENNY
*Chairman Steering Committee; Planning & Local Authority Liaison;
Project Director – Over SPG.*



*cc. Richard Woodhead;
Geoff Hughes;
Stephen Oates;*

Ron Pritchard (Agent)

10 DCCE2004/2601/F - ERECTION OF 1890 SQUARE METRES OF NEW BUILD COMMERCIAL/INDUSTRIAL UNITS AND REFURBISHMENT OF EXISTING B1/B8 UNITS. DEMOLITION OF FLAT ROOF EXTENSION. HOLMER TRADE PARK, HOLMER ROAD, HEREFORD

For: I. E. Developments Ltd., Peregrine House, 335 Kings Acre Road, Hereford, HR4 0SL

Date Received: 4th August, 2004

Ward: Three Elms

Grid Ref: 50719, 41157

Expiry Date: 29th September, 2004

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

1. Site Description and Proposal

- 1.1 The application site is located to the rear of the new Tiles R Us retail unit that lies on the east side of Holmer Road, to the immediate south of established retail warehouses (Dunelm Interiors, MFI, etc) and to the north of residential properties. The site itself formerly comprised a number of industrial units but all but one of these has recently been demolished and removed from the site. There are a line of mature trees to the eastern boundary of the site, that are in excess of 8m in height.
- 1.2 Existing vehicular access to the site is by way of the newly laid access road that runs from Holmer Road to the north of the new retail units. Improvement works were undertaken to Holmer Road as part of the redevelopment of the retail site. To the south of the site a single width track provides vehicular access to the site from Mortimer Road. This access also serves the rear of the residential properties along the eastern side of the site, fronting Mortimer Road.
- 1.3 The proposal the subject of this planning application is two fold. Firstly is the erection of a single building that would comprise 5 units to be used for a mix of B1 (light industrial) and B8 (storage and distribution) uses. The building would be sited to the eastern side of the site along the boundary with the residential properties that face Mortimer Road. The building would have a footprint of 78m x 24m, and eaves height of 6m. The roof has been hipped to reduce the bulk and mass of the building and would have a maximum ridge height of 10m. Each unit would comprise an office, disabled wc, and kitchen along with the warehouse/floor space. Parking has been shown to the front of each unit. The materials proposed for this building would be Kingspan composite roofing sheets and cladding with block piers to the front elevation. The only openings in the rear elevation would be 5 fire doors at ground floor level.
- 1.4 The second part of the application proposal is the refurbishment and alteration of the existing building. This would involve the removal of the flat roofed extension to the east elevation and the re-roofing and insertion of new doorways/loading bays to the east elevation. This would give the existing building a similar appearance to that of the proposed new build.

2. Policies

2.1 Planning Policy Guidance:

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

2.2 Hereford Local Plan:

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

2.3 Unitary Development Plan:

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

3. Planning History

- 3.1 HC930282PF - alterations and extensions to part of an existing factory to allow for installation of new production equipment. Application withdrawn.
- 3.2 CE2001/1727/F (adjacent site) - Redevelopment of site, including demolition of existing retail and residential property, erection of new retail unit and provision of associated parking and service areas and altered access to Holmer Road. Approved 4th September, 2002.
- 3.3 CE2003/2528/F (adjacent site) - Variation of Condition 2 of planning permission CE2001/1727/F (amended elevations). Approved 20th October, 2003.

4. Consultation SummaryStatutory Consultations

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

Internal Council Advice

- 4.2 Head of Engineering and Transportation, response from Transportation Manager: No objections but recommends conditions be added to the permission.
- 4.3 Head of Community and Economic Development: No comments.

4.4 Forward Planning: The Hereford Local Plan identifies this site as an established employment area and the proposed uses are within Classes B1 and B8. There is therefore no objection to the principle of development on this land. The UDP has a similar employment land allocation for this site.

