

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 15th December, 2004**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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Tel: 01432 261882*

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

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**County of Herefordshire  
District Council**



# AGENDA

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

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

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

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<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 12
To approve and sign the Minutes of the meeting held on Wednesday 17th November, 2004.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	13 - 16
To note the Council's current position in respect of planning appeals for the central area.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
<b>5. DCCW2004/2800/F - THE PADDOCKS, TILLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8LD</b>	17 - 20
Proposed lean-to extension of existing outbuilding to provide lambing shed and feed store.	
Ward: <b>Burghill, Holmer &amp; Lyde</b>	
<b>6. DCCE2004/3624/F - LAND ADJACENT TO 18 CONINGSBY COURT, CONINGSBY STREET, HEREFORD</b>	21 - 26
Erection of one detached dwelling.	
Ward: <b>Central</b>	

- |     |   |         |
|-----|---|---------|
| 7.  | <b>DCCE2004/3690/F - 37 BRAEMAR GARDENS, HEREFORD, HEREFORDSHIRE, HR1 1SJ</b>             | 27 - 30 |
|     | Change of use from study to chiropody practice.   |         |
|     | Ward: <b>Tupsley</b>  |         |
| 8.  | <b>DCCW2004/3489/F - LOWER BURLTON, TILLINGTON ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RD</b> | 31 - 36 |
|     | Proposed two storey extension including master bedroom and conservatory.                  |         |
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| 9.  | <b>DCCW2004/3329/L - 18 CHURCH STREET, HEREFORD, HR1 2LR</b>                              | 37 - 40 |
|     | Repainting of shopfront, internal security shutters and internal alterations.             |         |
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| 10. | <b>DCCE2004/3920/F - 19 LICHFIELD AVENUE, HEREFORD, HR1 2RJ</b>                           | 41 - 44 |
|     | Proposed extension.   |         |
|     | Ward: <b>Tupsley</b>  |         |
| 11. | <b>DCCW2004/3085/F - LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD</b>                      | 45 - 56 |
|     | 32 dwellings and associated works.  |         |
|     | Ward: <b>Burghill, Holmer &amp; Lyde</b>  |         |
| 12. | <b>DATE OF NEXT MEETING</b>   |         |
|     | The next scheduled meeting is Wednesday 12th January, 2005.                               |         |

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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, 17th November, 2004 at 2.00 p.m.**

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

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

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

**63. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. S.P.A. Daniels, G.V.Hyde, W.J.S. Thomas, Ms. A.M. Toon and A.L. Williams.

**64. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillors</b>	<b>Item</b>	<b>Interest</b>
Miss F. Short	Item 7 - DCCE2004/2336/F – Change of use from former site of demolished dwelling to car sales area with portacabin at: <b>LAND ADJACENT TO 19 PERSEVERANCE ROAD, HEREFORD, HR4 9SN</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
Miss F. Short and D.B. Wilcox	Item 9 - DCCE2004/2943/F - New four bedroom dwelling at: <b>82 AYLESTONE HILL, HEREFORD, HR1 1HX</b>	Both Members declared personal interests.
A.C.R. Chappell and R.M. Wilson	Item 11 – CW2002/3441/F - Demolition of existing buildings and development of mixed-use scheme comprising Asda food store, community uses, residential development, replacement bowling green / club house, retained tramway and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements at: <b>LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD</b>	A.C.R. Chappell declared a personal interest. R.M. Wilson declared a personal interest as Cabinet Member (Highways and Transportation) and left the meeting before the item was considered.

**65. MINUTES**

**RESOLVED:**

**That the Minutes of the meeting held on 20th October, 2004 be approved as a correct record and signed by the Chairman.**

**66. ITEM FOR INFORMATION - APPEALS**

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

**RESOLVED:**

**That the report be noted.**

**67. DCCE2004/2559/F - BARN ADJACENT TO CASTLE FARM, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BE (AGENDA ITEM 5)**

*Conversion of barn to form one residential dwelling.*

The Principal Planning Officer advised that a meeting with the Head of Conservation and the applicant's agent would be held to address the outstanding issues if necessary.

**RESOLVED:**

**That subject to the receipt of suitably amended plans, Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

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

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

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

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

**3 C05 (Details of external joinery finishes)**

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

**4 C10 (Details of rooflights)**

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

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

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

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

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

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

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

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

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

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

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

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

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

**11 H13 (Access, turning area and parking)**

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

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

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

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

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

**Informatives:**

**1 N03 - Adjoining property rights**

**2 N14 - Party Wall Act 1996**

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

**68. DCCE2004/2174/F - 36 FOLLY LANE, HEREFORD, HR1 1LX (AGENDA ITEM 6)**

*Three storey development of 16 no. 2 bed and 1 no. 1 bed flats.*

The Principal Planning Officer advised that amendments were required to the conditions detailed in the report, i.e. that condition 4 should refer to hours of

*construction* and that condition 14 should be deleted as the survey for bats had already been carried out. The Principal Planning Officer reminded the Sub-Committee that this was a revised submission following the refusal of a previous application on design grounds (DCCE2004/0190/F refers).

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

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, commented on the dilapidated state of the existing building, felt that the applicant had addressed the concerns of the Sub-Committee and noted the demand for this type of development.

Councillor W.J. Walling, also a Local Member, felt it regrettable that the existing building had fell into such a state of disrepair and hoped that the development would be commenced as soon as possible to stop unlawful activities taking place on the site.

Other Members concurred with the appraisal by Officers and noted the importance of the landscaping conditions to ensure the protection of the prominent trees on the site.

**RESOLVED:**

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

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

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

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

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

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

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

**4 E05 (Restriction on hours of construction)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**13 G21 (Excavations beneath tree canopy)**

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

**14 H13 (Access, turning area and parking)**

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

**Informative:**

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

**69. DCCE2004/2336/F - LAND ADJACENT TO 19 PERSEVERANCE ROAD, HEREFORD, HR4 9SN (AGENDA ITEM 7)**

*Change of use from former site of demolished dwelling to car sales area with portacabin.*

Councillor Mrs. P.A. Andrews, a Local Member, supported the appraisal by Officers.

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

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

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

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

**Informatives:**

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

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

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

**70. DCCE2004/3470/T - BULLINGHAM LANE, HEREFORD, HR2 7SA (AGENDA ITEM 8)**

*Erection of a 15m high telecommunications monopole with 30cm transmission dish and ground level cabinet.*

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

The Principal Planning Officer advised that the development was considered acceptable having regard to the proven need, the lengthy search for alternative sites and the existing characteristics of the locality. He added that the final housing layout for the Bradbury Lines development had not yet been confirmed and perhaps there was an opportunity for the developer to take this proposal into account.

Councillors R. Preece and Mrs. W.U. Attfield, Local Members, supported the appraisal by Officers.

In response to a question, the Principal Planning Officer indicated the dimensions of the monopole and ancillary equipment and advised that it was not considered that there would be a seriously detrimental impact upon the character and appearance of the locality.

Some Members felt that the proposal was unacceptable given the proximity of the Bradbury Lines site and it was suggested that further negotiations be held. In response, the Principal Planning Officer explained that it would be difficult to defer for further negotiations given the timescale requirements when dealing with this type of application.

**RESOLVED:**

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

- 1 Prior to the installation of the equipment hereby approved, details of the external finish of the monopole and associated equipment shall be**

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

**Informative:**

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

**71. DCCE2004/2943/F - 82 AYLESTONE HILL, HEREFORD, HR1 1HX (AGENDA ITEM 9)**

*New four bedroom dwelling.*

The Principal Planning Officer reported the receipt of the comments of the Head of Conservation (no objections).

Councillor D.B. Wilcox, a Local Member, broadly supported the appraisal by Officers but expressed concern about the drainage arrangements. He felt that a connection to the public sewerage system was essential and suggested that the informative note should read 'when a connection' rather than 'if a connection'. In response, the Principal Planning Officer advised that conditions were recommended as per advice from Welsh Water and that any deviation from this would require a further application for the variation of the conditions. However, it was noted that Officers would review the conditions and make them more robust where appropriate; condition 10 has been amended.

