

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 9th February, 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:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 20
To approve and sign the Minutes of the meeting held on 12th January, 2005.	
4. ITEM FOR INFORMATION - APPEALS	21 - 22
To note the Council's current position in respect of planning appeals.	
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 and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. DCCW2004/3085/F - LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD	23 - 36
32 dwellings and associated works.	
Ward: Burghill, Holmer & Lyde	

6.	DCCW2004/2410/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS	37 - 40
	Proposed enclosure of existing unloading dock and installation of new electrical sliding gate to service yard.	
	Ward: Belmont	
7.	DCCE2004/4316/F - 42B HOLME LACY ROAD, HEREFORD, HEREFORDSHIRE, HR2 6BZ	41 - 46
	Change of use of premises for A2 purposes as a licensed betting office.	
	Ward: St. Martins & Hinton	
8.	DCCW2004/4341/F - 5 PRIORY VIEW, BELMONT, HEREFORD, HR2 7XH	47 - 50
	Two storey extension to side of property.	
	Ward: Belmont	
9.	DCCE2004/3938/F - CROSS KEYS INN, CROSS KEYS, HEREFORD, HEREFORDSHIRE, HR1 3NN	51 - 54
	Proposed dormer windows in lean-to roof of holiday lets.	
	Ward: Hagley	
10.	DCCE2004/2401/F - 5 AND 6 GRAFTON COURT CLOSE, GRAFTON, HEREFORD, HEREFORDSHIRE, HR2 8BL	55 - 60
	Proposed replacement of two dwellings.	
	Ward: Hollington	
11.	DCCW2004/4010/F - SUNBEAM CORNER, EIGN STREET, HEREFORD, HR4 0AJ	61 - 66
	Proposed redevelopment of shop into 6 apartments.	
	Ward: St. Nicholas	
12.	DCCE2004/4340/F - BUILDING PLOT BETWEEN 30 AND 32 BARNEBY AVENUE, BARTESTREE, HEREFORD, HR1 4DH	67 - 72
	4 No. 3-bedroom semi-detached houses with integral garages.	
	Ward: Hagley	
13.	[A] DCCW2004/3707/F AND [B] DCCW2004/3708/C - 12-13 BRIDGE STREET, HEREFORD, HR4 9DF AND GWYNNE STREET, HEREFORD	73 - 84
	Retention of Art Deco frontage to Bridge Street and part of chapel, demolition of remaining buildings and proposed development for residential and retail purposes and associated ancillary works.	
	Ward: Central	
14.	DCCW2004/3789/F - 17 WHITECROSS ROAD, HEREFORD, HR4 0DE	85 - 92
	Demolition of redundant premises and erection of 10 no. residential dwelling apartments.	
	Ward: St. Nicholas	

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| 15. | DCCW2004/3485/F - HOLMER PARK, HOLMER, HEREFORD, HR1 1LL
Groundsmans store.
Ward: Burghill, Holmer & Lyde | 93 - 96 |
| 16. | DCCW2004/4212/F - LAND ADJACENT TO BRICK HOUSE, BUSH BANK, HEREFORD, HR4 8PH
Erection of 2.590 ha. of Spanish polytunnels for use in soft fruit growing (table top method).
Ward: Wormsley Ridge | 97 - 104 |
| 17. | DCCE2004/3284/F - THE SWAN INN, 171 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ
Extension of car parking facilities.
Ward: Aylestone | 105 - 108 |
| 18. | DCCW2004/3917/F - TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 0NU
Change of use to small school for pupils 11-16 years.
Ward: Three Elms | 109 - 114 |
| 19. | DATE OF NEXT MEETING
The next scheduled meeting is Wednesday 9th March, 2005. | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 12th January 2005 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, R.I. Matthews, J.C. Mayson, J.W. Newman, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, W.J. Walling and R.M. Wilson

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

87. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. E.M. Bew, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, Mrs. J.E. Pemberton, Miss F. Short, Ms. A.M. Toon, D.B. Wilcox and A.L. Williams.

88. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
D.J. Fleet and J.C. Mayson	Item 7 - DCCW2004/3489/F – Proposed two storey extension including master bedroom and conservatory at: LOWER BURLTON, TILLINGTON ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RD	Both Members declared personal interests.
R.M. Wilson	Item 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	Spoke as Cabinet Member (Highways and Transportation) then left the meeting for the remainder of this item.

