

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 12th January, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

e-mail: bbaugh@herefordshire.gov.uk



**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 15th December, 2004.	1 - 8
4. ITEM FOR INFORMATION - APPEALS To note the Council's current position in respect of planning appeals.	9 - 10
5. TREE PRESERVATION ORDER 512 - TREE IN FRONT GARDEN OF 118 CHURCH ROAD, HEREFORD, HR1 1RT To consider representations made in relation to a Tree Preservation Order and to determine whether to confirm the Order.	11 - 14

Ward: **Tupsley**

REPORTS BY THE HEAD OF PLANNING SERVICES

To consider and take any appropriate action in respect of the planning applications received for the central area 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.

Agenda items 6 and 7 are applications that had been deferred for site visits at the last meeting and the rest of the items are new applications.

- | | | |
|-----|--|---------|
| 6. | DCCW2004/3085/F - LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD | 15 - 26 |
| | 32 dwellings and associated works. | |
| | Ward: Burghill, Holmer & Lyde | |
| 7. | DCCW2004/3489/F - LOWER BURLTON, TILLINGTON ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RD | 27 - 32 |
| | Proposed two storey extension including master bedroom & conservatory. | |
| | Ward: Burghill, Holmer & Lyde | |
| 8. | DCCE2004/3733/F - LAND SOUTH OF HEREFORD FROM THE A49 EXTENDING EAST TO THE B4399 | 33 - 50 |
| | Amendment to pp CE2002/2558/F to include drainage, private access provision, landscaping and associated works. | |
| | Ward: Hollington | |
| 9. | DCCE2004/3601/F - NEW RENTS, LUGWARDINE | 51 - 56 |
| | Conversion of outbuilding to detached dwelling. | |
| | Ward: Hagley | |
| 10. | DCCE2004/3595/F - NEW RENTS, LUGWARDINE, HEREFORD | 57 - 62 |
| | Proposed dwelling with garage. | |
| | Ward: Hagley | |
| 11. | DCCW2004/3593/F - MILL FARM, CREDENHILL, HEREFORD, HR4 7EJ | 63 - 68 |
| | New dwelling. | |
| | Ward: Credenhill | |
| 12. | DCCE2004/2089/F - LAND TO THE REAR OF 71 ST OWEN STREET, HEREFORD, HR1 2JQ | 69 - 76 |
| | Erection of three linked dwellings fronting Harrison Street. | |
| | Ward: Central | |
| 13. | DCCE2004/2090/L - LAND TO THE REAR OF 71 ST OWEN STREET, HEREFORD, HR1 2JQ | 69 - 76 |
| | Erection of three linked dwellings with arched access to rear. | |
| | Ward: Central | |
| 14. | DATE OF NEXT MEETING | |
| | The next scheduled meeting is Wednesday 9th February, 2005. | |

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

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

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

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

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, 15th December, 2004 at 2.00 p.m.

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

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

In attendance: Councillors T.W. Hunt (ex-officio) and J.B. Williams (ex-officio)

75. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J.W. Newman, Miss F. Short and A.L. Williams.

76. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
Ms. A.M. Toon	Item 8 - DCCW2004/3489/F – Proposed two storey extension including master bedroom and conservatory at: LOWER BURLTON, TILLINGTON ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RD	Declared a personal interest.
D.J. Fleet	Item 10 - DCCE2004/3920/F – Proposed extension at: 19 LICHFIELD AVENUE, HEREFORD, HR1 2RJ	Declared a personal interest.
D.J. Fleet	Item 11 - DCCW2004/3085/F – 32 dwellings and associated works at: LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD	Declared a personal interest.

77. MINUTES

Referring to Minute 73 [CW2002/3441/F – Land to the West of the A49(T) and North of Belmont Avenue, Belmont, Hereford], the Legal Practice Manager advised that negotiations with applicants regarding the S106 Agreement were almost complete. Members congratulated the Legal Practice Manager and his staff for their efforts in

resolving this matter.

RESOLVED:

The Minutes of the meeting held on 17th November, 2004 be approved as a correct record and signed by the Chairman.

78. ITEM FOR INFORMATION - APPEALS

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

RESOLVED:

That the report be noted.

[Note: For the efficient transaction of business, agenda items 10 and 11 were considered before the remainder of the applications.]

79. DCCE2004/3920/F - 19 LICHFIELD AVENUE, HEREFORD, HR1 2RJ (AGENDA ITEM 10)

Proposed extension.

The Senior Planning Officer reported the receipt of further letter of objection from Mr. Brooks, 17 Lichfield Avenue, and the points raised in the letter were summarised.

In accordance with criteria for public speaking, Mrs. Brooks spoke against the proposal and Mr. Tam spoke in support of the proposal.

Councillor W.J. Walling, a Local Member, noted the concerns of Hereford City Council that the proposal was over dominant and out of scale but he felt that, after careful consideration, the plans demonstrated that there would be limited impact on residential amenity. Councillor G.V. Hyde, a Local Member, supported this view.

Councillor Mrs. M.D. Lloyd-Hayes, also a Local Member, felt that the proximity of neighbouring boundaries and the enlargement of the property by approximately 40% would represent an over dominant form of development in relation to both the existing dwelling and the street scene.

In response to questions about the scale of the side extensions, the Development Control Manager reminded Members that a 2m high fence could be constructed on a boundary without planning permission and advised that Officers were satisfied with the heights and relationships involved.

RESOLVED:

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.**

80. DCCW2004/3085/F - LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD (AGENDA ITEM 11)

32 dwellings and associated works.

The Senior Planning Officer reported the receipt of correspondence as follows:

- A letter of support from Pegasus Football Club;
- A letter of support from Paul Keetch, President of Pegasus Football Club;
- Further details from Hunter Page Planning Ltd. regarding the proposed contributions towards affordable housing, education, highway improvements and redevelopment of Old School Lane;
- Further details from MRP Design regarding traffic calming measures; and
- A letter of objection from A.R. Hirst, W&J Scaffolding Ltd.

Councillor Mrs. S.J. Robertson, the Local Member, proposed that a site visit be held having regard to the Unitary Development Plan considerations and the objections

raised by Holmer Parish Council and by Holmer and District Residents' Association; in accordance with the criteria for holding a site visit, it was considered that a judgement was required on visual impact and the setting and surroundings were fundamental to the determination or to the conditions being considered.

In accordance with the criteria for public speaking, Mr. Owen had registered to speak on behalf of Holmer and Shelwick Parish Council, Mr. Holland had registered to speak against the application on behalf of Holmer and District Residents' Association, and Mr. Brockbank had registered to speak in support of the application on behalf of the applicant. The three potential speakers deferred their opportunity to speak until the next meeting following the site visit.

A number of Members spoke in support of the site visit and a request was made for the advice from the Economic Development and Forward Planning departments to be included in the next report.

RESOLVED:

That consideration of application DCCW2004/3085/F be deferred pending a site visit.

81. DCCW2004/2800/F - THE PADDOCKS, TILLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8LD (AGENDA ITEM 5)

Proposed lean-to extension of existing outbuilding to provide lambing shed and feed store.

The Senior Planning Officer reported the receipt of correspondence from the Council's Environmental Health Team.

Councillor Mrs. S.J. Robertson, the Local Member, noted the concerns of the objectors but felt that the conditions should address the issues raised.

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 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.**

**82. DCCE2004/3624/F - LAND ADJACENT TO 18 CONINGSBY COURT,
CONINGSBY STREET, HEREFORD (AGENDA ITEM 6)**

Erection of one detached dwelling.

The Senior Planning Officer reported the receipt of letters of objection from 10 Coningsby Court and from 1 Abbey Court and the points raised in the letters were summarised.

The Chairman, speaking in his capacity as Local Member, noted the difficulty of developing this triangular shaped piece of land and that this proposal seemed to be an acceptable solution.

Some Members felt that it was unfortunate that this area had been developed in such a piecemeal manner.

In response to questions, the Senior Planning Officer advised that external materials would be controlled through the conditions.

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.

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

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

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

Reason: (Special reason).

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

Reason: To protect the amenity of local residents.

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

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

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

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

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

Reason: In the interests of residential and visual amenity.

- 7 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.

83. DCCE2004/3690/F - 37 BRAEMAR GARDENS, HEREFORD, HEREFORDSHIRE, HR1 1SJ (AGENDA ITEM 7)

Change of use from study to chiropody practice.

Councillor W.J. Walling, a Local Member, noted the concerns of Hereford City Council but felt that this was an acceptable use which could be controlled through the conditions proposed. Councillor Mrs. M.D. Lloyd-Hayes, also a Local Member, supported this view.

RESOLVED:

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

84. **DCCW2004/3489/F - LOWER BURLTON, TILLINGTON ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RD (AGENDA ITEM 8)**

Proposed two storey extension including master bedroom and conservatory.

Councillor Mrs. S.J. Robertson, the Local Member, proposed that a site visit be held having regard to the position of the dwelling in open countryside; in accordance with the criteria for holding a site visit, it was considered that a judgement was required on visual impact.

RESOLVED:

That consideration of application DCCW2004/3489/F be deferred pending a site visit.

85. **DCCW2004/3329/L - 18 CHURCH STREET, HEREFORD, HR1 2LR (AGENDA ITEM 9)**

Repainting of shopfront, internal security shutters and internal alterations.

The Chairman, speaking in his capacity as Local Member, felt that the alterations were acceptable.

RESOLVED:

That Unconditional Listed Building Consent be granted.

Informative:

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

86. **DATE OF NEXT MEETING**

It was noted that the next scheduled meeting was to be held on Wednesday 12th January, 2005.