**RESOLVED:**

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

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

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

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

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

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

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

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

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

**5. 19 (Obscure glazing to windows).**

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

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

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

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

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

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

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

- 9. H13 (Access, turning area and parking).**

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

- 10. Foul water and surface water discharges must be to the Mains Sewerage System only and drained separately from the site.**

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

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

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

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

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

**Informatives:**

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

- 72. DCCE2004/2530/F - LAND TO THE REAR OF 107 GORSTY LANE, HEREFORD, HR1 1UN (AGENDA ITEM 10)**

*Erection of two bungalows.*

The Principal Planning Officer briefly outlined the recommended reasons for refusal.

In accordance with the criteria for public speaking, Mrs. Aust (15 Sudbury Avenue) spoke against the application and Mr. Dyer (the applicant) spoke in support of the



application.

The Principal Planning Officer advised that there had been further discussions with the Transportation Unit and that Officers maintained the view that the access was unacceptable for the proposed development given that visibility and manoeuvring would be restricted and related highway safety concerns.

Councillor W.J. Walling, a Local Member, noted the concern of local residents about the density of the proposed development and the impact on the Conservation Area. He also noted that the access arrangements could cause a hazard to other road users and felt that the width of the access would need to be widened to accommodate two vehicles.

Councillor Mrs. M.D. Lloyd-Hayes, also a Local Member, felt that the introduction of two dwellings would be an over development of the site and supported the appraisal by Officers.

In response to a question, the Principal Planning Officer advised that negotiations with the applicant about the access arrangements had not progressed any further as Officers felt that the proposal was unacceptable in its current form.

**RESOLVED:**

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

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

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

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

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

- 73. CW2002/3441/F - LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD (AGENDA ITEM 11)**

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

UPDATED REPORT

The Principal Planning Officer advised that page 44 of the report should refer to condition 31 and not 32. He explained the background to the report and updated Members on the latest information. It was proposed the community facilities be opened at the same time as the store given the significant weight that Members gave to the community benefits of the proposals. It was also proposed that a flood evacuation scheme be required. It was reported that, in order to progress the development, it was proposed that the residential development part of the scheme not be progressed until the Hereford Flood Alleviation Scheme (FAS) had been completed and the area would be landscaped and maintained in the intervening period. Amendments to the recommendation and draft conditions were proposed to take these matters into account.

In response to questions, the Principal Planning Officer advised that it had not been possible to circulate the amended recommendation earlier due to the late receipt of information from the applicants.

Councillor R. Preece, a Local Member, endorsed the recommendation by Officers and commented on the perceived failings of the Environment Agency in relation to matters concerning the city.

Councillor Mrs. W.U. Attfield, also a Local Member, also spoke in support of the recommendation and noted the importance of local knowledge in considering such matters. Councillor Mrs. Attfield added that many residents were keen to see the proposals progressed as soon as possible.

Councillor A.C.R. Chappell, the other Local Member, commented on a number of issues, including: that there was no firm evidence that the site had a history of substantial flooding; that the applicants had consulted widely with the people in the South Wye area; he felt that the community facilities should be being opened at the same time as the store and commented on the community development opportunities; and he stressed the importance of the Hereford FAS being delivered in the shortest time possible and felt that the timescale should not be extended.

A number of Members concurred with the Local Members that more attention to the specific needs of Hereford was required from the Environment Agency. A number of comments were made about flood evacuation measures.

Councillor R.I. Matthews felt that the £2 million contribution towards the Hereford FAS should be paid and ring-fenced to ensure the delivery of the scheme under any circumstances.

Councillor P.J. Edwards noted that the residential block was a major design element of the proposals, due to its prominent position and the screening that it would provide to the store, and questioned whether the block could be constructed but not occupied. In response, the Principal Planning Officer advised that the Council would be criticised if it allowed the block to be constructed before the completion of the Hereford FAS.

Councillor D.B. Wilcox noted that condition 7 of the draft decision notice read '*The sale of non food or non convenience goods shall not take place from more than 40% of the total net sales area of the supermarket hereby permitted*' and suggested that the figure should be no more than 30% in order to protect city centre retail activity. In response, the Principal Planning Officer advised that, following considerable negotiations, 40% was considered acceptable and the reduction in this figure could

jeopardise the viability of the project.

It was suggested that a welcome sign to the city could be erected on the landscaped area at the front of the site.

In response to a suggestion that a time limit be imposed on the negotiations to finalise the Section 106 Agreement, the Legal Practice Manager advised that progress was being made but the draft submitted by the applicant's legal team was not satisfactory and further discussions were to be held. The Section 106 Agreement currently submitted by Eversheds was wholly unsatisfactory with regard to the terms appertaining to the sum to be paid regarding the FAS.

A number of Members hoped that work on the proposal would commence as soon as possible and thanked Officers for their efforts.

**RESOLVED:**

**That planning permission be granted on completion of the Section 106 Agreement allowing the occupation and use of the community buildings at the same time as the store is opened. The residential development shall not be commenced until the Hereford Flood Alleviation Scheme has been implemented on the south bank of the River Wye.**

(NOTE:

In accordance with the Council's Constitution SO 5.10.2, Councillor R.I. Matthew wished it to be recorded that he abstained from voting on the resolution detailed above.)

**74. DATE OF NEXT MEETING**

It was noted that the next scheduled meeting was Wednesday 15th December, 2004.

The meeting ended at 3.20 p.m.

**CHAIRMAN**



**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED**

None.

**APPEALS DETERMINED****Application No. DCCE2003/1691/F**

- The appeal was received on 2nd February, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. & Mrs. N. Edmondson.
- The site is located at Common Hill Reservoir, Common Hill Farm, Fownhope, Hereford, Herefordshire, HR1 4PZ.
- The application, dated 2nd June 2003, was refused on 31st July 2003.
- The development proposed was Change of use of reservoir to single holiday cottage.
- The main issue is that the proposed development would conflict with the policies relating to the control of development in the countryside and for the protection of the natural beauty of the AONB.

**Decision:** The appeal was **DISMISSED** on 26th October 2003.

**Case Officer:** Previously Andrew Guest now Simon Withers on 01432 261957.

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

- The appeal was received on 20th April 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. & Mrs. C.T. Davies.
- The site is located at The Firs, Swainshill, Hereford, Herefordshire, HR4 7QD.
- The application, dated 7th November 2003, was refused on 20th January 2004.
- The development proposed was Site for new dwelling and double garage in front garden.
- The main issues are the effect of the proposal on the character of the area and whether foul water generated by the proposal could be adequately disposed of.

**Decision:** The appeal was **DISMISSED** on 12th October 2004.

**Case Officer:** Previously Steve MacPherson now Kevin Bishop on 01432 261946.

**Application No. DCCW2003/3515/F**

- The appeal was received on 23rd March 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. P. Seal.
- The site is located at The Vinery, Wellington, Hereford, Herefordshire, HR4 8AR.
- The application, dated 24th November 2003, was refused on 8th January 2004.
- The development proposed was Installation of seven surface area solar collectors on south incline.
- The main issue is whether the proposed development would preserve or enhance the character or appearance of the conservation area.

**Decision:** The appeal was **DISMISSED** on 1st October, 2004.

**Case Officer: Edward Thomas on 01432 261795.**

**Application No. DCCE2003/2830/F**

- The appeal was received on 8th January 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Callow Marsh Ltd.
- The site is located at Ross Road, The Callow, Hereford, Herefordshire, HR2 8BN.
- The application, dated 16th September 2003, was refused on 12th November 2003.
- The development proposed was Change of use of land to use for storage of motor vehicles.
- The main issues are the character and appearance of the surrounding area, highway safety and the need to travel by car.

**Decision:** The appeal was **DISMISSED** on 29th September 2004.

**Case Officer: Previously Steve MacPherson now Simon Withers on 01432 261957.**

**Application No. DCCE2003/1736/F**

- The appeal was received on 2nd January 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Owen Pell Ltd.
- The site is located at Owen Pell Ltd, Twyford Road, Rotherwas Industrial Estate, Hereford, Herefordshire, HR2 6JR.
- The application, dated 25th May 2003, was refused on 5th November 2003.
- The development proposed was Erection of 2 no. units for light Industrial use.
- The main issue is the effect of the proposed development on the living conditions of the occupiers of Straight Mile House with particular regard to their visual amenity.

**Decision:** The appeal was **DISMISSED** on 28th September 2004.

**Case Officer: Miss Kelly Gibbons on 01432 261781.**

**Application No. DCCW2003/2635/F**

- The appeal was received on 9th March 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mrs. E. England
- The site is located at Land adjacent to Town Well, Station Road, Credenhill, Herefordshire.
- The application, dated 28th August 2003, was refused on 2nd February 2004.
- The development proposed was Proposed dwelling and formation of access.
- The main issue is the effect that breaching, demolishing and rebuilding sections of the existing boundary wall would have on the setting of the house known as Town Well, a Grade II Listed Building. In relation to Appeal A only, this issue encompasses the effect that these works would have on the character and appearance of the village of Credenhill.