5. Representations

5.1 Hereford City Council: No objection but appropriate noise attenuation works to be required by condition.

5.2 Letters have been received from 7 residents and are summarised as follows:

- Concern over loss of right of access over lane to the eastern boundary of site (rear of dwellings to Mortimer Road) and a dispute of ownerships/right of access issues.
- Concern over potential increase of use of access from Mortimer Road to the application site especially with heavy vehicles.
- Concern regarding the access to the site through the eastern boundary due to the erection of double gates.
- Loss of privacy if rear access is used.
- Noise disturbance and nuisance - unneighbourly.

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

6. Officers Appraisal

6.1 The key issues in this case are the principle of development on the site, the impact of the proposed scheme on visual and residential amenity and access and highway safety.

6.2 Principle of Development

The Hereford Local Plan identifies this site as an established employment area and proposed uses are within Classes B1 and B8. Therefore there is no objection to the principle of development on this land. The emerging Unitary Development Plan has similar employment land allocation for this site.

6.3 Visual and Residential Amenity

The scheme involves constructing buildings in close proximity to a number of residential properties along Mortimer Road, Holmer Road and Newtown Road. Policy E7 of the Local Plan requires development to be environmentally acceptable and not have unacceptable adverse effects on the amenity of neighbouring properties or the surrounding area particularly in respect of residential and other sensitive uses.

The proposed building would be set back on the site behind its car park in a manner similar to those buildings that previously occupied the site. The design of the new building has taken into account the close proximity of the residential properties to the rear, using a hipped roof design and a minimal eaves height of 6m. The occupiers of dwellings fronting Mortimer Road would see the building but the distance between the dwellings and building would be sufficient to prevent an overbearing impact. In addition to this, the access lane to the rear of the dwellings (which in the ownership of the applicant but the residents use or have rights over) also provides a further buffer in conjunction with the row of mature Leylandi. It is considered that in respect of the new

building, the dwellings would not be adversely affected. Alterations to the existing building would improve the external appearance and would not have a detrimental effect on the living conditions of the occupiers of neighbouring properties.

In terms of noise and disturbance that may impact upon the living conditions and amenities of the neighbouring properties, an hours of opening/operation condition is proposed to ensure that the occupiers are not disturbed with late night working or early opening. The buildings also face into the site, with the buildings offering a buffer for noise/vehicle movements to the front of the building.

6.4 Access and highway safety

As part of the approval for the retail units, works were done to improve the access from Holmer Road and to the rear of the site. This access road is more than sufficient to serve the proposed buildings and the main access is from Holmer Road. There are no objections in highway safety terms to the main entrance from Holmer Road.

The site also has the benefit of vehicular access from Mortimer Road. This in the past has not been used and the usage has been mainly from residents. The applicant does however own this access road and the lane that runs along the rear of the dwellings although it appears that the residents do have some rights of access across this. The applicant wishes to retain the access, however, there are a number of concerns about an intensification of the use of this access and the impact that this would have not only on the residents but on highway safety. If the use of this access was intensified then the increase in traffic would not only cause additional disturbance but is likely to cause a hazard on Mortimer Road with the potential conflicts in traffic movements. As such it is suggested that this access is kept closed within the site except for emergency access still allowing use by residents. A condition is recommended. The residents have also written outlining their objections to the use of this access and it is felt that this condition would alleviate their concerns. Rights of Way to properties at the rear of the site are private matters between the parties concerned, and would not be affected by a grant of planning permission.

Residents were also concerned about the insertion of a gateway in the eastern boundary. Details of boundary treatments are requested by condition for clarification.

- 6.5 To conclude, the proposed development is of a nature and scale that is acceptable in relation to the policies of the Hereford Local Plan. There are no concerns relating to highway safety in using the main access onto Holmer Road. The only area for concern relates to any intensified use of the access onto Mortimer Road and impact on the living conditions of these occupiers. The conditions proposed would prevent working at unsociable hours and prevent use of the access by users of the site unless for emergency access. Details of which shall be submitted prior to commencement. As such, it is recommended that the application be approved with conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A07 (Development in accordance with approved plans)

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

3 B01 (Samples of external materials)

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

4 E06 (Restriction on Use)

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

5 The use hereby permitted shall not be open to customers between the hours of 11.00 p.m. and 7.00 a.m. daily.

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

6 There shall be no open air operation of plant, machinery or equipment within the application site between the hours of 7.30 a.m. and 9.30 p.m. daily following occupation of the building.