89. MINUTES

Referring to Minute 78 [Declarations of Interest], the Chairman advised that he had declared a personal interest on planning application DCCW2004/3489/F and not DCCW2004/3085/F.

RESOLVED:

That, subject to the above amendment, the Minutes of the meeting held on

15th December 2004 be approved as a correct record and signed by the Chairman.

90. 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.

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

The Conservation Manager advised that the Scots Pine in question might inconvenience the owners of 118 Church Road but the value of the tree to the street scene was considered significant. The Conservation Manager noted the owner's concerns regarding the driveway but felt that there were other ways of overcoming any problems associated with the tree.

Councillor W.J. Walling, a Local Member, noted the amenity value of the tree and commented that there were other trees in the vicinity that were not in such a fair condition and could be considered more hazardous.

RESOLVED:

That Tree Preservation Order no. 512 be confirmed without modification.

92. DCCW2004/3085/F - LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD

32 dwellings and associated works.

The Development Control Manager advised that the tight deadline associated with agenda preparation and circulation during the Christmas period meant that the report could not be updated with the latest information. Given the extensive nature of the internal Council advice that had been received, it was recommended that consideration of the application be deferred so that a full report could be prepared.

RESOLVED:

That consideration of application DCCW2004/3085/F be deferred for further information.

93. DCCW2004/3489/F - LOWER BURLTON, TILLINGTON ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RD

Proposed two storey extension including master bedroom & conservatory.

Councillor Mrs. S.J. Robertson, the Local Member, commented on the value of the site inspection and spoke in support of the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **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 applicant'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.**

94. DCCE2004/3733/F - LAND SOUTH OF HEREFORD FROM THE A49 EXTENDING EAST TO THE B4399

Amendment to pp CE2002/2558/F to include drainage, private access provision, landscaping and associated works.

The Principal Planning Officer advised that the principle of this proposal had been established through planning permission CE2002/2558/F. It was noted that the recommendation would provide the opportunity to resolve any outstanding matters with the Environment Agency and the Highways Agency.

Councillor R.M. Wilson, speaking in his capacity as Cabinet Member (Highways and Transportation), re-iterated that this application was, in effect, an amendment to the approved scheme following detailed design work and that no fundamental changes to the alignment of the road were proposed. He added that the proposal involved relatively small pockets of land.

Councillor W.J.S. Thomas, the Local Member, noted the minor nature of the amendments and commented that an underpass to accommodate both stock and pedestrians should be given further consideration. The Principal Planning Officer responded by highlighting condition 11 (h) which required drawings/details of the means of crossing of public footpaths.

In response to questions, the Conservation Manager explained the purpose of the wildlife underpasses.

RESOLVED:

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).

95. DCCE2004/3601/F - NEW RENTS, LUGWARDINE

Conversion of outbuilding to detached dwelling.

The Senior Planning Officer advised that the reason under condition 6 should be the same as that under condition 5 and that condition 7 should refer to any elevations of the extension.

Councillor R.M. Wilson, the Local Member, noted that the Head of Highways and Transportation considered the proposed access arrangements to be acceptable, subject to conditions, and that there were no objections raised as a result of internal Council advice. Councillor Wilson also noted that the use of the paddock to the rear of the site did not form part of the application and was not a consideration in this application. As there were no clear material planning objections, he supported the recommendation.

RESOLVED:

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

7. E17 (No windows in any elevations 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

96. DCCE2004/3595/F - NEW RENTS, LUGWARDINE, HEREFORD

Proposed dwelling with garage.

The Senior Planning Officer reported the receipt of a letter from the applicant's agent. The Senior Planning Officer recommended amendments and additional conditions in respect of window treatments.

Councillor R.M. Wilson, the Local Member, noted that there were no objections raised as a result of internal Council advice. It was also noted that some local residents were concerned about the proposed design but two storey dwellings were typical of the wider locality.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. The development hereby approved shall be carried out strictly in accordance with the amended plans received by the local planning

authority on 29th November 2004.

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

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

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

4. Before development commences architectural details of window sections, eaves, verges and barge boards at a scale of 1:1 or 1:5 shall be submitted to the local planning authority and approved in writing.