**Decision:** The appeal was **ALLOWED** on 22nd September 2004.

**Case Officer:** Previously Steve MacPherson now Kevin Bishop on 01432 261946.

**Application No. DCCW2003/2650/L**

- The appeal was received on 10th March 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mrs. E. England.
- The site is located at Town Well, Station Road, Credenhill, Hereford, Herefordshire, HR4 7DW.
- The application, dated 28th August 2003, was refused on 2nd February 2004.
- The development proposed was Demolition of part of boundary wall and rebuilding to form vehicular access.
- The main issue is the effect that breaching, demolishing and rebuilding sections of the existing boundary wall would have on the setting of the house known as Town Well, a Grade II Listed Building. In relation to Appeal A only, this issue encompasses the effect that these works would have on the character and appearance of the village of Credenhill.

**Decision:** The appeal was **ALLOWED** on 22nd September 2004.

**Case Officer:** Previously Steve MacPherson now Kevin Bishop on 01432 261946.

**Application No. DCCE2003/2795/L**

- The appeal was received on 20th February 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. G. Williams.
- The site is located at Lower Thatch Cottage, Westhide, Hereford, Herefordshire, HR1 3RL.
- The application, dated 11th September 2003, was refused on 10th November 2003.
- The development proposed was Two storey extensions.
- The main issue is whether the proposed extensions would preserve the special architectural or historic interest of the listed building and its setting.

**Decision:** The appeal was **DISMISSED** on 17th September 2004.

**Case Officer:** Miss Kelly Gibbons on 01432 261781.

**Application No. DCCE2003/2793/F**

- The appeal was received on 20th February 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. G. Williams.
- The site is located at Lower Thatch Cottage, Westhide, Hereford, Herefordshire, HR1 3RL.
- The application, dated 11th September 2003, was refused on 10th November 2003.
- The development proposed was Two storey extensions.
- The main issue is whether the proposed extensions would preserve the special architectural or historic interest of the listed building and its setting.

**Decision:** The appeal was **DISMISSED** on 17th September 2004.

**Case Officer:** Miss Kelly Gibbons on 01432 261781.

**Application No. DCCW2003/3682/O**

- The appeal was received on 4th May 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. & Mrs. C.A. & M.J. Thompson.
- The site is located at Land adjacent to Fourth Milestone House, Swainshill, Hereford, Herefordshire, HR4 7QE.
- The application, dated 8th December 2003, was refused on 2nd February 2004.
- The development proposed was Site for erection of two houses.

**Decision:** The appeal was **WITHDRAWN** on 10th August 2004.

**Case Officer:** Previously Steve MacPherson.

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



**5 DCCW2004/2800/F - PROPOSED LEAN-TO EXTENSION OF EXISTING OUTBUILDING TO PROVIDE LAMBING SHED AND FEED STORE. THE PADDOCKS, TILLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8LD**

**For: Miss V.G. Brazier, per Mr. S. Potter, Pomona Office, Pomona Drive, Kings Acre Road, Hereford, HR4 OSN**

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

**Ward: Burghill,  
Holmer & Lyde**

**Grid Ref: 46623, 45165**

**Expiry Date: 23rd September, 2004**

Local Member: Councillor Mrs S.J. Robertson

**1. Site Description and Proposal**

- 1.1 The Paddocks is located on the western side of Crowmoor Lane, Tillington between Bird in Hand Cottage and The Copse.
- 1.2 Planning permission is sought to provide a lean-to extension to the existing building to be used as a lambing shed and feed store. The building measures 4.54m x 14.06m and 1.95m to the eaves. The extension will have a mono-pitch and timber cladding with a felt roof.
- 1.3 The building will be placed on an existing concrete slab which has been previously dug out. Whitmoor Cottage is located approximately 40m to the north west and Bird in Hand Cottage 25m to the north east. Both dwellings are elevated above this site. A polytunnel is located between Whitmoor Cottage and the extension.

**2. Policies**

2.1 Planning Policy Guidance:

PPG7 - Sustainable development in rural areas

2.2 Hereford and Worcester County Structure Plan:

A3 - Agricultural buildings

2.3 South Herefordshire District Local Plan:

ED9 - New agricultural buildings

**3. Planning History**

- 3.1 CW2004/0439/F - Use of land for siting of temporary caravan for carer. Temporary permission 8th April, 2004.

- 3.2 CW2004/2798/F - Retention of 2 no. sheds for storage in connection with approved temporary static caravan (CW2004/0439/F). Undetermined.

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

##### Statutory Consultations

- 4.1 Environment Agency: No objection.

##### Internal Council Advice

- 4.2 Head of Highways and Transportation: No highway issues.

#### **5. Representations**

- 5.1 Burghill Parish Council: The Parish Council understands that this is a registered smallholding, and as such have no objections to this application. However they would not wish to see any further development of the site. The neighbours have been made aware of the proposals.

- 5.2 One letter of objection has been received from Russell and Lusanna Hoddell, Whitmore Pool Cottage, Tillington. The main points raised are:

- The noise from the current menagerie of parrots, sheep, goats etc is intolerable. We have two small children who are frequently woken along with us, to the sound of the shrieking squawking dawn chorus at 5.30 each morning and continues throughout the day. Therefore any increase in the number of animals increases this burden and will be to our detriment.
- The size of the proposed shed is way out of proportion to the number of animals that she currently keeps. If her intention is to increase her animal population to fill this space, then this will have a greater impact on our home living.
- Whatever Ms Brazier's intention the nature and shape of the land causes any sound to amplify towards our home, much like the effect of an amphitheatre.
- We recently had a conversation with Ms Brazier concerning the new shed, she indicated that the shed would be used to house more parrots. At no time did she indicate that she would use this for lambing. We therefore do not believe that the shed will be used either in part or in total for a lambing shed.
- The Paddocks appears to be an increasing development. We have an enclosure with a caravan, with neighbours numerous sheds and cages and a 70ft of polytunnel which is used for storage, all of which have an overbearing and negative detrimental effect on our standard of living, which will increase further with the building of this huge lambing/parrot shed.

- 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. Officer's Appraisal**

- 6.1 The proposal is for a modest extension (4.5m x 14.06m) to an outbuilding at The Paddocks, Tillington for use as a lambing shed and feed store.

- 6.2 Its position complies with Policy ED9 of the South Herefordshire District Local Plan in that it is located adjacent to the existing building and will have limited impact within the

landscape. The neighbour's concerns are noted however suitable conditions will be imposed limiting its use to that for which it has been applied. In addition a polytunnel is being used on site for storage not associated with agricultural. A condition requiring its removal and the goods therein prior to use of this building will remove and unauthorised use and the polytunnel from the land.

**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 Prior to use of the building hereby approved the polytunnel and non agricultural items located within will be removed from the land.**

**Reason: In order to improve the visual amenity of the area.**

**4 The building shall be used as a feed store (as classified in Condition 5) and or a lambing shed and for no other use whatsoever unless otherwise agreed in writing by the local planning authority.**

**Reason: In order to clarify the terms of this permission.**

**5 The storage building shall not be used for any purpose other than agriculture, as defined in Section 336 of the Town and Country Planning Act 1990.**

**Reason: To define the terms of the permission.**

**INFORMATIVE:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



## **6 DCCE2004/3624/F - ERECTION OF ONE DETACHED DWELLING LAND ADJACENT TO 18 CONINGSBY COURT, CONINGSBY STREET, HEREFORD**

**For: Mr. B.H. Oseman, Axys Design, 30 Grove Road, Hereford, HR1 2QP**

**Date Received: 14th October, 2004**

**Ward: Central**

**Grid Ref: 51296, 40323**

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

Local Member: Councillor D.J. Fleet

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

1.1 This application seeks consent for the erection of a single dwelling. The application site falls between 18 Coningsby Court and Abbey Court. The application site is modest, being only 0.006 hectares in area, and is triangular in shape. The proposal involves the construction of a small, two storey, one bedroom dwelling.