The meeting ended at 2.40 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2004/2003/F**

- The appeal was received on 3rd December 2004.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. R. Taylor.
- The site is located at Land adjacent to Mortimer Road and Burcott Road, Hereford.
- The development proposed is Storage compounds (7) together with perimeter fence.
- The appeal is to be heard by Written Representations.

Case Officer: Kelly Gibbons on 01432 261781

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

- The appeal was received on 28th 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 Hutchison 3G UK Limited.
- The site is located at Wyvern Business Systems, Harrow Road, Plough lane Ind Est, Hereford HR4 0EH.
- The application, dated 13th January 2004, was refused on 2nd March 2004.
- The development proposed was Installation of a radio base station, a 15m monopole, antenna, dishes and associated compound and cabin equipment.

Decision: The appeal was **WITHDRAWN** on 6th October 2004

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

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

5 TREE PRESERVATION ORDER 512 - TREE IN FRONT GARDEN OF 118 CHURCH ROAD, HEREFORD, HR1 1RT

Report By: Head of Planning Services

Wards Affected

Tupsley Ward

1 Purpose

- 1.1 To consider the representation made in relation to a Scots Pine in the front garden of 118 Church Road, Hereford, HR1 1RT and determine whether to confirm the Order.

2 Order Description and Details

- 2.1 This order concerns one individual Scots Pine tree growing along the northeast boundary and front garden of 118 Church Road, Hereford. The tree is visible from both the southwest and northeast section of Church Road along with cul-de-sac 'The Knoll' and Hampton Dene Primary School, which adjoins the southeast boundary of the property.
- 2.2 The tree has been awarded an amenity rating of 17 using the amenity evaluation rating system which is being piloted (benchmark rating for inclusion within TPO is 15). It is of medium size; has an anticipated life expectancy of between 15 and 40 years; has a good form for the species; is particularly visible by the public, being a roadside tree close to a footpath; and is fairly suitable to the location. The tree has a slight adverse influence on its surroundings; its potential is likely to been reached; and there is a reasonable amount of other tree cover in the vicinity.

3 Policies

- 3.1 Herefordshire Unitary Development Plan Policy LA5 indicates that the enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by "... placing Tree Preservation Orders where necessary on trees, groups of trees ...". Although the plan had yet to be adopted there have been no objections to this particular aspect of the policy and it should therefore be attributed significant weight.

4 Consultation Summary

Internal Council Advice

- 4.1 Head of Engineering and Transportation has no violent objections to this Tree Preservation Order but has some concerns. Trees adjacent to the highway can cause problems by exclusion of light, interference with street lighting, drainage pipes and root damage, but in this case this is minimal due to the species and the maintenance carried out on it. Evidence of damage to the footway typical of tree root problems was found but is not major at this moment although may get worse in time.

The Highway Authority is responsible for the footway and regular inspections take place. There is concern about whether the tree is shallow rooted with the possibility of over turning in high wind. There is no evidence of 'tearing' within the garden which suggests the roots may go much deeper than 450mm, and the tree appears stable at the present although this assessment is not within the expertise of the Division.

- 4.2 The full text of this advice can be inspected at the Town Hall, Hereford and prior to the Sub-Committee meeting

5 Representations

- 5.1 The TPO was placed on the tree following representation by concerned residents.

- 5.2 Hereford City Council Planning Committee has supported the making of the Order.

- 5.3 One letter of objection has been received from Mr. and Mrs. P. Lyons of 118 Church Road, Tupsley, Hereford, HR1 1RT who are the owners of the tree. The objection is on grounds, which will be detailed and commented upon under the Officer's appraisal (Section 6).

- 5.4 A copy of the representations can be viewed at the Town Hall, Hereford or immediately prior to the Planning Committee

6 Officer Appraisal

- 6.1 A further inspection of the tree has been made in the light of internal advice and representations made.

- 6.2 In relation to the concerns of the Head of Engineering and Transportation, the Council's Arboricultural Advisor confirms the tree is in good to fair condition and not of questionable structural stability. The tree does, however, require some minor remedial surgery such as removal of dead branches and consent for such work would not unreasonably be withheld.

- 6.3 The following responses are given in relation to issues raised by Mr. and Mrs. P. Lyons.

- 6.4 **'If the tree is important why did it not have a preservation order on it from the beginning'.**

- Although the tree met with criteria for a TPO prior to the order it was not considered to be under threat of removal. The Council was subsequently made aware that the tree was at risk of felling and therefore it was correctly identified as 'expedient' to make the TPO at that time.

- 6.5 **Advice was received that the tree was not protected so why was it not pointed out that we should contact an officer to ask whether it might be protected if we wanted to remove it?**

- The initial stage of contact was a general one made in relation to whether or not the tree was within a Conservation Area or covered by a TPO and therefore Mr and Mrs Lyons were informed of that fact. Concerns were subsequently raised to the Council's Arboricultural Adviser after the initial contact who then identified the potential need for a TPO.

6.6 The TPO was dropped through our letterbox without anyone asking my wife or I why we wanted to remove the tree. Why are householders not spoken to first so that they can put forward their case?

- Guidance in 'Tree Preservation Orders - A Guide to the Law and Good Practice' indicates the ways in which a Tree Preservation Order can be served and this includes: 'by *leaving the document at the usual or last known place of abode of the owner or occupier*'. The document can also be delivered into the hands of the owner or occupier but this course of action is not normally followed. Officers seek to follow a consistent approach through providing initial protection, which then has to be confirmed by the Planning Committee. The owners of the trees are afforded the opportunity to put their case forward at that time should they wish. This is in accordance with current best practice advice. This Planning Committee then determines whether or not to confirm the Order and not an individual officer.

6.7 We wish to remove the tree firstly because pigeons roost in it. Their droppings create a health hazard. Two complaints this year from parents taking children to nearby school/ nursery. On one occasion a child slipped on the wet droppings hurting her elbow. Who would be responsible?

- The nuisance is generally one that may cause inconvenience to people, but rarely significant discomfort or financial loss. Most trees in highly populated urban areas have the capacity to cause nuisance, but it is not uncommon to hear that the tree is generally appreciated, but not wanted in a particular position because of this. Action in response to all minor nuisances would lead to the removal or mutilation of many protected and unprotected trees, to the detriment of both public amenity and wildlife. The recognition of the value of trees in cities requires that trees be retained for the benefit of the wider community, even where they cause minor inconvenience to immediate residents. In many ways birds are perceived to be beneficial and are to be encouraged in the city. The degree of the droppings problem in this location does not appear to be such that it presently represents such a serious problem as to require the tree to be removed. The Council as Highway Authority is responsible for the maintenance of the footpath. There are many trees in similar locations throughout the City and elsewhere and the level of risk here is no more than for vast majority of these. Should this situation worsen then we would look at the matter again. Officers within the Highways and Transportation Division undertake regular inspections of footpaths and we would welcome the householder advising us when they feel there is a problem or deterioration.

6.8 The tree roots are damaging the driveway. It has also broken up the pavement, now repaired, over the years. We would like to replace the driveway but feel that the tree roots would similarly break up any new drive. Would the council be accountable if a pedestrian tripped on the pavement because of the uneven surface caused by the tree roots?

- Trees can cause problems where the development of roots and buttresses distorts light structures such as pavements or driveway surfaces. Damage of this type is generally associated closer to the tree where root expansion and growth is greatest. In this case, although roots may play a part, other factors are more probable to be the greater cause of damage than roots alone. In relation to the driveway, if it is replaced in accordance with current arboricultural best practice guidance on driveways near trees, future problems should not reoccur therefore eliminating the need to remove the tree on this ground. The Council's Arboricultural Adviser would be happy to

provide relevant guidance on constructing driveways near trees. The Council's responsibilities in relation to the highway are covered under the previous point.

- 6.9 **Finally we have already spent a large amount of money on the tree. Branches break off regularly causing damage and in the past have taken down BT wires which has resulted in it being re-sighted further away from the tree. Who is responsible for the cost of the damage?**

- A tree owner has a duty of care to ensure that trees within his/her responsibility do not pose an unacceptable risk to life or property. It is therefore accepted that a tree owner should have their tree or trees inspected on a regular basis, depending on age, species and location, and by an appropriate person. Routine deadwood and minor defects within branches could be easily resolved by remedial tree surgery. This normal household maintenance of a tree while clearly a burden to some people, is a fact of life and the disadvantages should be weighed against the benefits of the tree to the city and to the value of both the property and the neighbourhood. If a problem were reasonably foreseeable then the Council would not withhold permission for appropriate works to the tree. The Council would not be liable for an injury caused unless it refused consent to remove the hazardous material.

RECOMMENDATION

THAT:

- (a) **The Tree Preservation Order no. 512 be confirmed without modification.**

6 DCCW2004/3085/F - 32 DWELLINGS AND ASSOCIATED WORKS AT 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

Introduction

The determination of this application was deferred at the meeting of the Central Area Planning Sub-Committee on 15th December 2004 in order to carry out a site visit.

Further to this, the attached report has been updated to take account of concerns raised during the meeting. Unfortunately it has not been possible to incorporate the formal responses from the Chief Forward Planning Officer and the Head of Community and Economic Development in view of the timescales involved. These responses will be reported verbally at the meeting on 12th January 2005.

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 situation 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.
- 4.4 Chief Forward Planning Officer – comments are awaited and will be reported at the meeting.
- 4.5 Head of Community and Economic Development – comments are awaited and will be reported at the meeting.
- 4.6 Head of Strategic Housing Services comments that the 10 affordable houses should be 2 x 4 bed houses for rent, 4 x 3 bed houses for rent, 2 x 3 bed houses for shared ownership and 2 x 2 bed houses for shared ownership. Low cost market housing is not considered appropriate.