Reason: To protect the amenities of nearby properties.

7 Details of any floodlighting and/or external lighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. 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.

8 H08 (Access closure)

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

9 F38 (Details of flues or extractors)

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

10 F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

11 F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

12 F42 (Restriction of open storage)

Reason: To protect the appearance of the locality.

13 F48 (Details of slab levels)

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

14 G01 (Details of boundary treatments)

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

15 G04 (Landscaping scheme (general))

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

16 G05 (Implementation of landscaping scheme (general))

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

17 H15 (Turning and parking: change of use - commercial)

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

18 H21 (Wheel washing)

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

19 H26 (Access location)

Reason: In the interests of highway safety.

20 H27 (Parking for site operatives)

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

21 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.

INFORMATIVES:

1 N01 - Access for all

2 N04 - Rights of way

3 N08 - Advertisements

4 N13 - Control of demolition - Building Act 1984

5 HN01 - Mud on highway

- 6 HN05 - Works within the highway
- 7 HN07 - Section 278 Agreement
- 8 HN15 - Affected street lighting or illuminated signs
- 9 N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCCE2004/1930/F - PROPOSED HOUSE AT LAND ADJACENT TO 68 ST. GUTHLAC STREET, HEREFORD, HR1 2EX

For: Mr. & Mrs. J. Rone per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 25th May, 2004

Ward: Central

Grid Ref: 51502, 40128

Expiry Date: 20th July, 2004

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The application site is located on the north-east side of St. Guthlac's Street which is within the established residential area identified in the Hereford Local Plan and emerging Unitary Development Plan. It presently forms the side garden of No. 20 which is a semi-detached property near the junction with Kyrle Street.
- 1.2 The proposal is to erect a detached two bedroomed dwelling (replacing an existing detached garage) between Nos. 20 and 68. The building is sited with a staggered relationship between the front of No. 20 and the front of No. 68 although the rear building line of the proposed dwelling would project approximately 1.5 metres beyond the rear line of No. 68. A 1.1 metre gap would be retained between the side wall of the proposed dwelling and the existing boundary fence of No. 68. Parking for two vehicles is shown in the reduced front garden of No. 20 whilst parking for one vehicle is proposed to the front of the application dwelling. The proposal would also involve the removal of an existing bay window in the ground floor side elevation of No. 20.

2. Policies

2.1 Hereford Local Plan:

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

2.2 Herefordshire Unitary Development (Revised Deposit Draft):

Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy DR1	-	Design

3. Planning History

- 3.1 DCCE2004/0893/F Proposed dwelling. Refused 5th May 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - no objections to the development subject to foul water and surface water being discharged separately.

Internal Council Advice

- 4.2 Head of Engineering and Transportation - no objection subject to conditions.
- 4.3 County Archaeologist - the application site lies within a designated area of archaeological importance and there is potential for substantial archaeological interest. Conditions are suggested to deal with the archaeological issues.

5. Representations

- 5.1 One letter of objection has been received from Mr. R.S. & Dr. H.R. Thomas, 68 St. Guthlac's Street, Hereford.

We write to formally express our objection to the above application and although this is a resubmission to a previously rejected plan, strong concerns are expressed on the following issues:-

- The proposed dwelling will be extremely close to our property and will also project 1.5 metres beyond our rear wall. We feel this will lead to our own property feeling overbearing and also possibly overlooked to our rear garden. The fact that a two storey dwelling is to be constructed so close to another is cause enough to give concern about overlooking and overshadowing and we feel this would damage the character of this particular part of St. Guthlac's Street which is mainly individual dwellings which are well spaced out. We also draw your attention to the proposed removal of trees, namely a plum tree which we believe has been standing in the garden for many years.
- The proposed dwelling would further contribute to the loss of character of the area by encouraging the sadly increasing tendency to turn houses at this end of the street into flats. These conversions are eroding the mature residential area.
- A further concern is with regard to the parking area and already we have permit parking although we do have a driveway. The proposal shows just two spaces for the existing dwelling and one for the proposed which will further reduce street parking at this end of the street, also spaces in this location are often occupied by people visiting the dentist or the hospital.