### **2. Policies**

2.1 Planning Policy Guidance:

PPG1 - General policy and principles  
 PPG3 - Housing  
 PPG13 - Transport

2.2 Hereford and Worcester County Structure Plan:

H2B - Location of housing (general)  
 CTC9 - Development criteria

2.3 Hereford City Local Plan:

ENV14 - Design  
 H3 - Design of new residential development  
 T5 - Car parking – designated areas

2.4 Herefordshire Unitary Development Plan:

S1 - Sustainable development  
 S2 - Development requirements  
 S3 - Housing  
 DR1 - Design  
 H15 - Density  
 T11 - Parking provision

### 3. Planning History

- 3.1 HC87/0367/PO - Demolition of existing building on site and erection of 40 number single bedroom flats with landscape courtyard/car parking area. Application withdrawn 1st October, 1987.
- 3.2 HC88/0155/PO - Demolition of existing building on site and erection of 16 number town houses with landscaped courtyard/car parking area. Approved 20th September, 1988.
- 3.3 HC94/0330/PF – Demolition of existing buildings on the sit, erection of 18 dwellings. Approved, 16th November 1994.
- 3.4 HC94/0503/PO - High density residential development situated at Venn Hall Bindery, Coningsby Street/Canal Road, Hereford. Refused 23rd March, 1995. Appeal date - 17th April, 1996 (Appeal dismissed).
- 3.5 CE2000/0834/F - Proposed residential development of 4 no. 1 bedroom flats and 1 no. 2 bedroom flat, John Venn Hall. Refused 27th July, 2000.
- 3.6 CE2002/0890/F – Proposed development to form 3 flats with parking, John Venn Hall. Withdrawn 2nd October, 2002.
- 3.7 CE2002/2523/F – Proposed redevelopment to form 6 flats, John Venn Hall. Approved, 16th October, 2002.
- 3.8 DCCE2004/1736/F – Extension to driveway into previously planted area. Refused, 1st July 2004.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None.

#### Internal Council Advice

- 4.2 Head of Highways and Transportation raised no objection to the proposal.

### 5. Representations

- 5.1 Hereford City Council raised no objection to the proposal

Four letters of objection have been received from the following sources:

- Mrs. J.L. Johnson, 1 Coningsby Court
- J. Moulton, 18 Coningsby Court
- Mr. R. Price, 15 Coningsby Court
- Ms L. Harris, 11 Coningsby Court

The objections raised can be summarised as follows:

1. Addition parking and movement problems;
2. Loss/lack of landscaping;

3. Unacceptable design;
4. Disruption caused by building works;
5. Refusal of application DCCE2004/1736/F on landscaping grounds;
6. Potential for 'miscreants' and litter.

5.2 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. Officer's Appraisal**

6.1 In planning policy terms, this application represents residential infill and in principle is acceptable. The issues associated are considered to be the design, visual amenity, residential amenity, loss of landscaped area, and highways issues.

6.2 In consideration of the residential amenity issues associated with this development, there will be no loss of privacy, no light loss, and no overbearing impact. It is considered that no neighbour will be directly affected by the physical presence of this development.

6.3 The loss of this landscaped area is a little regrettable but it is considered important to consider the wider implications of this proposal. Unlike application DCCE2004/1736/F, this application is not seeking an enlarged parking area. The decision taken on this application was quite appropriate and in no way questioned. In the case of this application however, a new dwelling is proposed and a dwelling can in fact be of benefit to the wider visual amenities of the locality. The existing situation on site is that Abbey Court and Coningsby Court are unfortunately contrasting developments. Their design styles differ to a relatively substantially extent and although detached from one another their relationship with one another means there is little to separate them leading to a harsh and conflicting context. This site therefore offers the opportunity to enhance this relationship. It offers the potential to link these properties in way that will enable an enhancement of the current relationship. The proposal has a flat roof, which is reflective of the dormer elements of Abbey Court. This roof type is also clean and uncluttered in this confined area. A ridged roof would have led to a visually complicated and undesirable appearance, enhancing the intrusiveness of this dwelling. The design details are reflective of Coningsby Court but also relate to Abbey Court. This building also breaks the current significant step between the rear elevations of these two developments. The value of the existing land is also considered limited. It is effectively dead space and its potential to act as an effective landscape corridor is considered limited. As it stands, the proposal is a modest and unobtrusive structure that will link its two neighbours into a more complete and satisfying whole.

6.4 Turning to highway matters, the courtyard area will provide space for two vehicles if required. The Head of Engineering and Transportation has raised no objection and in relation to the loss of landscaping the benefits of this development to the wider character and appearance of the area is, as noted above, considered to outweigh the harm.

6.5 The 'alley' is 0.3 metres wide and thus unlikely to be readily accessible for potential 'miscreants'. It is not considered that this site will act as a litter magnet any more than the rest of the area appears to do.

6.6 Appropriate conditions are proposed in relation to landscaping, construction times, and materials.

- 6.7 On balance this application represent an infill development increasingly typical of the City centre living concept. It will provide a small dwelling of attractive design without harm to neighbours, and to the benefit of the urban design character of the locality.

## **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.**

- 2 B01 (Samples of external materials)**

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

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

**Reason: (Special reason).**

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

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

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

**Reason: In the interests of residential and visual amenity.**

- 8 The development hereby permitted shall not be brought into use until the courtyard area shown on the approved plans has been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter this area shall be retained as an open courtyard and kept available for vehicle parking as required.**

**Reason: In the interests of highway safety and to ensure availability of parking provision as required.**

### **Informatives:**

- 1 HN1 – Mud on highway**

- 2 HN4 – Private apparatus within highway**



- 3    **HN5 – Works within the highway**
- 4    **N03 – Adjoining property rights**
- 5    **N15 – Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**7 DCCE2004/3690/F - CHANGE OF USE FROM STUDY TO CHIROPODY PRACTICE, 37 BRAEMAR GARDENS, HEREFORD, HEREFORDSHIRE, HR1 1SJ**

**For: Mrs. J. Lennick, Mayfield, 37 Braemar Gardens, Hereford, HR1 1SJ**

**Date Received: 20th October, 2004**

**Ward: Tupsley**

**Grid Ref: 53460, 39016**

**Expiry Date: 15th December, 2004**

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

**1. Site Description and Proposal**

1.1 The application is a retrospective application for a change of use at 37 Braemar Gardens. The site is located in a modern residential development to the south of Hampton Park Road. The dwelling is in the corner of a hammer head cul-de-sac. The property is a relatively substantial detached dwelling house of standard catalogue design. It is within an Established Residential Area as designated in the Hereford Local Plan.

1.2 The proposal is for a change of use of the study of the dwelling for use as a chiropody practice. The proposed use would occur on Tuesday afternoons, Thursday afternoons and throughout Wednesdays.

**2. Policies**

2.1 Planning Policy Guidance:

PPG1 General policy and principles

2.2 Hereford Local Plan:

H21 - Compatibility of non-residential uses  
H22 - Existing non-residential uses  
SC1 - Health care

2.3 Herefordshire Unitary Development Plan:

S1 - Sustainable development  
S2 - Development requirements  
E9 - Home based businesses

**3. Planning History**

3.1 None relevant to this application site.

#### 4. Consultation Summary

##### Statutory Consultees

4.1 None

##### Internal Council Advice

4.2 The Head of Conservation raised no objection to the proposal.

4.3 The Head of Highways and Transportation raised no objection to the proposal.

#### 5. Representations

5.1 Hereford City Council: The City Council objects to the application on the grounds that the area in question is purely residential and should remain so.

5.2 A single letter of objection has been received from the following source:

- F & B Williams, 33 Braemar Gardens

The objections raised can be summarised as follows:

1. Property Deeds restrict the operation of a business from homes on the estate;
2. Vehicle movements causing noise, obstruction, and disturbance;
3. Setting of a precedent
4. Operation restricted to 2 afternoons per week

5.3 The full text of these letters can be inspected at the Central Divisional Planning Office, 4 St. Owen Street, Hereford, and prior to the Sub-Committee meeting.

#### 6. Officer's Appraisal

6.1 The need for a planning application for the operation of a business from a domestic property is a matter of fact and degree. In this instance it is considered that the extent of the operation involved is such that a material change of use has occurred, necessitating a planning application. The use of a dwelling house for the running of a business is not, in principle, contrary to planning policy. That said, the details of the scheme must be acceptable. It is considered that it is the issues of residential amenity and highway issues that are of greatest relevance to this application.