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 A letter of objection has been received from A.R. Hirst, Company Director of W & J Scaffolding Ltd. The following concerns are raised:-
- contrary to the aims of protecting safeguarded employment land in the UDP and to provision of the current South Herefordshire District Local Plan.
 - site currently employs a total of 41 people which will be lost emphasising the importance of this site for employment purposes.
 - alternative site to relocate to have not met requirements. Potential of finding a similar site are very slim jeopardising the success of an important local business.
- 5.5 Two letters of support have been received from Pegasus Juniors Football Club and Paul Keetch, M.P. expressing the importance of the financial contribution proposed to improve the Old School Lane site.
- 5.6 The agents have also submitted an extensive planning and highways supporting statement which has been further enhanced by submission of a design statement. Additional plans relating to the details of traffic calming measures and confirmation has been received that the mix of affordable housing proposed by the Head of Strategic Housing Services is acceptable.

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 Persimmon 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:

.....

Background Papers

Internal departmental consultation replies.

7 DCCW2004/3489/F - PROPOSED TWO STOREY EXTENSION INCLUDING MASTER BEDROOM & CONSERVATORY AT 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

The determination of this application was deferred at the meeting of the Central Area Planning Sub-Committee on 15th December 2004 in order to carry out a site visit. The site visit took place on 4th January 2005.

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 furthestmost 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. Officers 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.**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

8 DCCE2004/3733/F - AMENDMENT TO PP CE2002/2558/F TO INCLUDE DRAINAGE, PRIVATE ACCESS PROVISION, LANDSCAPING AND ASSOCIATED WORKS AT LAND SOUTH OF HEREFORD FROM THE A49 EXTENDING EAST TO THE B4399

For: Herefordshire Council per Owen Williams Consultants, Thorpe House, 25 King street, Hereford, HR4 9BX

Date Received: 21st October 2004 Ward: Hollington Grid Ref: 51872, 37146

Expiry Date: 20th January 2005

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The application site comprises approximately 1.2 hectares of highway and agricultural land alongside and associated with the approved alignment of the Rotherwas Access Road. This was approved pursuant to application no. CE2002/2558/F on 22nd February 2003.
- 1.2 Following its approval, the detailed design of the access road has highlighted the need to incorporate additional land along the periphery of the approved route in order to facilitate enhanced landscaping, provide additional land for the creation of balancing ponds, to accommodate a stock underpass, improve new private accesses and to enable some slight changes in the alignment of the road.
- 1.3 An inventory of the proposed changes is attached as an Appendix to this report.
- 1.4 It should be stressed that the proposals do not involve any fundamental changes to the approved scheme but are considered necessary in order to ensure that the development is carried out in an appropriate manner having regard to the conditions attached to the original approval. The minor nature of the amendments which essentially increase the size of the originally defined application site are such that the Environmental Impact Assessment, planning statement, Traffic Impact Assessment and Water Features Survey previously submitted remain valid.

2. Policies

2.1 South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C1	-	Development Within Open Countryside
C8	-	Development within AGLV
C9	-	Landscape Features
C11	-	Protection of Best Agricultural Land

C16	-	Protection of Species
C17	-	Trees/Management
C29	-	Setting of a Listed Building
C34	-	Preservation and Excavation of Important Archaeological Sites
C45	-	Drainage
C47	-	Pollution
ED2	-	Employment Land
R10	-	Improvement of Existing Rights of Way
R11	-	Diversions to Public Rights of Way
T1	-	Safeguarding of Highway Schemes
T2	-	Environmental Impact
T3	-	Highway Safety Requirements

2.2 Hereford Local Plan:

T1	-	Highway Schemes
----	---	-----------------

2.3 Hereford and Worcester County Structure Plan:

E3	-	Employment land Requirements
T1-3	-	Role of Public Transport
T4-5	-	Control of Heavy Goods Vehicles
T9-10	-	Major Road Proposals
T15	-	Pedestrians and Cyclists
CTC2	-	Areas of Great Landscape Value
CTC3	-	Nature Conservation
CTC5	-	Archaeology
CTC6	-	Landscape Features
CTC8	-	Semi-natural Habitats
CTC9	-	Development Requirements
CTC11	-	Trees and Woodland
A1	-	Development on Agricultural Land
LR5	-	Public Rights of Way

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
DR3	-	Movement
DR4	-	Environment
DR6	-	Water Resources
DR8	-	Culverting
DR9	-	Air Quality
DR10	-	Contaminated Land
DR13	-	Noise
DR14	-	Lighting
E1	-	Rotherwas Industrial Estate
T4	-	Rail Freight
T7	-	Cycling
T9	-	Road Freight

T10	-	Safeguarding of Road Schemes
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Nature Conservation and Development
NC5	-	European and Nationally Protected Species
NC7	-	Compensation for Loss of Bio-diversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Landscape Features
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeology Assessment

2.5 Planning and Regional Policy Guidance:

PPG1	-	General Policy and Principles
PPG4	-	Industrial and Commercial Development and Small Firms
PPG7	-	The Countryside: Environmental Quality and Economic and Social Development
PPG9	-	Nature Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPG23	-	Planning and Pollution Control
PPG24	-	Planning and Noise
PPG25	-	Development and Flood Risk
RPG11	-	Regional and Planning Guidance for the West Midlands
Draft RPG11	-	Draft Regional and Planning Guidance for the West Midlands

3. Planning History

- 3.1 CE2002/2588/F - New access road from A49 North of Grafton Villa extending across land South of Bullinghope and Green Crize, crossing Watery Lane and joining the B4399 at Gatehouse Road. Approved 22nd February, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency request DEFERRAL pending the receipt of additional information detailed below:

Flood Risk: For information, the previous planning application (LPA ref: CE2002/2558/F - Agency reference: US/2002/008703) was based on the Indicative Floodplain map and did not show any 1% risk for the ordinary watercourses (Norton and Red Brook). However using the recently published Flood Zone 3, which shows a 1% flood risk for the ordinary watercourses it is evident that the road runs through an area at risk of flooding during a 1% event. Compensation therefore needs to be provided on a 'level for level' basis as per PPG25 - Zone 3c (of Table 1); i.e. - Norton Brook floodplain would be affected by the raised embankment bund as currently proposed on drawing no. 550370-1-060, which may unacceptably increase flood risk elsewhere though an interruption of flood storage/flood flows.

Details also need to be submitted at this time to address the design of the attenuation ponds, which may be in the 1% floodplain. If this is the case it is considered that they

will not operate properly and would be unacceptable as dirty flood water may contaminate the River Wye (important SSSI/CSAC) as the brooks/attenuation would ultimately flow to this source.

In order to assess the above risk (accuracy of the flood zone 3) a FRA needs to be submitted in line with para. 60 of PPG25.

- 4.2 Highways Agency requests additional time to consider the application and how it impacts upon the detailed design work the Agency is currently involved in with this development.
- 4.3 Health and Safety Executive raise no objection.
- 4.4 English Heritage raise no objection.
- 4.5 English Nature comment as follows:

The additional areas are much as expected. However, there was some discussion at the site meeting of 9 June, 2004 that the field between Watery Lane and the great crested newt ponds on the Rotherwas Industrial site was likely to be included as part of the road scheme rather than the Industrial Estate expansion scheme. I would be grateful if you can confirm if this land is now deemed to be part of the industrial estate mitigation rather than the road mitigation. It is clearly not acceptable for the land take to fall between the schemes, as this would then have to result in an enhanced land take from the industrial estate itself.

Clarification of this point, and any necessary amendments aside, I see no problems with the addition to the scheme.

- 4.6 The Ramblers Association comment as follows:

We welcome the additional lengths being allocated to the private accesses to eliminate farm vehicles with long trailers blocking the road. It is hoped that this safety consciousness will percolate down to the Public Rights of Way, which will be impacted upon by the proposed new road. I further note that the camber of the road is to be upgraded to allow for a 60mph speed limit. I'm still concerned that members of the public crossing this road will be risking life and limb each time they do so.

Public Rights of Way Grafton GR 2, 3 and 4 along with Lower Bullingham LOB 1, 2 and 4 are all impacted by the new road. Given that more houses are being built on the former SAS site and the probability that more houses are to be built in the Bullinghope area the footpaths mentioned are likely to prove more popular and be used more frequently than anticipated.

Could the following points be considered in the cause for 'safe crossings' across the proposed new road. Under passes will need to be constructed for the two streams and the drainage ditches, which will be covered by the road. Could these under passes be designed for pedestrian use as well as the transfer of water? Could LOB 4 be accommodated in the under pass for the Red Brook itself. A drainage ditch, flowing into the Red Brook which is just to the west of LOB 2, could this be used to accommodate LOB2? The 'stock under pass' to the east of LOB1, could this be used to accommodate this footpath?

This leaves footpaths GF 2, 3 and 4 with no apparent easy means of transversing the road except by actually crossing it. Could central 'refuge' traffic islands be placed in the road so that only one carriageway has to be crossed at a time, at each of these crossing points? Appropriate 'Pedestrian Crossing' road signs would also need to be displayed at the correct distances from each crossing point.

We ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

4.7 Open Spaces Society comment as follows:

Perusing drawing no. 550370-1-060, I am dismayed, that by and large, my representations to planning application CE2002/2558/F, have NOT been taken on board, may I respectfully remind, DOE circular 2/93, Annex D, succinctly states, public rights of way is a material consideration, that must be taken into account at the planning stage. Unless I have missed the point, the new road does not appear to incorporate a cycle way, yet cycling and walking nationally are contained in local transport plans.