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 key issues for consideration in the application are:
- The principle of residential development.
 - The siting, design and layout of the proposed site.
 - The effect on the amenity of adjoining occupiers and the area and any highway and transportation issues associated with the scheme.

- 6.2 This part of St. Guthlac Street is characterised by housing of mixed age and style and No. 20 is an unusual semi-detached property in that it reads as part of a much larger building with No. 18. It also have a larger than average side garden as opposed to the predominant character of the area of small front and rear gardens. Given that the site lies within the established residential and represents an infill location in this context, there is no "in principle" objection to a new dwelling on the site.
- 6.3 The proposed plot is relatively narrow (8 metres) although when compared to other dwellings in St. Guthlac Street this type of width is not uncharacteristic. Whilst the proposed dwelling would almost fill the full width of the plot, its design is such that the building is considered to sit comfortably between Nos. 20 and 68. When comparing this scheme to that refused under reference DCCE2004/0893/F the building has been reduced in size through the removal of a first floor section adjoining No. 20. Whilst the relationship to No. 68 is the same as the application refused, the revised design does reduce the mass of the building and allows it to sit more comfortably in the street scene. The design is considered to be attractive and subject to a condition on materials, no objection is raised on this element of the scheme.
- 6.4 Careful consideration has been given to the relationship of the proposed dwelling, particularly to No. 68 but also No. 20 itself. The 1.5 metre projection beyond the existing rear wall of No. 68 and potential for overlooking of the rear garden are sensitive issues. Officers conclude that the impact of the proposed dwelling and resulting window position would not justify a refusal of the scheme on these issues. The 1.5 metre projection will not in Officers opinion create an unacceptable relationship with the rear of No. 68 and the proposed first floor rear windows would not create overlooking such as to warrant refusal.
- 6.5 No objections have been raised in terms of access and transportation by the Head of Engineering and Transportation with parking set at one space for the proposed dwelling and the provision of two spaces for No. 20.
- 6.6 In conclusion, it is considered that the revised design has successfully addressed the previous refusal reason and that the proposed two bedroomed detached dwelling will sit comfortably in the street scene without having a detrimental effect on either adjoining properties or the character and appearance of the area. As such subject to the conditions set out, planning 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. D01 (Site investigation - archaeology).**

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

- 4. E16 (Removal of permitted development rights).**

Reason: Having regard to the size and scale of the development and to ensure the local planning authority retain control over any further extension and alterations.

- 5. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

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

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

- 7. G01 (Details of boundary treatments).

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

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

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

- 9. E18 (No new windows in specified elevation).

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

Informatives:

- 1. N01 - Access for all.
- 2. N04 - Rights of way.
- 3. N05 - Council ownership.
- 4. The applicant's attention is drawn to the site's location within the defined Hereford Area of Archaeological Importance. You are strongly advised to contact the County Archaeology Service to discuss the archaeological condition of this planning permission.
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCCE2004/2455/F - DEMOLITION AND REBUILDING OF A STONE BARN TO INCORPORATE A TWO BEDROOM BUNGALOW FOR THE USE OF A DISABLED PERSON AT CWM CRAIG FARM, LITTLE DEWCHURCH, HEREFORD, HR2 6PS

For: Mr. & Mrs. R.C. Lee per Anchor Staying Put, 84 Whitecross Road, Hereford, HR4 0DH