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

5. Prior to the commencement of development, details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no windows or dormer windows shall at any time be placed in any either side elevation of the extension hereby permitted.

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

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

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

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

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

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

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

10. This permission does not authorise any works to trees included in the designated Conservation Area. Any work shall be the subject of a notice of intention to the local planning authority in accordance with the provisions of the Town and Country Planning Act, 1990.

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

11. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.0 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 60 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

12. Any new access gates shall be set back 5.0 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety.

13. Prior to the occupation of the building hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.

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

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

Reason: In the interests of highway safety.

15. Prior to the first occupation of any dwelling hereby approved space shall be laid out within the application site for 3 cars to be parked and for a vehicle to turn so that it may enter and leave the application site in a

forward gear. The parking 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 domestic vehicles.

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

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

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

17. 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.

18. 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.

19. Notwithstanding the details shown on the submitted plans, the dormer windows shall be of a rendered finish only as agreed in the correspondence received on the 12th January, 2005. Details or samples of the proposed render shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of development.

Reason: To ensure that the final appearance of the property in the interests of the visual amenities of the locality.

20. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the window serving the en-suite in the east facing elevation of the approved plans shall be glazed with obscure glass only.

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

Informatives:

1. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
2. The 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.
3. 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. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), County Offices, Bath Street, Hereford, HR1 2HQ Tel: 01432 260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
5. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
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. 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.
8. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan and the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

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

South Herefordshire District Local Plan:

GD1 - General Development Criteria
C23 - New Development affecting Conservation Areas
SH10 - Housing in Smaller Settlements
SH14 - Siting and Design of Buildings
T3 - Highway Safety Requirements
T4 - Highway and Car Parking Standards

97. DCCW2004/3593/F - MILL FARM, CREDENHILL, HEREFORD, HR4 7EJ

New dwelling.

The Senior Planning Officer recommended an additional condition to ensure the free flow of traffic using the adjoining highway.

Councillor R.I. Matthews, the Local Member, acknowledged the level of objections but noted that that, following discussions with Officers, the access and turning area issues could be addressed and he proposed that authority to grant planning permission be delegated to Officers in consultation with the Chairman and himself.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and the Local Member, be authorised to grant 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. **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.

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.

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.**

98. (A) DCCE2004/2089/F AND (B) DCCE2004/2090/L - LAND TO THE REAR OF 71 ST OWEN STREET, HEREFORD, HR1 2JQ

(A) Erection of three linked dwellings fronting Harrison Street and (B) Erection of three linked dwellings with arched access to rear.

The Development Control Manager reported that the County Archaeologist recommended an archaeological evaluation of the site, including a trial trench,

before the commencement of the development. The Development Control Manager advised that a dispute between the owners of this site and the owners of an adjoining property was a civil matter but it was hoped that this would be resolved before planning permission was issued.

The Chairman, speaking in his capacity as Local Member, noted the constraints of the plot of land but felt that, subject to a number of issues being addressed, the proposal represented an imaginative use of the site.

RESOLVED:

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.

4 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.

99. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was to be held on Wednesday 9th February, 2005.

The meeting ended at 2.28 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2004/2865/F**

- The appeal was received on 29th 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. & Mrs. Elland.
- The site is located at Land adjoining 61 College Road, Hereford.
- The development proposed is New dwelling.
- The appeal is to be heard by Written Representations.

Case Officer: Sarah Hanson on 01432 261566

Application No. DCCW2004/2611/F

- The appeal was received on 12th January 2005.
- 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 Tesco Stores Ltd.
- The site is located at Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS.
- The development proposed is Variation of condition 10 of planning permission CW2001/1848/F to allow for one tanker delivery to petrol station on Sundays between 10.00 a.m. and 4.00 p.m.
- The appeal is to be heard by Hearing.

Case Officer: Kevin Bishop on 01432 261946

Application No. DCCW2004/2278/F

- The appeal was received on 12th January 2005.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. & Mrs. Devereux.
- The site is located at 11 Deerhurst Drive, Hereford, Herefordshire, HR2 7XX.
- The development proposed is Change of use of land to residential and construction of decking area.
- The appeal is to be heard by Written Representations.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCE2004/2530/F

- The appeal was received on 14th January 2005.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. G. Dyer.
- The site is located at Land to the rear of 107 Gorsty Lane, Hereford, Herefordshire, HR1 1UN.
- The development proposed is Erection of two bungalows.
- The appeal is to be heard by Written Representations.