While the drawing depicts roads, it does not illustrate public rights of way, it does however indicate by letters P & Q, land required for Bridleway, my understandings, where the present Watery Lane will form a junction with the new access road, is a road maintained at public expense numbered 72016. I take it there is to be provided a short spur off Watery Lane to point P, to accommodate equestrians?, the normal convention would be to provide an underpass or bridge, neither appeared to be depicted under/over the new access road points P & Q. The land depicts P & Q for equestrians, should be large enough to provide a square fencing Holding Area, size 5 metres from the road, and 10 metres wide, the reasons for being a square fenced area, is to avoid confusion with laybys. Ideally it should be a grassed area, if necessary wood chippings spread if the area become muddy, dropped kerbs should be provided. For real safety, a dual Pegasus Equestrian/Pedestrian crossing should be provided, this would enhance the crossing of the new road for Walkers and Horse Riders.

I note there is to be a stock underpass at points O & M, the sensible solution would be to provide an underpass to accommodate both stock and pedestrians, such a facility exists of the A40(T) near Goodrich/Pencraig, Footpath LOB1 could be legally diverted through that underpass, and possible FP LOB2. There does not seem to be a provision for Footpath GF2, an underpass/bridge should be provided.

Finally, may I entreat that the matters I have indicated are incorporated in the new road works, as it is far more cost effective for provision at the planning and in particular, the construction stage. May I respectfully draw to you attention, ramifications of the Disability Act, also a Duty of Care, and possibly Human Rights.

Internal Council Advice

4.8 Head of Highways and Transportation raised on objection.

4.9 Head of Community and Economic Development supports the application on economic development grounds.

4.10 Minerals and Waste Officer raises no objection.

- 4.11 Chief Conservation Officer raises no objection subject to compliance with conditions attached to CE2002/2558/F.
- 4.12 Public Rights of Way Manager raises no objection subject to approval of drawings showing how the public rights of way will be accommodated with the scheme.
- 4.13 Head of Environmental Health and Trading Standards raises no objections.

5. Representations

5.1 Grafton Parish Council comment: "We feel that the proposed route of the road extends too far into the countryside spoiling its character at the Southern approach to the city and encroaching, unnecessarily, upon an area which has been designated as of 'greater landscape value'. Now the Stirling Lines has been vacated and its former area no longer a security risk the road should be re-routed closer to the railway line as recommended by consultants employed by the Council some years ago".

5.2 Hereford City Council comment that the proposals are acceptable.

5.3 Lower Bullingham Parish Council raises no objection.

5.4 Dinedor Parish Council raises no objection.

5.5 Letters have been received from the following persons:

- E.S. Phillips, The Gables, Bullinghope, Hereford
- Lucy O'Keefe, 46 Greenbank Gardens, Bath (2 letters)
- Mr & Mrs Bryant, Merry Cottage, Grafton Lane, Hereford
- E. Evans, Bryn-Awel, Ridge Hill, Hereford.

5.6 The concerns raised can be summarised as follows:

- impact on local water supply;
- road will needlessly destroy a large area of countryside;
- road will destroy rural character and quietness of Bullinghope;
- inevitable infill resulting from the road will add to the already high levels of traffic from the south of Hereford into the city;
- justification for new road and huge expense not acceptable;
- Rotherwas Relief Road is a public deception seeking to create a Hereford By-pass;
- environmentally sound approaches to relieving traffic problems should be sought;
- would like to see an extra drainage pond built between the road and my land which is currently susceptible to flooding;
- would like to see trees planted alongside the road to screen it from my property.

5.7 Dinedor Hill Action Group comment as follows:

The works proposed in the above application will have a detrimental effect upon a large area of attractive countryside. Five Rights of Way severed and 13 agricultural fields divided. The wildlife corridor of hedges and tree-lined brooks draining into the River Wye would disappear and natural life dependent upon them devastated. The provision made for badgers would achieve little. A physical barrier between the City and Dinedor Hill is created and so a far less attractive destination for the many tourists and walkers who normally visit this unique location.

The result would mean the despoilation of an outstanding landscape designated as 'High Landscape Value'. The road would be intrusive since it would run through a valley with no division in the landscape to limit its impact, the proposed earth-works being entirely inadequate to prevent or even lessen noise pollution.

The route of the proposed road is itself subject to flooding and if existing drainage patterns are disrupted then problems will increase. At times of flooding the river rises considerably, surrounding countryside is saturated and watercourses that normally drain into the Wye cannot do so. The ponds proposed may possibly be sufficient to deal with normal rainfall but will be inadequate to deal with the high rainfall that is now increasingly common and when the ponds are full they will overflow and add to problems rather than dealing with them. In summertime they will be stagnant pools. The wisdom of building on or near flood plains is increasingly questioned. The Rotherwas site itself is subject to flooding.

It is proposed that a roundabout be inserted into a stretch of the A49 where traffic is moving very fast indeed in both directions, well up to and probably over the 60mph limit. A roundabout here to accommodate slow-moving HGV is an obvious potential hazard; accidents very likely and delays inevitable.

Since the Council's Traffic Survey states that:

'.... the traffic distribution pattern associated with Rotherwas Industrial Estate is not unexpectedly biased to the north'

then Rotherwas traffic that is directed onto the A49 will meet the traffic generated by the 550 houses now being built at two sites on Bullingham Lane. In this regard the B4399 is by far the better route for Rotherwas traffic. Furthermore the UDP indicates that 300 houses are to be built at Bullinghope, eventually rising to 1800. All this traffic will have to cross Greyfriars Bridge and then negotiate the City Centre. At present there can be delays and queues of a mile or more on both A49 and A465. All these traffic implications need to be considered most carefully and regretfully there is no indication of this at present.

- 5.8 Herefordshire Green Party maintain their objection in view of the many other options available. The considerable expense and the severe landscape damage.

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 principle of providing a new access road to Rotherwas and the suitability of the proposed route having regard to landscape impact, effect on nature conservation interests, archaeology, flooding, residential amenity and highway safety have already been given detailed consideration and approved pursuant to application no. CE2002/2558/F.
- 6.2 In effect this application is submitted as an amendment to the approved scheme and seeks to include a further 1.2 hectares of land in order to incorporate a range of measures which have been identified in the detailed design of the access road. The specific requirements are set out in full at Appendix 1 but it is advised that no fundamental changes to the alignment of the road are proposed and as such the

impact of these proposed amendments are considered to be very limited in their own right.

- 6.3 Having regard to the individual letters received it is respectfully advised that these do not raise matters which have not already been discussed or are not covered by the extensive list of conditions attached to the approved scheme. Similarly the proposed revisions which include proposals for resolving private access, an underpass, additional landscaping, environmental bunding and new balancing ponds are all features which formed part of the original consideration of the principle of the access road and again would be controlled by way of conditions.
- 6.4 Notwithstanding the above, the Environment Agency have advised that the Indicative Floodplain map has changed since the approved scheme was considered and this could have implications for the Norton and Red Brook since the approved route of the road runs through this area which shows a 1% flood risk for these watercourses. Furthermore, the design of the additional balancing ponds require clarification. The Environment Agency requests a deferral of the application in order to enable additional information to be supplied. This is being actively addressed by the applicant and as such any recommendation would need to be conditional upon the receipt of satisfactory information.
- 6.5 It is advised that although permission exists for the access road, a precautionary approach should be adopted at this stage in order to seek to resolve the concerns raised by the Environment Agency.
- 6.6 The Highways Agency have requested a delay in the determination of the application in order for more detailed consideration to be given to the implications of these amendments. In the light of the above it is suggested that whilst a resolution to approve the amendments could be reached, the issuing of any decision should be delegated to Officers pending the receipt of the Agency's comments.
- 6.7 In relation to the comments received from English Nature it is advised that the wildlife mitigation measures are currently being finalised and these will include details of the creation of ponds for great crested newts and can adequately be controlled by the conditions in place for the approved scheme. It is advised that this matter is addressed in the application for the DEFRA licence which is due to be submitted immediately.
- 6.8 In conclusion, the proposed amendments to the approved access road are relatively insignificant in terms of their additional impact, although the outstanding flooding issue is clearly a matter which requires further attention. Whilst acknowledging the continuing concerns of local residents and other third parties it is respectfully suggested that these proposals do not introduce any significant changes to the approved scheme and as such the recommendation is one of approval subject to the resolution of the Environment Agency and Highway Agency matters.

RECOMMENDATION

Subject to the concerns of the Environment Agency being resolved and no objection being raised by the Highways Agency, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers.

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

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

2. The development shall be carried out in all respects strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.

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

3. No development or other site works shall take place until a detailed method statement for all site ground-works and procedures in relation to their archaeological impact has been submitted to, and approved in writing, by the local planning authority. The development shall only be carried out in accordance with the approved detailed method statement.

Reason: The development affects a site on which archaeologically significant remains survive. An acceptable site working method statement is required to ensure that any such remains are recognised and investigated.

4. No development or other site works shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeological Service. Prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the County Archaeological Service before the commencement of any development.

Reason: To ensure that the archaeological interest of the site is recorded, and also to ensure that prior archaeological excavation can take place within an acceptable timescale that will not be compromised by site works.

5. During the construction phase no machinery shall be operated and no process shall be carried out at the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of local residents.

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

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

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented to the reasonable satisfaction of the local planning

authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

8. No development approved by this permission shall be commenced until a scheme for the monitoring of seasonal fluctuations in water levels (to include an initial baseline study) within boreholes (including abstraction details) and the levels of spring catch pits as referred to in the Water Features Survey has been submitted for approval in writing by the local planning authority. The scheme shall be implemented as approved for a period to be agreed as part of the scheme. If as a consequence of the monitoring unforeseen fluctuations in water levels are detected which are directly attributable to the approved development, appropriate mitigation proposals shall be submitted to the local planning authority for approval in writing and these measures shall be carried out as approved within a timeframe to be agreed.

Reason: To enable the impact of the development on water features to be monitored.

9. No development approved by this planning permission shall be commenced until:
- a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representation (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
 - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.

Reason: To prevent pollution of the water environment.