Date Received: 5th July, 2004

Ward: Hollington

Grid Ref: 53524, 32180

Expiry Date: 30th August, 2004

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 This application proposes the demolition of an existing single storey building sited to the front of Cwm Craig Farmhouse and its replacement with a two bedroomed bungalow for the use of a disabled person. The site is located in a relatively isolated location at Little Dewchurch to the north-west of a small group of dwellings.
- 1.2 The existing building is a mixture of stonework and concrete block with a monopitch roof and occupies a prominent position adjacent to the highway. The proposed replacement would create a 'L' shaped two bedroomed bungalow with natural stone walling and natural slate roof. A small courtyard area providing a ramped access to the building is shown on the submitted drawings.
- 1.3 Both Mr. & Mrs. Lee suffer from medical problems which mean their ability to move around the large farmhouse is severely restricted. The proposed bungalow is intended for their occupation allowing the main farmhouse to be occupied by their son and his family. The main farmhouse also operates a successful bed and breakfast facility which is intended to be retained.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development within Open Countryside
Policy C8	-	Development within Area of Great Landscape Value
Policy SH11	-	Housing in the Countryside
Policy SH17	-	Agricultural Workers' Dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy H7	-	Housing in the Countryside outside Settlements
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3. Planning History

- 3.1 There is no record of any applications being directly relevant to this proposal.

4. Consultation Summary

Statutory Consultations

- 4.1 There are no statutory consultation responses on this proposal.

Internal Council Advice

- 4.2 Head of Transportation and Engineering - no objection.
- 4.3 Head of Environmental Health and Trading Standards - there is no record or evidence of any contaminated land on the proposed site. However due to the close proximity of active agricultural buildings in order to protect residential amenity should Members be minded to approve this application, I would recommend that conditions be attached to any consent which restricts the occupation of the building to either agricultural occupancy/holiday accommodation or an ancillary basis to Cwm Craig Farm.

5. Representations

- 5.1 Little Dewchurch Parish Council - the Parish Council fully support this application.
- 5.2 Letters have been received from Mr. P. Mathers, Stoggall Cottage, Little Dewchurch, Hereford and F.L. Sainsbury, Fleur-de-lis, 16 Court Close, Little Dewchurch, Hereford.

Strong concerns are raised about the need for a new dwelling in this location having regard to the existing farmhouse which is larger than some hospitals. Suggestions are given that consideration must be made to internal work to convert one of the downstairs rooms or even provide a stairlift as opposed to erecting a new dwelling at the front of the site. It would appear that this application seeks to maximise financial gain by selling Mr. Lee's existing dwelling in the village enabling him to move into his parents' property.

Whilst the application conveys the impression of a conversion of a barn and its occupation by a disabled person, and this at first invokes sympathy and understanding, however the facts are somewhat distorted. To suggest that the large farmhouse which caters for bed and breakfast to a high standard is unable to accommodate the head of the household who is sadly now in a poor state of health stretches the imagination beyond credibility. A son and daughter both occupy large houses within 200 yards of the proposed development and this could surely relieve difficulties should they manifest themselves.

The proposed dwelling is well outside the village envelope. Thirteen large dwellings were erected on the applicant's land and only three of these were occupied by local people indicating they do not meet local need but are built purely for financial gain.

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 considerations in determining this planning application are the principle of a new two bedroomed bungalow in this location, the design, siting and layout of the proposed unit and any material considerations which will be taken into account in the decision making process.

- 6.2 With the application, the agent has set out a detailed statement outlining the operation at Cwm Craig Farm and the need for a new two bedroomed bungalow on site. The statement can be summarised as follows.

The farm income today is derived from two sources, farming of 190 acre holding and the provision of tourist accommodation in the form of bed and breakfast which has become significantly important over the past 10 years in the main farmhouse. The bed and breakfast enterprise has helped sustain income levels to help maintain two family groups dependent on the farm. Indeed in past trading years the bed and breakfast business was the only enterprise that generated a profit for the farm. The bed and breakfast operates using three bedrooms and three reception rooms in the farmhouse which Mr. & Mrs. Lee (senior) reside. Mrs. Lee is no longer able to continue running the business because of her age (72 years) and recent diagnosis of osteoporosis of the spine. Mr. A.D. Lee (son) and his wife are looking to take on the running of this business but it would not be practical to do so until such time they are living in the farmhouse. They have two sons aged 7 and 10 years of age.