Case Officer: Kelly Gibbons on 01432 261781

APPEALS DETERMINED**Application No. DCCW2004/0217/O**

- The appeal was received on 8th June 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. Fairbrother.
- The site is located at 140/142 Kings Acre Road Hereford HR4 0SD.
- The application, dated 20th January 2004, was refused on 5th March 2004.
- The development proposed was Site for a 2 bedroom bungalow.
- The main issues are:
 - i. The effect of the proposal on the character and appearance of the area.
 - ii. The effect of the proposal on the amenity of residents of adjoining properties.

Decision: The appeal was **DISMISSED** on 15th December 2004.

Case Officer: Ed Thomas on 01432 261795

Application No. DCCE2004/0442/F

- The appeal was received on 23rd June 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. R.T. Woolf.
- The site is located at 3 Folly Lane, Hereford, Herefordshire, HR1 1LY.
- The application, dated 9th February 2004, was refused on 30th March 2004.
- The development proposed was Detached dwelling house.
- The main issue is the concern with new development and the character and amenity of established residential areas.

Decision: The appeal was **DISMISSED** on 12th January 2005.

Case Officer: Kelly Gibbons on 01432 261781

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

5 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 12th January 2005 in order for further information from internal consultees to be incorporated into the report. Members will recall that a site inspection took place on 4th January 2005.

The attached report has been updated to take account of the additional information and matters raised during the site meeting.

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. It would involve the demolition and removal of all existing buildings and structures relating to the existing commercial uses on the site.
- 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 the main 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. The existing conifer forming part of the site's frontage with Attwood Lane would be removed and a series of driveways associated with the road facing dwellings including one serving a communal parking area would be provided.

- 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 car storage use and a scaffolding firm.
- 1.7 The application is accompanied by a Planning and Highways Supporting Statement.

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 The Traffic Manager 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 Forward Planning Manager comments that the site lies outside the settlement boundary of Hereford City as defined by the South Herefordshire District Local Plan and reliance on this document would lead to an objection in principle to residential development on this site. It is advised that the emerging Unitary Development Plan policies do carry weight and should be taken into account when assessing planning applications. With regard to the Herefordshire Unitary Development Plan (Revised Deposit Draft) the whole of the site would lie within the settlement boundary with the western half forming part of the Established Residential Area and the eastern half allocated as safeguarded employment land. It is advised that the loss of employment land for housing will generally be resisted. The emerging Policy E5 recognises that certain uses do not conform with the predominant land use and in such cases the

removal of the business use would need to be weighed against the benefits of its retention. It would be relevant to consider the potential for mitigating against the impact of such use in order to secure its retention but if it is accepted that acceptable mitigation would not be possible every effort should be made to find a satisfactory site for the relocation of the existing businesses.

- 4.5 It is advised that a Council review of employment land indicates a requirement for an additional 11 hectares up to 2011 and whilst there is a large supply in Hereford (69 hectares), the majority is not available. The removal of the employment land allocation north of Roman Road means that there are no real alternatives north of the river and as such the need to retain existing employment land is established.
- 4.6 In summary it is stated that the application runs contrary to current adopted Local Plan policy. When assessed against emerging UDP policies, the western part of the site is acceptable for residential development in principle. However, such development would not necessarily be acceptable on the eastern side unless the Case Officer considered there is a justification for the exceptional loss of employment land. Only limited weight should be afforded to UDP policies and the application should be determined primarily against existing adopted policies.
- 4.7 Head of Community and Economic Development comments:-

It is noted that the site is allocated and used for employment use. There is currently a very limited supply of employment land available for development in Hereford. This situation is likely to remain for the foreseeable future with highway and flooding constraints limiting the release of land at Rotherwas Industrial Estate. In addition, proposals for additional employment land north of Roman Road have been deleted from the draft UDP.

From an economic development perspective the site should be retained and safeguarded for employment use.