10. If during the development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in

writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement shall detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

11. No development approved by this planning permission shall be commenced until details/drawings of the following matters have been submitted to, and approved in writing by, the local planning authority:

- (a) the bridges/culverts over watercourses;
- (b) the road bridge and cutting at Green Crize/Hoarwithy Road;
- (c) the street lights;
- (d) the bat hibernaculum;
- (e) the stock underpass;
- (f) the badger, newt and bat underpasses;
- (g) newt mitigation measures
- (h) the means of crossing of public footpaths (including at construction stage);
- (i) the means of providing vehicular access to industrial units in Gate House Road.

The development shall be carried out in accordance with the approved details/drawings and prior to use by vehicular traffic (other than construction traffic).

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

12. Before the development hereby approved is commenced a scheme of traffic calming and weight restriction shall be prepared and adopted and a timeframe for implementation agreed in writing with the local planning authority for Holme Lacy Road between the A49(T) and Hereford - Abergavenny railway line bridge. The timeframe for implementation shall realise implementation of the scheme within one year of the first use of the new access road by vehicular traffic (excluding construction traffic).

Reason: To ensure the proper planning and implementation of the development in accordance with the approved scheme.

13. No development shall commence on site, or materials or machinery brought onto the site for the purpose of development until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include an overall landscape masterplan at 1:2500 scale and detailed drawings at a scale of 1:200 or 1:500 showing existing and proposed levels, materials, structures, signs, lighting and below ground services plant species, sizes, densities and planting numbers. This must be supported by a full specification for the soft landscape work and any allied hard landscaping or engineering work which will impact on the landscape. Drawings must show the accurate extent of existing trees, hedgerows and scrub together with an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well designed development and to preserve and enhance the local environment.

- 14. The landscaping scheme approved under Condition 13 above shall be carried out in advance of or concurrently with the corresponding phase of the development hereby permitted and shall be completed no later than the first planting season following the completion of the relevant phase of the development. The landscaping shall be maintained for a period of five years. During this time, any trees, shrubs, grass or other plants that are removed, die, or are noticeably retarded shall be replaced during the next planting season with others of similar size and the same species unless the local planning authority gives written consent to any variation. An annual inspection will be undertaken at the end of the growing season to ascertain the extent of any plant failures. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five year maintenance period.**

Reason: To ensure that the approved landscape scheme establishes satisfactorily.

- 15. No development or other site works shall commence or machinery or materials shall be brought on site until there has been submitted to and approved by the local planning authority, a Working Method Statement for the protection of trees, shrubs, scrub and hedges shown to be retained within the contract working area. Such Method Statement shall detail materials, method of erection of structures such as fences, distance from trees etc, further mitigation measures such as watering, protection from dust etc, routes for temporary haulage or construction traffic, methods of monitoring and any other aspect that might impact on the retained landscape.**

Reason: To ensure the well being and protection of the existing landscape.

- 16. The development hereby approved shall be carried out in accordance with the wildlife mitigation measures set out at paragraph 3.5.4 of the Environmental Statement and with any additional mitigation measures identified subsequently. The wildlife mitigation measures relating to bats shall be applied to all nine trees identified as having 'some potential as bat roosts' in the Environmental Statement unless otherwise agreed in writing with the local planning authority. The wildlife mitigation measures shall apply to all parts of the application site and, in particular, species-rich grassland shall be created and managed in all open areas in a manner to be agreed in writing with the local planning authority.**

Reason: To safeguard the wildlife interests of the site and surroundings.

- 17. The development hereby approved shall not commence until the local planning authority in consultation with the Highway Authority has agreed a design for the proposed junction of the new access road on the A49. The agreed design will have to promote the broad objectives of preserving the safety and free flow of traffic, meet the requirements contained within the Design Manual for Roads and Bridges, and when scrutinised during the formal road safety audit process attract a positive endorsement.**

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic

expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

18. The proposed junction for the new access road on the A49 shall be constructed in the form shown on the agreed design for the proposed new junction on the A49 as set out in planning condition no. 17.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

19. Within 3 months of the new road being first used by traffic the section of the A49(T) indicated to be 'broken out and allowed to colonise naturally' shall be broken up, the material removed and appropriately disposed of and the land restored to agriculture in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the proper planning of the site and safeguard the amenities of the countryside.

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

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

Informatives:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
2. A number of public rights of way cross the site of this permission. The permission does not authorise the stopping up or diversion of these rights of way. The rights of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the rights of way are obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
3. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Movements of Special Waste from the site must be accompanied by Special Waste consignment notes.
4. Under Section 23 of the Land Drainage Act 1991, the prior consent of the Environment Agency is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary water course or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written

approval of the local authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

5. The site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone and the precise location of the sewer please contact the Dwr Cymru Welsh Water's Network Development Consultant on 01443 331155. It will be necessary for the sewer to be diverted under Section 185 of the Water Industry Act 1991.
6. The site is crossed by a trunk/distribution watermain. It may be possible for this watermain to be diverted under S.185 Water Industry Act, cost of which will be re-charged to developers (contact 01443 331155).
7. The Environmental Statement indicates that the habitats of a number of protected species will be affected by the development. It is an offence to kill or injure protected species and their habitats. A licence will be required from DEFRA, English Nature, or other appropriate countryside body where protected species will have to be moved or their habitats disturbed.
8. The application site crosses sand and gravel deposits which may be economically workable in the context of this application. The working of such deposits is likely to require separate planning permission.
9. This planning permission does not allow the formation of a works compound (temporary or otherwise). Such a compound is likely to require separate planning permission.
10. The decision to grant planning permission has been taken having regard to the policies and proposals in the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C1	-	Development Within Open Countryside
C8	-	Development within AGLV
C9	-	Landscape Features
C11	-	Protection of Best Agricultural Land
C16	-	Protection of Species
C17	-	Trees/Management
C29	-	Setting of a Listed Building
C34	-	Preservation and Excavation of Important Archaeological Sites
C45	-	Drainage
C47	-	Pollution
ED2	-	Employment Land
R10	-	Improvement of Existing Rights of Way
R11	-	Diversions to Public Rights of Way
T1	-	Safeguarding of Highway Schemes
T2	-	Environmental Impact
T3	-	Highway Safety Requirements

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

CE04 / 3733 / F

Herefordshire Council
Rotherwas Access Road

Supplementary Planning Application – Area Summary Sheet

20th October 2004

Identifier	Design revision	Current land use	Area (sq.m)
A	New private means of access	1.6	85
B	New private means of access	1.1	224
C	Detailed design of tie-in to existing A49	8.1, 1.1	338
D	Required for landscaping	1.6	82
E	Minor alignment change (bend radius increased)	1.1	1160
F	Increased size of balancing pond	1.1	1430
G	Additional area of tie-in to existing road / new access	8.1, 1.1	720
H	Earthworks outline revision	1.5	492
I	Additional land for new balancing pond	1.5	285
J	Additional land for new balancing pond	1.5	545
K	New private means of access	1.1	300
L	New private means of access	1.1	102
M	Earthworks to accommodate stock underpass	1.1, 1.5	365
N	Land required for environmental bund	1.5	90
O	Access to stock underpass	1.5	30
P	Required for landscaping	1.1	165
Q	Required for landscaping	1.1	138
R	Pond re-positioned and size increased	1.5	1962
S	Required for landscaping	2.5	1520
T	Required for landscaping	11.1	423
U	Roundabout tie-in to B4399	8.1	776
V	Roundabout tie-in to Chapel Lane	8.1	338
W	Roundabout tie-in to B4399	8.1	500
Total area (sq.m.)			12070

9 DCCE2004/3601/F - CONVERSION OF OUTBUILDING TO DETACHED DWELLING NEW RENTS, LUGWARDINE

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

Date Received: 1st October 2004

Ward: Hagley

Grid Ref: 54989, 41059

Expiry Date: 26th November 2004

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

1.1 This application seeks permission for the conversion of an existing outbuilding into a dwelling at New Rents, Lugwardine. The proposal relates to a building currently utilised as a stable block located to the rear of the main dwelling house which fronts the main A438 through Lugwardine. The application also involves a new access way to be associated with this proposal, New Rents, and the new dwelling proposed on the plot adjacent to New Rents, currently the subject of planning application DCCE2004/3595/F. The site is within both the settlement boundary and Conservation Area of Lugwardine.

1.2 The site falls between St Peter's Close and Traherne Close, to the west of St Peter's Church, on the northern side of the roadway. The existing site is home to the New Rents dwelling, served by an access point to the west, adjacent to the property. To the rear is found an area of hardstanding, beyond which is the stable building subject to this application. To the east is found garden area containing a summer house, green house, and a variety of flora and fauna. The proposed access is intended to run to the east of New Rents. A paddock area is found to the rear of the site.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
- PPG3 - Housing
- PPS7 - Sustainable Development in Rural Areas
- PPG15 - Planning and the Historic Environment

2.2 Hereford and Worcester County Structure Plan:

- CTC13 - Buildings of Special Architectural or Historic Interest
- CTC15 - Preservation, Enhancement and Extension of Conservation Areas

2.3 South Herefordshire District Local Plan:

- GD1 - General Development Criteria
- C23 - New Development affecting Conservation Areas

- C36 - Re-use and Adaptation of Rural Buildings of Special Architectural or Historic Interest
- SH6 - Housing Development in Larger Settlements
- SH8 - New Housing Development in Larger Villages
- SH24 - Conversion of Rural Buildings
- C37 - Conversion of Rural Buildings to Residential Use
- T3 - Highway Safety Requirements
- T4 - Highway and Car Parking Standards

2.4 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- S6 - Transport
- DR1 - Design
- T11 - Parking Provision
- HBA12 - Re-use of Traditional Rural Buildings
- HBA13 - Re-use of Traditional Rural Buildings for Residential Purposes

3. Planning History

- 3.1 SH98/0029/LE: Site clearance of barn – Conservation Area Consent, 27th February 1998
- 3.2 SH94/0440/PF: Restoration of outbuilding to form dwelling – Undecided, 10th May 1995
- 3.3 SH93/0922/PF: Replacement boundary wall – Approved, 10th September 1993
- 3.4 SH93/0564/PF: Replacement boundary wall – Approved, 30th June 1993
- 3.5 SH91/0084/DX: Remove two trees – No objection, 26th February 1991

4. Consultation Summary

Statutory Consultations

- 4.1 No response has been received from the Water Authority thus far.