Moving a second family into the farmhouse whilst Mr. & Mrs. Lee (senior) are still living there would result in two of the bed and breakfast rooms currently being used being taken out of commercial use. This would significantly reduce the overall farm income and would make Mr. A. Lee's move with his family an unviable option for the farm. To allow farm income to be maintained it will be necessary for Mr. & Mrs. Lee (senior) to move out of the farmhouse allowing the son and his family to move in.

As mentioned above Mrs. Lee is suffering from osteoporosis and is on medication to aid mobility. Mr. R. Lee is also suffering from a debilitating condition (Parkinson's disease) which has affected his mobility and independence. His son now carries out the entire farming operation of 190 acres. Mr. Lee (senior) can no longer attend late evening duties or handle emergencies over night associated with the farm. The proposed development will allow Mr. & Mrs. Lee (senior) to remain active on the farm and contribute to the business without additional stress and responsibilities. Clearly the single storey accommodation will greatly assist their quality of life and independence as their medical conditions alter. It is important for them to remain in the community in which they have lived their entire adult lives and the development would prolong their independence with the knowledge that care and assistance is immediately on hand should it be required.

The proposed development has also been designed with the future in mind and it is intended that it would be a future source of income for the farming business. A unilateral undertaking has been offered to ensure that the building will be tied to the farmhouse and never sold separately as this could in the future provide holiday rental accommodation to supplement the bed and breakfast business.

Officer Comments

- 6.2 This proposal requires careful consideration having regard to adopted policy contained in the South Herefordshire District Local Plan and emerging Unitary Development Plan. The proposed two bedroom bungalow will replace an existing single storey store building which is poor in both architectural quality and merit and has been substantially rebuilt using concrete blockwork. The scheme proposed does not in any way represent a conversion and must be considered as a stand-alone new build. In this respect the principle of a new dwelling in this location is contrary to both national and local planning policy which seeks to protect areas of open countryside. Whilst exceptions to new dwellings are made where there is an established agricultural need,

in this case it is more the personal circumstances of the applicant which seeks to justify the proposal against any demonstrated agricultural requirement.

6.3 Whilst very sympathetic to the personal circumstances set out by the application, Officers consider that the development is not acceptable and that the material reasons put forward with the application do not outweigh the fundamental policy objection. In the first instance internal conversion to the substantial farmhouse would seem the most appropriate form of providing accommodation for persons with disability. Should it be demonstrated that this is not possible, consideration should then be given to the conversion of any suitable existing buildings which comply with the conversions policy of the Local Plan. In this case whilst the use of three bedrooms for bed and breakfast accommodation has provided invaluable support to the farming operation, the erection of a two bedroomed dwelling to enable the three bedrooms to remain in bed and breakfast use is considered to be a weak argument. Notwithstanding the unilateral undertaking which would prevent future sale of the proposed building, Officers do not consider the argument put forward justifies a decision which is clearly contrary to established and adopted planning policy. Furthermore, it is understood that the applicant's son and daughter both live in reasonably close proximity to the site such that care would be available to the applicants by close family members within a reasonable time.

6.4 Cwm Craig Farmhouse is a large detached dwelling and the reasons for no internal alterations put forward (to retain the bed and breakfast facility) do not in Officers opinion carry sufficient weight to set aside the adopted policies in this case. Whilst the proposed building has a reasonably close relationship to the farmhouse such that a future independent sale from the farmhouse may be able to be resisted, it does not justify approval in this instance.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The site lies outside a recognised settlement boundary as identified by the adopted South Herefordshire District Local Plan where there is a general presumption against new dwellings unless they meet the criteria set out in Polich SH11. In this instance the proposed demolition of a single storey store building and erection of a two bedroomed detached bungalow for a disabled person fails to comply with the adopted policy and any material considerations do not outweigh the policy objection. Furthermore the proposed building by virtue of its prominent roadside position and proximity to the main house would create an awkward relationship that would be detrimental to the character and appearance of the area.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.