6.2 The existing property is provided with four off street parking spaces; two garage spaces, two driveways. A maximum of two spaces will be required at any one time, specifically at the change over time between appointments. It is acknowledged that it cannot be guaranteed that two spaces will be available but it is considered that four spaces is reasonable for the associated business use. A condition to retain the on site parking facilities is proposed.

6.3 The proposal involves the use of the study over three days, and only in the afternoon for two of those. It is considered that the operating times are adequate to allow for the effective operation of the business without being detrimental to the residential amenities of the locality. A condition will restrict the hours of operation and as such these specified times will enable the Local Planning Authority to control any

intensification of the use which could lead to an unacceptable level of traffic movement and disturbance within the area. Additionally, a condition is proposed restricting the use to a specific person, in this case the applicant. Therefore in the event that the applicant should move from the premises the use will revert to that of residential. This is to have regard to the special circumstances of the applicant and their profession.

- 6.4 It is considered that through the proposed conditions the use of the premises can be effectively controlled. It is further considered that with said conditions in place the operation of this premise will not be detrimental to this residential area. No precedent will be set by this application as the proposal is in accordance with development plan policies. Any future application would be considered on its own merits and if it related to a similar proposal for a neighbouring property, this application would be a material consideration in the assessment of its acceptability. The implications of this consent and any new proposal would be considered in combination.
- 6.5 As a final note, the presence of a legal covenant on the property regarding the use of any part of the property other than for private residential purposes for the purpose of this application is not considered to be a material consideration under planning legislation and is therefore a civil matter. That said, it is stressed for reasons of clarification that this application has no over riding in invalidating implication upon any Deed that may exist.

## **RECOMMENDATION**

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

- 1 This permission shall ensure for the benefit of Mrs. J. Lennick only and not for the benefit of the land or any other persons interested in the land. The use hereby permitted shall only be conducted from the ground floor study as indicated on the ground floor plan received by the Local Planning Authority on the 20th October 2004.**

**Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.**

- 2 The study shall be used for appointments for the chiropodist practice only on Tuesdays and Thursdays between the hours of 12:00 and 17:00, and Wednesdays between the hours of 09:00 and 17:00.**

**Reason: In the interest of the amenities of occupiers of nearby properties.**

- 3 The parking facilities associated with the application site shall be retained and kept available for such use.**

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

### **Informatives:**

- 1. This decision does not convey any approval or consent that may be required under any other contractual agreement/covenant which this property may be the subject of.**

**2. N15 – as Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**8 DCCW2004/3489/F - PROPOSED TWO STOREY EXTENSION INCLUDING MASTER BEDROOM & CONSERVATORY, LOWER BURLTON, TILLINGTON ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RD**

**For: Mr. Paul Morris and Mrs. R.M. Bolt, per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB**

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

**Ward: Burghill,  
Holmer & Lyde**

**Grid Ref: 48507, 42525**

**Expiry Date: 19th November, 2004**

Local Member: Councillor Mrs S.J. Robertson

**1. Site Description and Proposal**

- 1.1 The application site is a modern brick built single storey dwelling, erected in 1992 and located to the south west of Tillington Road, some 200 metres north of its junction with Roman Road. It is set back from the road and largely obscured by farm buildings immediately to the east. To the south beyond the farm buildings is a detached dwelling, to the north, at an oblique angle is another detached dwelling and to the west open agricultural land.
- 1.2 The irregular footprint of this three bedroom bungalow has produced a roof form characterised by a complex arrangement of multiple ridges, valleys and hips. Projecting from a stepped length of rear wall is a traditional glazed conservatory. It is proposed to demolish the conservatory and erect a two storey extension to provide a new conservatory with bedroom over and having a footprint of 7.5m x 5.70m contained within the recessed corner space formed by the furthest extent of the rear wall and the south side wall. Possessing a distinctive modern design character the extension would have a block form beneath a thin section, wave profile roof. The highest point of the roof would be 5.70m compared to 5.40m for the highest existing ridge.
- 1.3 At ground floor level the conservatory would have frameless glazing to all exposed elevations. The first floor bedroom elevations include a large, west facing, timber window and doors opening on to a 1.20m projecting balcony with glass and steel balustrading. Two small windows are indicated on the south side elevation. The walls at this level would be faced with cedar cladding topped, at the side, with a panel of clear storey glazing to the underside of the Terne coat stainless steel clad roof.

**2. Policies**

2.1 Planning Policy Guidance:

PPG1 - General policy and principles

2.2 Hereford & Worcester County Structure Plan:

H16A - Housing in rural areas

H20 - Housing in rural areas outside the green belt

### 2.3 South Herefordshire District Local Plan:

GD1	-	General development criteria
C1	-	Development within open countryside
SH23	-	Extensions to dwellings

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

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
H18	-	Alterations and extensions
LAC	-	Landscape character and areas least resilient to change

## 3. Planning History

3.1 None relevant to this application.

## 4. Consultation Summary

### Statutory Consultations

4.1 None consulted

### Internal Council Advice

4.2 Head of Highways and Transportation: Recommends refusal of the application for the following reason:

This proposal shows insufficient detail for an assessment to be made from the highway safety point of view.

The applicant is intending to increase the number of bedrooms from 3 to 4. The Council's parking standards for a 4 bedroom dwelling is 3 car parking spaces. The applicant needs to indicate on a plan that there are sufficient parking spaces and that vehicles can enter and leave the site safely in a forward gear. Vehicles should be able to turn within the site.

## 5. Representations

5.1 Burghill Parish Council has resolved to make the following comments: One of the main principles of planning consent is to ensure that any development sits well with its surroundings, and blends in with the existing property. This proposal does not match the existing property at all, and makes the bungalow into a two storey dwelling.

Although the Parish Council have no objections to an extension they have strong reservations and do object to this proposal in that the design is not in keeping with the area.

There is also great concern that the proposed balcony will intrude on the neighbours privacy, the neighbours have been advised of the proposals.



- 5.2 Letter in support of the application from the applicants P.W. Morris and R.M. Bolt in response to the advice from the Head of Highways and Transportation - "We are writing to confirm that we can presently park 3 vehicles in front of the double garage which itself of course will accommodate 2 vehicles.

It is also our intention to create a turning area in front of the property as marked on the enclosed plan which will enable all vehicles leaving the property to turn and enter the highway in a forward position."

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. Officer's Appraisal

- 6.1 The key issues in the consideration of this application are:

- i) The effect of the proposal on the character and appearance of the existing dwelling in terms of mass, scale, design and materials.
- ii) The extent to which the existing dwelling remains the dominant nature in any resulting scheme.
- iii) The extent to which the proposal fulfils the appropriate criteria of Policy GD1 (Design) of the South Herefordshire District Local Plan.
- iv) Impact on the rural character of the surrounding area.
- v) Amenity of the occupiers of nearby residential properties.
- vi) Parking and highway safety.

- 6.2 Having regard to the policy context and the concerns of the Burghill Parish Council it is considered appropriate to reproduce the applicant's design rationale as follows:

"The bungalow as existing consists of a large entrance hall, lounge, dining room, breakfast room, kitchen, utility and study with two double bedrooms and one single. A more recent addition is a glazed conservatory which is believed to have been added some seven to eight years ago. The building has a gross footprint of some 240 square metres but despite its apparent overall size, space has perhaps not been as judiciously used as it might have been. The entrance hall alone is some 22 square metres and while lounge, kitchen and utility room are generous, 2.5 bedrooms seems somewhat disproportionate to the overall size of the property. The heavily modelled perimeter to the building has created an overly complicated roofscape with hips, valleys and ridges of differing lengths and heights.

Our clients wish, therefore, was to make better use of existing space and to add a new conservatory which would take maximum advantage of the stunning views to the west and a further double bedroom allow bedroom provision to accommodate both family and guests. Due to the complexity of the existing roof space, it was felt that any further additions which attempted to join the existing roof would simply complicate matters further. It was felt, therefore, that a new extension, two storeys in height but pulled away marginally from the existing building, and with a contemporary roof form which would enable its overall height to respect the existing highest ridge point, would create a stand alone corner to the building and avoid the need for further awkward roof junctions.

The new extension, therefore, will replace the existing conservatory and complete the square in the south western corner of the dwelling. A new single flight staircase will

give access from the ground floor conservatory to a new master bedroom suite at first floor, opening onto a projecting balcony to take maximum advantage of the views to the west.