Internal Council Advice

- 4.2 Head of Highways and Transportation raised no objections subject to conditions and it is confirmed that there will be no impact upon the adjacent Public Right of Way as a result of this development.
- 4.3 The Conservation Manager raised no objection
- 4.4 The Forward Planning Manager raised no objection to the proposal

5. Representations

- 5.1 Lugwardine Parish Council objected to this application on the following grounds:

- Safety implications of new access;
- Location in Conservation Area and proximity to neighbouring dwellings

5.2 Three letters of objection have been received in relation to this application from the following sources:

- C.W. & H.W. Jones, 35 Traherne Close, Lugwardine
- R.A.C. Wallis, Bromfield, Traherne Close, Lugwardine
- Mr. & Mrs. Baldwin, 8 St Peters Close, Lugwardine

The comments made can be summarised as follows:

- Privacy to west
- Safety implications of new access;
- Undesirable site layout;
- Concern over access opening up of the paddock to the rear for future development;
- Development will seal of the paddock, making it unworkable.

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

6. Officers Appraisal

Principle

6.1 South Herefordshire District Local Plan policies C36 and C37 consider the re-use and adaptation of rural buildings. While not strictly a 'rural' building, in the absence of a more directly attributable policy it is considered that it is against this policy that this application is best assessed against. This policy is clearly geared to applications for the re-use of traditional buildings such as this. In relation to these policies, the building appears sound, capable of conversion, and suitable for the proposed re-use, extensive reconstruction is not required and the design is sympathetic to the character and appearance of the existing structure. The submitted details demonstrate that a reasonably sized dwelling can be formed from this building.

6.2 Policy C37 does state that assurances will be required to demonstrate that the building cannot be better employed for an alternate employment, tourism, or recreational use. This application does not make such an assurance but it is considered that this element of the policy is intended to be applied in the open countryside to genuine 'rural' buildings. The Herefordshire Unitary Development Plan, and indeed PPS7, bears this out, outlining how within settlement boundaries such a demonstration is not required.

6.3 The site is located inside the Lugwardine Settlement Boundary and as such the development is, in principle, in accordance with planning policy for new dwellings. The issues in this application therefore relate to the details of the scheme.

Design

6.4 The proposal has been revised slightly to accommodate the wishes of the Conservation Manager. This involved a minor alteration to fenestration. The alterations were otherwise considered sympathetic and appropriate. The design retains the character and appearance of the existing built form.

Residential Amenities

6.5 The proposal involves no habitable openings of concern with the 'faces' of the property looking to the north and south. The property is single storey and therefore no overlooking or significant loss of privacy will result. It is considered that no unacceptable loss of amenities will result to neighbouring properties.

Conservation Area and Visual Amenity

6.6 The building is already in situ and as outlined above the proposals are considered sympathetic. The creation of the access through the additional wall fronting the highway is a little unfortunate but is not considered to be of harm or concern. It is therefore considered that the proposal preserves the Conservation Area and that no harm will be caused to the visual amenities of the locality.

Access

6.7 The access proposals are undoubtedly the most contentious element of this scheme. The Head of Highway and Transportation has examined the proposal and considers that, subject to appropriate conditions in relation to visibility splays, access gates, parking provisions, and driveway gradient, the proposal is in accordance with development plan policy and will not be detrimental to highway safety. On the basis of this advice it is considered that the proposed access arrangements are acceptable.

Other Issues

6.8 Comment was received from local residents in respect of the use of the paddock to the rear of the site. It is stressed that this area of land does not form part of the application site and is not a consideration in this application. That said, it is advised that this land falls outside of the Lugwardine settlement boundary and as such any proposal relating to it would be assessed on the basis of it being a site in the open countryside adjacent to a settlement, with the policy implications associated with this.

RECOMMENDATION

That, subject to there being no objection from the Water Authority, 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. A09 (Amended plans)

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

3. B01 (Samples of external material)

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

4. C04 (Details of window sections, eaves, verges and barge boards)

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

5. C05 (Details of external joinery finishes)

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

6. E16 (Removal of permitted development rights)

Reason: [Special Reason].

7. E17 (No windows in side elevation of extension)

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

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. G17 (Protection of trees in a Conservation Area)

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

12. H03 (Visibility splays)

Reason: In the interests of highway safety.

13. H05 (Access gates)

Reason: In the interests of highway safety

14. H08 (Access closure)

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

15. H09 (Driveway gradient)

Reason: In the interests of highway safety.

16. 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.

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

Reason: To protect the integrity of the Public Sewerage System.

- 18. 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.

- 19. 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. N03 - Adjoining property rights
- 2. 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.
- 3. HN1 - Mud on highway
- 4. HN5 - Works within the highway
- 5. HN10 - No drainage to discharge to highway
- 6. N15 - Reasons for the Grant of PP

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

10 DCCE2004/3595/F - PROPOSED DWELLING WITH GARAGE NEW RENTS, LUGWARDINE, HEREFORD

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

Date Received: 1st October 2004 Ward: Hagley Grid Ref: 54989, 41058

Expiry Date: 26th November 2004

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a detached dwelling adjacent to New Rents, Lugwardine. The proposal seeks consent for a two storey dormer style dwelling house located in existing garden area to the side of the main dwelling house which fronts the main A438 through Lugwardine. The application also involves a new access way to be associated with this proposal. New Rents, and the new dwelling proposed on the plot adjacent to New Rents, currently the subject of planning application DCCE2004/3601/F. The site is within both the settlement boundary and the Conservation Area of Lugwardine.
- 1.2 The site falls between St Peter's Close and Traherne Close, to the west of St Peter's Church, on the northern side of the roadway. The existing site is home to the New Rents dwelling, served by an access point to the west, adjacent to the property. To the rear is found an area of hardstanding, beyond which is the stable building subject to an application (DCCE2004/3601/F) for conversion to a dwelling. To the east is found garden area containing a summer house, green house, and a variety of flora and fauna. It is in this area that the new dwelling is proposed. The proposed access is intended to run to the east of New Rents. A paddock area is found to the rear of the site.

2. Policies

2.1 Planning Policy Guidance:

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

2.2 Hereford & Worcester County Structure Plan:

- CTC13 - Buildings of Special Architectural or Historic Interest
- CTC15 - Preservation, Enhancement and Extension of Conservation Areas

2.3 South Herefordshire District Local Plan:

- GD1 - General Development Criteria
- C23 - New Development Affecting Conservation Areas
- SH6 - Housing development in Larger Settlements

- SH8 - New Housing Development in Larger Villages
- SH14 - Siting and Design of Buildings
- T3 - Highway Safety Requirements
- T4 - Highway and Car Parking Requirements

2.4 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- S6 - Transport
- DR1 - Design
- T11 - Parking Provision
- H4 - Main Villages: Settlement Boundaries
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Car Parking

3. Planning History

- 3.1 SH980029/LE - Site clearance of barn. Conservation Area Consent, 27th February 1998.
- 3.2 SH94440/PF - Restoration of outbuilding to form dwelling. Undecided, 10th May 1995.
- 3.3 SH9309922/PF - Replacement boundary wall. Approved 10th September 1993.
- 3.4 SH930564/PF - Replacement boundary wall. Approved 30th June 1993.
- 3.5 SH910084/DX - Remove two trees. No objection, 26th February 1991.

4. Consultation Summary

Statutory Consultations

- 4.1 The Water Authority raised no objection, subject to conditions.

Internal Council Advice

- 4.2 Head of Highways and Transportation raised no objections subject to conditions.
- 4.3 The Conservation Manager raised no objection.
- 4.4 The Forward Planning Manager raised no objection to the proposal.
- 4.5 Public Rights of Way Manager raised no objections.

5. Representations

- 5.1 Lugwardine Parish Council objected to this application on the following grounds:
 - Safety implications of new access;
 - Design is out of keeping with location;
 - Site is in a Conservation Area and next to a building of some importance.

5.2 Four letters of objection have been received in relation to this application from the following sources:

- * C.W. & H.W. Jones, 35 Traherne Close, Lugwardine
- * R.A.C. Wallis, Bromfield, Traherne Close, Lugwardine
- * Mr. & Mrs. Baldwin, 8 St Peter's Close, Lugwardine
- * Mrs. Thomas, 32 Traherne Close, Lugwardine

The comments made can be summarised as follows:

- Safety implications of new access;
- Undersirable site layout;
- Concern over access opening up of the paddock to the rear for future development;
- Development will seal off the paddock, making it unworkable;
- Unacceptable visual impact upon adjacent property and its setting.

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

6. Officers Appraisal

Principle

6.1 The site is located inside the Lugwardine Settlement Boundary and as such the development is, in principle, in accordance with planning policy. The issues in this application therefore relate to the details of the scheme.

Design and Siting

6.2 The proposal has been revised slightly to accommodate the wishes of the Conservation Manager. This involved the further setting back of the dwelling and the lowering of the site by 0.8 metres so as to reduce the ridge height of the dwelling. The dwelling now sits slightly back from the front of New Rents and this, together with the lowered siting, is intended to reduce the impact of the proposed dwelling over New Rents. The dwelling is of simple brick construction, with a slate roof. The design encompasses a two storey gable to the front, twin dormers to front and rear, and a single storey addition to the rear. A porch and chimney are also features. A detached double garage is also proposed, sited to the rear of the dwelling. The dwelling is two storeys in height but this is not considered excessive by virtue of the respective levels. Additionally, two storey dwellings are typical of the wider locality. The design and siting are considered sensitive and appropriate for this location. The design details and materials will be conditioned to ensure the finer points of the dwelling.

Residential Amenities

6.3 The proposal does contain habitable openings at first floor level in the east facing elevation but these will be of a sufficient distance to ensure the privacy in the dwellings to the east. The overlooking of the garden areas is considered little different to that typical in an urban environment. The current boundary treatment will also minimise any privacy loss. The dwelling, and that of New Rents, is considered to be served by an adequate level of amenity space. No overbearing or loss of light of an unacceptable level will result from this dwelling. The impact upon residential amenities is considered acceptable. Conservation Area restrictions will control extensions to this

proposal adequately but a condition preventing further openings is proposed to ensure the privacy in adjacent dwellings.

Conservation Area and Visual Amenity

- 6.4 The proposed dwelling is considered to be designed and sited so as to integrate into the street scene and not to represent an incongruous feature in the area. The creation of the access through the additional wall fronting the highway is a little unfortunate but is not considered to be of harm or concern. It is therefore considered that the proposal preserves the Conservation Area and that no harm will be caused to the visual amenities of the locality.

Access

- 6.5 The access proposals are undoubtedly the most contentious element of this scheme. The Highways and Transportation team have examined the proposal and consider that, subject to appropriate conditions, in relation to visibility splays, access gates, parking provisions and driveway gradient, the proposal is in accordance with development plan policy and will not be detrimental to highway safety. On the basis of this advice it is considered that the proposed access arrangements are acceptable.

Other issues

- 6.6 Comment was received from local residents in respect of the use of the paddock to the rear of the site. It is stressed that this area of land does not form part of the application site and is not a consideration in this application. That said, it is advised that this land falls outside of the Lugwardine settlement boundary and as such any proposal relating to it would be assessed on the basis of it being a site in the open countryside adjacent to a settlement, with the policy implications associated with this.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A09 (Amended plans)

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

3 B01 (Samples of external materials)

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

4 C04 (Details of window sections, eaves, verges and barge boards)

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

5 C05 (Details of external joinery finishes)

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

6 E17 (No windows in side elevation of extension)

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

7 G01 (Details of boundary treatments)

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

8 G04 (Landscaping scheme (general))

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

9 G05 (Implementation of landscaping scheme (general))

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

10 G17 (Protection of trees in a Conservation Area)

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

11 H03 (Visibility splays)

Reason: In the interests of highway safety.

12 H05 (Access gates)

Reason: In the interests of highway safety.

13 H08 (Access closure)

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

14 H09 (Driveway gradient)

Reason: In the interests of highway safety.

15 H12 (Parking and turning - single house)

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

16 W01 (Foul/surface water drainage)

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

17 W02 (No surface water to connect to public 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.

18 W03 (No drainage run-off to public system)

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

Informatives:

- 1 N03 - Adjoining property rights**
- 2 HN01 - Mud on highway**
- 3 HN02 - Public rights of way affected**

A public right of way runs adjacent to the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

- 4 HN05 - Works within the highway**
- 5 HN10 - No drainage to discharge to highway**
- 6 The site lies adjacent to a public footpath (LU9) which runs along the eastern boundary. This right of way should remain at its historic width and suffer no encroachment or obstruction during or the time of completion. The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for, 6 weeks in advance of work starting.**
- 7 N16 - Welsh Water Informative**
- 8 N15 - Reason(s) for the Grant of PP**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

11 DCCW2004/3593/F - NEW DWELLING AT MILL FARM, CREDENHILL, HEREFORD, HR4 7EJ

For: Mr. & Mrs. K. Wright per Mr. N. La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE

Date Received: 7th October 2004 Ward: Credenhill Grid Ref: 44856, 42988

Expiry Date: 2nd December 2004

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 Mill Farm is located on the south western side of Mill Lane opposite Ecroyd Park, Credenhill. The proposal is to construct a 3 bed cottage style dwelling immediately north of Mill Farm. A single garage linked to the dwelling will be placed in front but to the side of the dwelling. External materials proposed are brick under a concrete tile roof.
- 1.2 Access will be directly off Mill Lane which also include a revised entrance to the adjoining field between this plot of land and Brookfield.
- 1.3 The site is located within the settlement boundary for Credenhill.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

Policy H16A - Development Criteria
Policy CTC9 - Development Criteria

2.2 South Herefordshire District Local Plan:

Policy C2 - Settlement Boundaries
Policy C43 - Foul Sewerage
Policy C44 - Flooding
Policy C45 - Drainage
Policy SH6 - Housing Development in Larger Villages
Policy SH8 - New Housing Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy H4 - Settlement Boundaries
Policy S2 - Development Requirements
Policy DR1 - Design
Policy DR4 - Environment
Policy DR7 - Flood Risk

3. Planning History

DCCW2004/2560/F Proposed dormer bungalow. Withdrawn 27th September 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - raise no objections subject to appropriate conditions relating to floor levels.
- 4.2 Dwr Cymru (Welsh Water) - raise no objections subject to foul and surface water discharges to be drained separately from the site.

Internal Council Advice

- 4.3 Head of Highways and Transportation - recommends conditions.

5. Representations

- 5.1 Credenhill Parish Council - "The Parish Council would like their objections to be noted in this case. The residents in the locale are not happy with this application as there is a definite problem with flooding which would only be exasperated by additional building and would obviously cause more problems to the people already living there. The area proposed is also outside the village envelope and in essence this particular plan is only an infill."
- 5.2 Three letters of objection have been received from Mr. D. Masefield, 2 Mill Lane Cottages, Mill Lane, Credenhill; Mr. & Mrs. Morgan, 3 Mill Lane Cottages, Mill Lane, Credenhill and Carver Jones, Solicitors, 44 Bridge Street, Hereford.

The main points raised are:

- 1) A covenant was placed on the land preventing development in 1992.
- 2) Access will be blocked to Mill Farm lands.
- 3) Traffic will be increased along Mill Lane which is a narrow single lane road.
- 4) On road parking for Mill Lane Cottages accesses opposite the new entrance.
- 5) View over the surrounding landscapes will be blocked.
- 6) The land around Mill Farm is historically susceptible to flooding and this development will exacerbate this problem.

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

6. Officers Appraisal

6.1 This site is located within the settlement boundary for Credenhill where the principle for development is accepted subject to five criteria being met as listed in Policy SH8 of the South Herefordshire District Local Plan. This requires that

- (1) The scale of the development complements the character of the settlement.

The proposal is a modest three bedroom cottage style dwelling for a floor area of approximately 128 sq.m. Furthermore its height is reduced by the use of dormer windows and the roof is also hipped to further reduce its impact.

- (2) Is on land within the settlement which will not adversely affect its setting.

The site forms an open space within a built up frontage along Mill Lane and land will still remain undeveloped to the north of the plot. The proposal will not therefore impact detrimentally upon the setting or lead to cramming.

- (3) Acceptable in relation to the environment, ecology and landscape.

The Environment Agency have confirmed that the adjoining land floods but do not object subject to floor levels raised above the existing ground levels. This will be conditioned accordingly. In addition there is no perceived ecological concerns and the landscape will not be detrimentally imposed upon by the proposal.

- (4) Adequate services exist.

Welsh Water have confirmed that the site can be adequately drained and no other service problems have been identified.

- (5) Traffic can be accommodated.

Members will note that the Council's Head of Highways and Transportation has confirmed that a safe access and parking can be achieved on the site and have raised no objections to access into the site. Furthermore he considers that Mill Lane can accommodate the extra traffic associated with one new dwelling.

6.2 The proposal is therefore considered acceptable and to comply with the Development Plan.

6.3 The covenant raised by the objectors would not prevent planning permission being granted. However, this aspect has been raised with the applicant who confirms that the land north of the site is covenanted but not the site of the application.

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

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

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 architectural or historical interest.

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

Reason: To protect the amenity of local residents.

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

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

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

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

8. **F48 (Details of slab levels).**

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

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

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

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

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

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

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

12. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

13. **H05 (Access gates).**

Reason: In the interests of highway safety.