Internally, the existing glazed screen between the hallway and the breakfast room has been removed and the hall will now become a formal dining space. The rear wall of the kitchen will be taken down to open up the kitchen to the new conservatory.

The new extension will be supported on a lightweight steel frame. The conservatory will be fully glazed at ground floor level in frameless glass while the master bedroom suite above will be clad in western red cedar. The glazed screen at first floor level will be timber framed, stain finished. The roof will be steel framed and clad in Terne Coated Stainless Steel which will weather to a lead grey colour. The projecting balcony at first floor level will be enclosed in glass panels set within a mild steel frame.

It is hoped that the whole will create a simple lightweight contemporary addition to a slightly complex dwelling.”

- 6.3 It is considered that the design analysis and rationale has produced an innovative and modern design solution, for extending this particular dwelling, to meet the applicant's spatial requirements. In essence the concept of visually grafting on to the existing bungalow, a modern and distinctive form, which makes a contrasting and fresh design statement, is regarded as a valid architectural approach. The elevational treatment and facing materials are consistent with this style.
- 6.4 The height of the extension only marginally exceeds the ridge height of the host bungalow and the footprint would be contained within the cut away south western corner. Whilst it contains two storeys, it is considered that the visual perception of the extension will be a separate, albeit distinctive and modern building element which will give added interest to the form and character of the bungalow. As such it is not considered that it will make the bungalow into a two storey dwelling (see Burghill Parish Council's comments).
- 6.5 In design terms, notwithstanding the departure from the character and form of the existing bungalow it is considered that the extension will make a positive but not over dominant contribution to its appearance. It is also judged that the resultant scheme will not have a negative impact on the rural character of the surrounding area.
- 6.6 As far as the balcony is concerned, due to its oblique and indirect relationship to and distance from the nearest dwelling, it is considered that it will not result in an unacceptable degree of overlooking or undue loss of privacy.
- 6.7 Sufficient space is available, within the curtilage of the property, for the parking of 3-4 cars. The provision of a turning head as offered by the applicant will enable vehicles to leave in forward gear. Accordingly, subject to a suitable condition to ensure the provision of the turning head, it is considered that the parking facilities would be acceptable.
- 6.8 In the light of the above-mentioned considerations it is considered that the proposed extension is acceptable.

**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 The development hereby permitted shall be carried out strictly in accordance with the approved plans (drawing numbers 3781, 3781.01, 3781.02, 3781.03, 3781.11, 3781.12) and the schedule of materials indicated thereon, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

- 3 The extension hereby permitted shall not be brought into use until the turning area indicated on the drawing, attached to the appallicant's letter dated 3rd November, 2004, is laid out properly consolidated, surfaced and drained.

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**9 DCCW2004/3329/L - REPAINTING OF SHOPFRONT, INTERNAL SECURITY SHUTTERS AND INTERNAL ALTERATIONS AT 18 CHURCH STREET, HEREFORD, HR1 2LR**

**For: L. Cooper, 126 Hoarwithy Road, Hereford, HR2 6HE**

**Date Received: 6th September, 2004    Ward: Central    Grid Ref: 51009, 39920**

**Expiry Date: 1st November, 2004**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

1.1 No. 18 Church Street is sited on the eastern side of Church Street on the approach to the Cathedral. This is a brick built late 18th/early 19th century building with a traditional 19th century shopfront. The building is Grade II Listed and within the Central Conservation Area.

1.2 The proposal is for internal alterations, including the formation of changing rooms; the repainting of the shopfront and signage; and the installation of internal window security shutters and an external security grill in the doorway.

**2. Policies**

2.1 Planning Policy Guidance:

PPG15 - Planning and the historic environment

2.2 Hereford Local Plan:

CON2 - Listed buildings – development proposals

CON3 - Listed buildings – criteria for proposals

CON34 - Security measures

2.3 Herefordshire UDP (Revised Deposit Draft):

HBA1 - Alterations and extensions to listed buildings

2.4 Supplementary Planning Guidance:

Hereford City Council Shopfronts and Advertisements Guide

**3. Planning History**

3.1 None relevant to this application.

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

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 The Chief Conservation Officer has no objection to the proposal.

#### **5. Representations**

5.1 Hereford City Council: Recommend refusal. Proposals are contrary to the status of the building and Conservation Area.

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

#### **6. Officers Appraisal**

6.1 The application is for Listed Building Consent and the key issue is therefore the impact of the work upon the special architectural or historic character of the building or its setting. Whilst this application has been processed works have been underway and are now completed.

6.2 With regard to the internal works, there is some loss of modern partitions within the shop, this aspect does not affect the historic fabric of the building. New changing rooms are formed within the shop, this work is readily reversible and therefore it does not adversely affect the special interest of the building.

6.3 The shopfront has been redecorated, painted dark chocolate brown and the applied signage lettering is silver. This is considered to enhance the appearance of the building and it respects the character of the historic shopfront.

6.4 Internal window security shutters and an external folding security grill in the doorway have been installed. Local Plan Policy and the Council's Supplementary Planning Guidance encourage the use of internal security measures where possible. Where this is not feasible external 'grills' rather than solid shutters, preferably matching the colour of the shopfront are acceptable. The security measures accord with the policy approach and overall they are considered to be unobtrusive and do not adversely affect the host Listed Building.

6.5 Overall the works preserve the special architectural or historic interest of the host Listed Building and no objections are raised.

#### **RECOMMENDATION**

**That Unconditional Listed Building Consent be granted.**

##### **Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





## 10 DCCE2004/3920/F - PROPOSED EXTENSION AT 19 LICHFIELD AVENUE, HEREFORD, HR1 2RJ

**For: Mr. S. Tam of the same address**

**Date Received: 9th November, 2004    Ward: Tupsley    Grid Ref: 52283, 39774**

**Expiry Date: 4th January, 2005**

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

### 1. Site Description and Proposal

- 1.1 Detached villa constructed of brick and stone, which would appear to date from the 19th or early 20th century. Single detached garage to the side of the property positioned towards the rear. The property stands in a sizeable curtilage on the east side of Lichfield Avenue, within the residential area of Hereford.
- 1.2 This application proposes to demolish the garage and construct an attached single garage to the northwest elevation of the dwelling. The applicant also proposes to demolish an existing single storey lean-to utility room to the rear and replace it with both a single and two storey extension which would provide 60 m<sup>2</sup> of further living accommodation. The rear extension would extend 5 metres to the rear. The two storey element would benefit from a hipped roof with a maximum ridge height of 7.8 metres being 1.2 metres below the ridgeline of the original house.
- 1.3 The two storey section of this proposal would be positioned approximately 3 metres from the boundary with the neighbouring property to the northwest and approximately 4 metres from the boundary with the neighbouring property to the southeast. The single storey element would be constructed up to the boundary wall with 21 Lichfield Avenue to the southeast and would be 2.6 metres in height to the eaves with a monopitch roof sloping away. The garage, on the northwest boundary would be constructed up to the boundary with 17 Lichfield Avenue, with a maximum eaves height of 2.4 metres and a hipped roof sloping away from the neighbouring property.

### 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 DCCE2004/1816/F Two storey extension. Refused 12th July 2004.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 No statutory consultations were necessary.

#### Internal Council Advice

- 4.2 Head of Highways and Transportation - recommends a condition to ensure parking provision for 3 cars.
- 4.3 Chief Conservation Officer - this is a two storey detached villa constructed of brick and stone which would appear to date from the 19th or early 20th century. Due to the extensions to the rear of this and other properties in the street it would appear that this proposed extension would have a minimal impact on the adjacent Conservation Area.

This proposal is much more sympathetic to the design of the building and other developments within the street. The scale of the side extensions are more in keeping with the existing building. The extension to the rear would have a limited visual impact. The retention of the chimneys is also to be welcomed. This proposal is therefore acceptable.

### 5. Representations

- 5.1 Hereford City Council - recommended refusal. Development considered to be over dominant and out of scale.

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 application seeks planning permission for the removal of the detached garage and a single storey lean-to addition to the rear and replace with a combination extension providing single and two storey accommodation to the rear and an attached garage to the side of 19 Lichfield Avenue.
- 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.

#### 6.3 The Scale of Development

The letter of representation from Hereford City Council suggests the application be refused because it is considered to be over dominant and out of scale.

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 keeping with the character of the existing building and its surroundings.