- 14. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

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

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

Informatives:

- 1. HN01 - Mud on highway.
- 2. HN05 - Works within the highway.
- 3. HN10 - No drainage to discharge to highway.
- 4. HN13 - Protection of visibility splays on private land.
- 5. HN22 - Works adjoining highway.
- 6. N15 - Reason(s) for the Grant of PP.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

12 DCCE2004/2089/F - ERECTION OF THREE LINKED DWELLINGS FRONTING HARRISON STREET LAND TO THE REAR OF 71 ST OWEN STREET, FRONTING HARRISON STREET, HEREFORD, HEREFORDSHIRE, HR1 2JQ

For: Mr. S. Philips, per Mr. G. Bacon, Brownings Acre, Whitehouse Lane, Alfrick, Worcester, WR6 5HE

13 DCCE2004/2090/L – ERECTION OF THREE LINKED DWELLINGS WITH ARCHED ACCESS TO REAR AT LAND TO THE REAR OF 71 ST OWEN STREET, HEREFORD, HR1 2JQ

For: Mr. S. Philips, per Mr. G. Bacon, Brownings Acre, Whitehouse Lane, Alfrick, Worcester, WR6 5HE

Date Received: 10th June 2004

Ward: Central

Grid Ref: 51418, 39781

Expiry Date: 5th August 2004

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The application site comprises a 0.026ha parcel of land that lies to the rear of the Listed 71 St Owen Street (Archways Health and Fitness) and the dwellings fronting Harrison Street. The site is accessed via Harrison Street and is currently used for car parking.
- 1.2 The proposal is for the erection of three dwellings (1 x 2 and 2 x 1 bed), which would span from the existing three storey building to the south and to the two storey dwellings to the north. The dwellings would be three storey, but incorporating dormer windows to the second floor, introducing a drop in height by 900mm in comparison to the adjacent three storey building. The development also incorporates an arched vehicular access leading through to a car parking area with full spaces available to residents. The proposal is of a traditional nature, utilising brick with a slate roof. Two chimneys have also been introduced into the design.
- 1.3 The application, as originally received, raised a number of design and highway issues. After detailing these concerns a revised scheme was submitted for our consideration. This addressed the issues raised in relation to fenestration, detailing, chimney detailing, access width, and gate design. As such we are now considering the amended design.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

2.2 Hereford and Worcester County Structure Plan:

CTC5	-	Development affecting Archaeological Sites
CTC13	-	Buildings of Special Architectural or Historic Interest
H2B	-	Location of Housing (General)

2.3 Hereford Local Plan:

ENV14	-	Design
CON2	-	Listed Buildings – development proposals
CON12	-	Conservation Areas
CON13	-	Conservation Areas – development proposals
CON14	-	Planning Applications in Conservation Areas
CON18	-	Historic Street Pattern
CON19	-	Townscape
CON35	-	Archaeological Evaluation
CON37	-	Other Sites of Archaeological Interest
CON39	-	Enhancement
H23	-	City Centre Residential Accommodation

2.4 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
DR1	-	Design
DR2	-	Land Use and Activity
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H2	-	Hereford and the Market Towns: Housing Land Allocations
H13	-	Sustainable Residential Design
H16	-	Car Parking
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development within Conservation Areas
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH7	-	Hereford AAI

3. Planning History

3.1 None relevant to this application - relates to Change of Use/Pub and Fitness Centre.

4. Consultation SummaryStatutory Consultations

4.1 Welsh Water has no objection but recommends conditions be included.

Internal Council Advice

4.2 Head of Highways and Transportation makes the following comments:

The relocation of the access to the centre of the drive now provides adequate visibility of pedestrians approaching from either direction. Visibility of traffic from the access and access width were never an issue, as this was, and remains satisfactory.

4.3 Head of Conservation makes the following comments: The proposed amended plans appear to have addressed all the points raised in regard to the previous application. The proposal is therefore acceptable. Materials and joinery subject to approval. There are potentially major archaeological implications to this proposal. The application site is within the designated Hereford Area of Archaeological Importance, and is furthermore within the scope of the city defender and associated historic features. I would therefore advise, in accordance with PPG16 Sections 20-22, and the adopted Hereford Local Plan Policy CON35, that the applicant submit the results of an archaeological evaluation of the site. The application should not be determined until such results have been made available. Further archaeological measures may be necessary.

5. Representations

5.1 Hereford City Council have no objection to this application.

5.2 Two letters of representation have been received from Mrs. Sant, owner of No. 12 Harrison Street and Mr. & Mrs. N. & B. Carter Jones, 14 Harrison Street. The comments are summarised as follows:

- There were originally a terrace of dwellings between my property and No. 2 which I believe matches Nos. 12, 14 and 2. The design submitted, although higher, I believe still reflects the existing character of the street.
- The original dwellings would have had some private amenity space but is now taken up with car parking. Added to this is the recent conversion of the rear storage building into residential accommodation making the need for private amenity space more necessary.
- I note that no 1/500 block plan was deposited with the application and that from the larger scale floor plans my boundary wall appears to be straight. My deed plans show that I own all of the front and back wall projections and chimney breasts in this wall and it is not a party wall.
- Concerned that any foundation requirements may undermine the foundations to my gable wall. I would appreciate details of how this is to be achieved.
- Concerned that the additional sewage and rainwater discharging into the sewer will result in my drain becoming permanently blocked.
- The applicant states that the new dwelling is a repair/replacement of the original frontage to Harrison Street, this is a false statement as numbers 12 and 14 Harrison Street were originally part of a terrace and looking at old photographs of the area it seems that this new proposed dwelling is too high in relation to the existing buildings of 12 and 14. The dwelling proposed has an extra floor and because of this it is taller than any original buildings in that section of road.
- Another point not taken into consideration in the design of the dwelling is that if it were constructed with the higher roof as proposed this end of the house adjacent to number 12 Harrison Street received considerable heavy weather and is the prevailing side for all storms. As the new proposals have a small gap between the

new and the existing this could cause considerable damp and water ingress problems for No. 12 Harrison Street.

- The new proposed dwellings have only 4 parking spaces to cover 3 new dwellings and the existing 2 dwellings plus the parking for the fitness centre.
- Harrison Street has a very restricted access from St Owen Street and this often causes near accidents with pedestrians.
- The proposed development is on a site of great archaeological importance as pointed out to us when we recently visited a display in Gaol Street of archaeological finds in Harrison Street when the current building known as Linden Villas was constructed it was apparent at this display that an ancient Roman road passes under the cellars of 14 Harrison Street and the car park of the fitness complex.
- The houses 12 & 14 Harrison Street have cellars and the original houses where the car park is had cellars and this will mean that the proposed development will need to have the original cellars excavated and then refilled prior to construction. This work will seriously undermine the foundations of 12 Harrison Street and could adversely affect both 12 & 14 Harrison Street.
- The height of this proposed building will seriously darken a street that already has limited light.
- To summarise on the above points we believe the dwellings will be imposing, darken the street, create a haven for drug dealing and street drinking, cause drainage and sewer problems, do not constitute a replacement or restoration of the original street view, could cause damage to archaeological remains and would have a serious impact on the already overburdened parking in Harrison Street.

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

6. Officers Appraisal

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

1. The principle of a residential development on this site.
2. The design and impact of the development on the character of the conservation area and setting of the adjacent listed buildings.
3. The relationship with and impact on the adjoining properties.
4. Archaeology.
5. Highway safety and car parking provision.
6. Drainage.

6.2 The site lies within the central area of Hereford City. Residential development within such area can be supported in relation to PPG3 (housing) and Policy H23 of the Hereford Local Plan supports and encourages residential development in such areas provided that the proposal is in also in accordance with the relevant conservation and other policies of the local plans.

- 6.3 The proposed three storey dwellings follow a traditional form, following the historic street frontage. The design and height of the proposed development successfully forms the transition between the two storey dwellings to the north and three storey property to the south. Four dormer windows have been inserted into the roof at the same level as the adjoining three-storey building. As such the street side elevation has a simple symmetry and alignment that respects the adjoining buildings. To the rear, the revised plan has incorporated some additional windows and openings (high level or obscure glazed) as well as brick detailing. This has improved the external appearance of the building from the originally submitted scheme and as such it is now considered that the design of the proposed development would preserve the character and appearance of the conservation area and respect the setting of the adjacent listed buildings.
- 6.4 The owners of the neighbouring properties raise a number of concerns relating to the way in which the buildings meet. These issues, whilst material planning considerations could be overcome with the submission of amended plans and discussion with both parties. As such it is recommended that this issue is raised with the agent / applicant prior to permission being granted and the plans amended accordingly. Notwithstanding this the proposed development would not have an adverse impact on the amenities of the neighbouring properties or the locality.
- 6.5 The application site could potentially have archaeological implications and as such it will be necessary for the applicant to undertake some archaeological investigations prior to the granting of permission. As such, it is recommended that Members consider the recommendation as below. This will allow for the applicant to continue with the archaeological investigation with the confidence that should the investigations prove successful, permission will be granted subject of any other conditions deemed necessary.
- 6.6 The development provides access to the site through an arch. This is a single width access with a 1m footpath on either side. The gate is shown to the rear of this arch to allow cars to pull safely off the road. There are no objections to this access. Within the application site provision has been made for 4 off road car parking spaces which is sufficient for such a development and will help to prevent indiscriminate parking on the highway.
- 6.7 Regarding drainage, conditions are recommended to ensure that the local sewerage systems are not overloaded and to protect the health and safety of existing residents and pollution of the environment. Welsh Water raise no objection to the additional connections.
- 6.8 In conclusion, the proposed dwellings are in scale and keeping with the surrounding dwellings and area, preserving the character and appearance of the street scene, conservation area and setting of the listed buildings. There will be no adverse impact on the neighbouring properties. On site parking is sufficient with a safe access onto Harrison Street. Having regard to the above, the application for the proposed dwellings is considered to be in accordance with the policies of the Hereford Local Plan. The outstanding issues of archaeology and accuracy of plans in relation to the adjoining neighbours property require attention prior to the formal issue of a decision but Members are requested to pass authority to delegate authority to officers after these issues have been successfully addressed.

RECOMMENDATION:

With respect to DCCE2004/2089/F:

That subject to the completion of initial archaeological investigations and submissions and the receipt of amended plans in relation to the neighbouring property, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by Officers:

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

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 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.

4 G04 (Landscaping scheme (general))

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

5 G05 (Implementation of landscaping scheme (general))

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

6 E16 (Removal of permitted development rights)

Reason: [Special Reason].

7 E19 (Obscure glazing to windows)

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

8 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 W01 (Foul/surface water drainage)

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

10 W02 (No surface water to connect to public 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.

11 W03 (No drainage run-off to public system)

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

Informatives:

1 N03 - Adjoining property rights

2 N14 - Party Wall Act 1996

3 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

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

With respect to DCCE2004/2090/L:

That subject to the resolution of all matters with regard to DCCE2004/2089/F Officers be authorised to issue Listed Building Consent subject to the following conditions and any additional conditions considered necessary by officers:

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

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