In this respect, the proposal is considered acceptable. The extension would enlarge the property by approximately 40% with the development restricted to the rear of the dwelling, with the exception of the garage, which would be attached to the side elevation. The front of the property would retain its attractive frontage, an important feature within this street.

The proposed extension has been carefully designed providing a mixture of roof lines of differing heights, hipped and monopitch roofs which, when taken in conjunction with the lower ridge height of the two storey element, creates a sense of subservience, allowing the original dwelling to remain as the dominant feature in the resultant scheme.

#### 6.4 The Affect upon the Residential Amenity of Neighbours

The two storey element of the extension has been carefully positioned to minimise the potential impact upon the occupiers of the neighbouring properties. It is positioned an acceptable distance from the boundary with both properties, thereby lessening any feeling of dominance. The single storey extensions either side of the two storey element would also assist in lessening the impact of this proposal. The proposed windows in the side elevations of the extension would be obscure glazed.

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

### RECOMMENDATION

**Subject to no further objections raising additional material planning considerations by the end of the consultation period (17th December, 2004), 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. 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. B06 (Matching stonework/brickwork).**

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

**4. Prior to the occupation of the extension hereby permitted, and at all times thereafter, the proposed windows in the side elevations of the extension shall be glazed with obscure glass only.**

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

- 5. **E18 (No new windows in specified elevation) (side).**

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

- 6. **The development hereby permitted shall not be brought into use until an area has been laid out within the curtilage of the property for the parking of 3 cars (garage and 2 spaces). The area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.**

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

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**11 DCCW2004/3085/F - 32 DWELLINGS AND ASSOCIATED WORKS LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD**

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

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

**Ward: Burghill,  
Holmer & Lyde**

**Grid Ref: 51083, 42401**

**Expiry Date: 4th November, 2004**

Local Member: Councillor Mrs. S.J. Robertson

**1. Site Description and Proposal**

- 1.1 The application site lies to the north of Attwood Lane, Holmer between Holmer Nursing Home and Attwood Court.
- 1.2 Planning permission is sought to construct 32 dwellings, 10 of which will be affordable together with a small on-site play area. The application also includes works to Attwood Lane in the form of traffic calming measures.
- 1.3 The 10 affordable dwellings will be 2 x 2 bed low cost dwellings, 4 x 3 bed for rent, 2 x 3 bed for shared ownership and 2 x 4 bed for rent. The open market housing comprises 8 x 3 bed and 14 x 4 bed. Five dwellings are 2½ storey in height. Foul drainage is proposed via the main sewer.
- 1.4 The layout which comprises a mix of dwellings from detached, semi-detached and terraced, provides for frontage development onto Attwood Lane with access coming into the site near Holmer Court Nursing Home. A T-junction would be created at this point with traffic having to stop on Attwood Lane before either entering the housing site or continuing down to Roman Road.
- 1.5 Open fields abut the north and west of the site with Holmer Nursing Home to the south together with Wentworth Park housing estate. Attwood Court abuts the eastern side.
- 1.6 This 0.98 hectare site comprises previously developed land with the current uses comprising a gravel distribution company, a tyre repair and fitting centre and a scaffolding firm.

**2. Policies**

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG4	-	Industrial and Commercial Development and Small Firms
PPG13	-	Transport

## 2.2 South Herefordshire District Local Plan:

Policy SH1	-	Housing Land Study
Policy SH4	-	Housing Land Adjacent to Hereford City
Policy SH12	-	Cross Subsidisation Schemes
Policy ED4	-	Safeguarding Existing Employment Premises
Policy GD1	-	General Development Criteria
Policy C1	-	Development within the Open Countryside
Policy C40	-	Provision of Essential Services
Policy C43	-	Foul Sewerage
Policy C45	-	Drainage
Policy R3A	-	Development and Open Space Targets for 10 Dwellings and Over
Policy R3D	-	Commuted Payments
Policy R3E	-	Provision and Maintenance of Public Open Space and Play Areas
Policy R5	-	Improvements to Existing Recreation Land and Public Open Space
Policy CF1	-	Retention and Provision of New Community Facilities
Policy T3	-	Highway Safety Requirements
Policy T4	-	Highway and Car Parking Standards
Policy T5	-	Traffic Management

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

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S8	-	Recreation, Sport and Tourism
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential areas
Policy H2	-	Hereford and the Market Towns: Housing Land Allocation
Policy H3	-	Managing the Release of Housing Land
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Development Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open space Requirement
Policy E5	-	Safeguarding Employment Land and Buildings
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy CF2	-	Foul Drainage
Policy CF5	-	New Community Facilities

**3. Planning History**

- 3.1 CW2002/1738/F Change of use to storage yard for retail use (retrospective application). Withdrawn 31st July 2002.

- 3.2 DCCW2004/182/F Construction of 32 dwellings and associated works. Withdrawn 9th September 2004.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water - recommend approval subject to appropriate conditions ensuring connection to the main sewer for foul drainage and separate surface water drainage system.

##### Internal Council Advice

- 4.2 Head of Highways and Transportation - recommends permission subject to appropriate conditions and contribution towards traffic calming measures.
- 4.3 Director of Education - the provided schools for this site are Broadlands Primary and Aylestone High Schools. Both schools are close to capacity and any additional children entering the area would prevent us from removing temporary classrooms that we may otherwise be able to do, or put us into a siltation where we have to create permanent builds.

The Education Directorate would therefore be looking for a contribution to be made towards education in the area.

#### 5. Representations

- 5.1 Holmer Parish Council - the Parish object on the following grounds:-

1. At present three Companies who employ in excess of 35 people occupy the site. It is not vacant and is used for employment. Under the UDP the land is set aside for employment (Policy E5) and therefore should not be considered for residential. Bearing in mind employment land has already been deleted from the UDP - Roman Road (Policy E4) the north side of Hereford cannot afford to lose any more employment land. It is indicated in the applicant's Planning Statement 5.3 "shape new development patterns in a way which minimises the needs to travel" loss of employment land would involve nearby residents travelling to other employment land.

The Parish would expect the Forward Planning Dept., to recommend refusal for this application as it contradicts the UDP which they have prepared.

2. There is no nearby infrastructure to take foul drainage or storm water and there is no mention in the Planning Statement as to how the developer intends to circumvent this problem.
3. At present there is a substantial line of tree planting which is down for removal, although it is indicated in the planning application form that no trees are to be removed. These trees create a barrier to the site and maintain the street vista when driving along Attwood Lane.

4. It is appreciated that the "rat run" along Attwood Lane needs to be addressed, but providing raised platforms and footways would change a rural situation into an urban estate. It is indicated on the layout drawing that a footpath would be provided adjacent to Holmer Court Rest Home and we would query whether this is permissible in terms of ownership as no Certificate B has been issued on Holmer Court.
  5. The introduction of street lighting on this ridge line would ruin the rural feel in this area.
  6. The layout drawings indicates that Plots 1-6 are shown fronting Attwood Lane some two metres back from the carriage way, which would not be very appropriate for a rural street scene. The layout drawing also shows an easement for an off-site pumping station measuring 6 metres wide and extending into the adjacent land to the north. Is this a provision for further development?
- 5.2 Holmer and District Residents' Association together with 15 letters of objection have been received. The main points raised are:
1. The proposed density of 32 dwellings per hectare is considerably greater than the adjoining residential development.
  2. The development is on the edge of high quality countryside where density should be decreased. The developers have imposed a uniform density with the tallest houses to the rear.
  3. Some of the dwellings rise to 3 storeys and these would be out of keeping with the predominantly one and two storey housing.
  4. Areas of the site have been filled making land levels higher.
  5. There are footpaths nearby which will give views of the site yet no screening is proposed.
  6. The insertion of 32 dwellings adjacent to low density development would not provide a transition zone.
  7. There is limited open space provision on-site with older children likely to use surrounding fields to the detriment of a site of archaeological importance located nearby.
  8. It is possible that contaminated material will need to be removed from the site, but no reference is made only that clay and soil will be removed.
  9. Drainage both foul and surface water could be a problem. Foul drainage is a major issue in the area and if drainage into the brook to the rear occurs this adversely floods in times of heavy rainfall.
  10. Residents shall be given the opportunity to choose external materials.
  11. It is considered that the scale and density would destroy the character of the area and set a precedent for treating other sites in the vicinity.



12. Attwood Lane is heavily trafficked and used as a "rat run" and although business traffic will be reduced 32 houses will increase the traffic situation.
  13. This area dictates executive housing not Housing Association dwellings.
- 5.3 Holmer Court Nursing Home - in principle supports the development but are concerned regarding the traffic implications and impact on the ramped access to their property.
- 5.4 The agents have also submitted an extensive planning and highways supporting statement which has been further enhanced by submission of a design statement.

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

## **6. Officers Appraisal**

6.1 The main issues in considering this application are:

1. The Principle of Development
2. Density, Design, Scale and Affordable Dwellings
3. Foul and Surface Water Drainage
4. Highway Safety
5. Other Material Considerations

### 6.2 The Principle of Development

In order to assess the acceptability of the proposed development it is important that the proposal is consistent with all tiers of planning policy including local and national planning policy.

PPG1 promotes a planning framework which seeks to shape new development patterns in a way which minimises the need to travel. In this respect the site is located within the urban fringe of Hereford with accessibility to existing infrastructure, public transport and employment areas. Therefore development of the site would minimise the need to travel.

PPG3 promotes and gives priority to the re-use of previously developed land (Brownfield sites) particularly where they are located within the guidance contained in PPG1.

In addition PPG3 emphasises the importance of designing residential development that will improve the quality and attractiveness of a residential area. The development has been designed with a "Home Zone" concept which places the needs of pedestrians and residents before ease of traffic movement thereby creating a residential environment that is not dominated by the demands of the car.

Proposed changes to PPG3 have been out to consultation which expired in October this year. Although only in draft they can be regarded as a material consideration. The draft further emphasises the need to allow development of brownfield sites.

PPG13 further supports the redevelopment of the site as it is located within a sustainable location ideally placed to take advantage of the existing infrastructure.

The Herefordshire UDP has passed through its initial consultation processes and is heading towards a Public Inquiry in 2005. Policies within the Plan are relevant to this site and need to be considered.

Firstly, it should be noted that the site is within the defined settlement boundary for Hereford and is identified as being part residential and part employment. Employment Policy 5 seeks to safeguard employment land and buildings unless there are substantial benefits to residential or other amenity in allowing alternative forms of development. The removal of the employment use of the site would bring a benefit to the surrounding residential development by removing a non-conforming use or potential use as an authorised employment site. In addition the development of the site will enable works to be undertaken on Attwood Lane to reduce its use as a "rat run" between the A49 and A4103 roads. Also the introduction of mains drainage could provide an alternative means of foul drainage disposal to other dwellings in Attwood Lane. Additional benefits will be the removal of commercial vehicles from Attwood Lane and improved footway network.

In line with national policies, the UDP Policy S3 supports maximising the use of Brownfield sites and that these sites are developed prior to greenfield land (Policy H3). Policy ED5 of the South Herefordshire District Local Plan further supports the development of the site. It is therefore considered that these are tangible benefits which could be derived from confirming that the principle of developing the site complies with existing and emerging planning policy. The inclusion of the whole site within the settlement boundary for Hereford City and part of its allocation for housing would leave only 0.5 hectares of employment uses adjacent to residential development. A piecemeal approach could deliver a poor layout and limited benefits. This proposal provides a comprehensive approach to the development of the site. The employment land loss is considered minimal (0.5 hectares) in relation to the employment sites in the area.

### 6.3 Density, Design, Scale and Affordable Housing

PPG3 advises that new development should be built to a density of 30-50 to the hectare. The UDP further emphasises that within Hereford the level should be at least 50 dwellings per hectare in the town centre and other sites at least 30 dwellings per hectare. The development site equates to 32 dwellings per hectare and clearly sits at the lower end of the density criteria. In this respect the lower density development that surrounds the site justifies this reduced level of provision together with the impact on highway safety if a greater density was proposed.

The design and layout reflects the character of the houses in the area. Five 2½-storey houses are located within the 32 dwellings proposed, the remainder being 2 storey. The layout reflects the home zone approach with an integral open space and play area which is overlooked by dwellings to provide supervision and security. The layout also provides for frontage development along Attwood Lane and the change of priority along Attwood Lane ensures that approaches to the development provide a focal point to the entrance. Another key feature is the prominence of the dwellings within the street scene with car parking spaces and garages located to the rear of the plots further emphasising the home zone approach where the dominance of the car is reduced.

The density includes the provision of 10 affordable dwellings which are catered for in a mix of low cost, rent-shared equity and range from 2 to 4 bed dwellings. The design, layout, scale and affordable provision is therefore considered to comply with national policy adopted and emerging policy of the South Herefordshire District Local Plan and Unitary Development Plan.

#### 6.4 Foul and Surface Water

There is presently no mains drainage on the site, however there is the potential to achieve connection. Welsh Water have confirmed that they are agreeable to a condition preventing development of the site until such time as mains drainage is available. The adjoining Wentworth Park development has an unadopted sewer. Persimmon have shown their willingness to requisition a sewer and undertake necessary improvement works under sections 98 and 101 of the Water Industry Act 1991. These works will be paid for by Permission once they have obtained planning consent. An appropriate "Grampian" condition preventing development as recommended by Welsh Water will safeguard mains drainage to the site. This would alleviate the drainage problems in the area and could possibly provide mains drainage to other dwellings in Attwood Lane.

#### 6.5 Highway Safety

Attwood Lane is used as a "rat run" between Roman Road and the A49 Hereford-Leominster road. This development seeks to change the priority of Attwood Lane together with other traffic calming measures located at either end. This will provide tangible benefits to the residents and reduce its use as a "rat run". The developers have also offered £8,000 towards the traffic calming measures which the Head of Highways and Transportation considers is acceptable.

#### 6.6 Other Materials Considerations

In addition to the £8,000 offered for off-site highway improvements the developers have also agreed to provide £1,000 per dwelling (£32,000) to cover educational needs and £20,000 to Pegasus Juniors Football Club to complete the development of Old School Lane Playing Field. This contribution links the concerns raised in the consultation process of provision of sporting facilities for the older children. It is also the nearest recreational site and is supported by Herefordshire Football Partnerships Committee who identifies the potential for this funding. It should be noted that this payment would enhance Council owned land presently leased to Pegasus Juniors Football Club.

#### 6.7 Summary

The development of this site located within the settlement boundary as identified in the Unitary Development Plan will provide tangible benefits to the locality by providing a conforming land use, highway benefit, educational support and enhanced recreational provision. The loss of 0.5 hectares of employment land is considered minimal. The development will provide a comprehensive development approach with benefits to highway safety, residential amenity and recreational provision.

**RECOMMENDATION**

That

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning act 1990 to

- (1) Affordable housing
- (2) Contribution to education (£32,000)
- (3) Contribution to highway improvements (£8,000)
- (4) Contribution to redevelopment of Old School Lane (£20,000)

and any additional matters and terms as she considers appropriate.

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

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

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

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

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

3. B01 (Samples of external materials).

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

4. No development shall commence on site until mains drainage is available on site.

Reason: To ensure an appropriate means of foul drainage.

5. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

6. F20 (Scheme of surface water drainage).

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

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

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

8. F44 (Investigation of contaminated land).

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

- 9. F46 (Implementation of measures to deal with contaminated land).**

**Reason: To ensure contamination of the site is removed or contained.**

- 10. 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.**

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

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

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

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

- 13. G03 (Landscaping scheme (housing development) – implementation).**

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

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

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

- 15. G30 (Provision of play area/amenity area).**

**Reason: To ensure a reasonable standard of amenity for future occupants of the development.**

- 16. G31 (Details of play equipment).**

**Reason: To ensure the play area is suitably equipped.**

- 17. G32 (Landscaping to include amenity land).**

**Reason: To ensure a reasonable standard of amenity for future occupants of the development.**

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

**Reason: In the interests of residential and visual amenity.**

- 19. No dwellings shall be occupied until the traffic calming measures for Attwood Lane have been implemented in their entirety.**

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

**20. H11 (Parking - estate development (more than one house)).**

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

**21. 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.**

**22. H18 (On site roads - submission of details).**

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

**23. H19 (On site roads – phasing).**

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

**24. H21 (Wheel washing).**

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

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

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

**26. Prior to work commencing on site details of site workers accommodation and offices shall be submitted for approval in writing by the local planning authority. The units shall be positioned in accordance with those details.**

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

**Informatives:**

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. HN05 - Works within the highway.**
- 4. HN07 - Section 278 Agreement**
- 5. HN10 - No drainage to discharge to highway.**
- 6. N15 - Reason(s) for the Grant of PP.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