- 4.8 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.
- 5.7 The applicant has provided further information in relation to the three businesses currently occupying the site. It is advised that Hereford Garages who use the western part of the site for car storage do not actually employ anyone on the site. Tristan Jones Sand and Gravel Distribution occupy the central portion of the site and employ a total of three people on a casual basis. W. & J. Scaffolding occupies the eastern portion of the site with a maximum on site workforce of five persons with the remainder floating as they are required at locations where scaffolding will be erected. The business has other depots in Shrewsbury and Telford and is currently considering relocating to Leominster.
- 5.8 The following environmental/community benefits are cited:-
- improvement of existing highway alignment along Attwood Lane;

- removal of existing commercial traffic using Attwood Lane;
- additional traffic calming measures;
- introduction of footpath to improve pedestrian safety;
- removal of noise generating commercial distribution businesses;
- removal of existing utilitarian structures from the sites.

5.9 A further letter of correspondence was received from the agent for this proposal confirming Persimmon Homes are happy that their proposed contribution of £20,000 (previously set aside specifically for Pegasus Football Club) can be utilised by the Council for general sporting facilities in the vicinity of the development site.

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

6. Officer's Appraisal

6.1 The 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

The Principle of Development

6.2 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. The weight accorded to each of the tiers is fundamental to the consideration of this proposal.

6.3 PPG1 promotes a planning framework which seeks to shape new development patterns in a way that 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 and accord with broader sustainability objectives although the existing commercial uses would also satisfy this approach.

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

6.5 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.

- 6.6 Proposed changes to PPG3 have been out to consultation which expired in October 2004. Although only in draft they can be regarded as a material consideration. The draft further emphasises the need to allow development of brownfield sites.
- 6.7 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.
- 6.8 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.
- 6.9 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 safeguarded employment land. 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 what are considered to be non-conforming uses or the 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 attractiveness 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, improved footway network and the removal of unsightly commercial buildings and structures.
- 6.10 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 ED4 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 would provide a comprehensive approach to the development of the site. The employment land loss is considered minimal (0.5 hectares) in relation to the potential availability of employment sites in the wider area.

Density, Design, Scale and Affordable Housing

- 6.11 In seeking to establish the principle of a wholly residential development of the site it is acknowledged that the benefits and disbenefits are finely balanced. However emphasis has been given to the improvements that would accrue based upon the current adopted policy framework and when this is set against the emerging policies that extends the settlement boundary and includes part of the site within the Established residential Area, it is considered that there is a satisfactory case for residential use.
- 6.12 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.

- 6.13 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 and sides of the plots further emphasising the home zone approach where the dominance of the car is reduced.
- 6.14 The layout 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 planning policy, the South Herefordshire District Local Plan and the emerging policy in the Unitary Development Plan.

Foul and Surface Water

- 6.15 There is presently no mains drainage on the site, however there is the potential to achieve a 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. The applicant has 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 the developer 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.

Highway Safety

- 6.16 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 more remotely from the site. The precise design, specification and position of these off site works is not yet established but the financial contribution of £8,000 towards the implementation of appropriate measures is regarded as acceptable by the Traffic Manager. It is considered that this will provide tangible benefits to the residents and reduce its use as a "rat run".

Other Material Considerations

- 6.17 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 towards enhancing recreational provision. There are a number of options available and whilst the geographical location of the Old School Lane Playing Field has its benefits it is considered that the contribution would be better directed towards the developments at Aylestone Park. This contribution links the concerns raised in the consultation process of provision of sporting facilities for the older children.

6.18 During the site inspection reference was made to potential implications for the medieval settlement remains to the north and east of the application site. Further discussion with the Council's Archaeological Advisor has indicated that there would be no direct impact on any archaeological remains of interest and as such no objection is raised to the proposal in respect of this policy. The historic value of the brick built building on the western boundary is limited and its demolition would not require approval from the Local Planning Authority. Its retention is not therefore a matter that can be given any weight.

Summary

6.19 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 modest in respect of these benefits. The proposal 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 development of Aylestone Park or other suitably identified facilities in the locality (£20,000)**

and any additional matters and terms as she considers appropriate.

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

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

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

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

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

3. B01 (Samples of external materials).

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

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

Reason: To ensure an appropriate means of foul drainage.

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

Reason: To protect the amenity of local residents.

6. **F20 (Scheme of surface water drainage).**

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

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

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

8. **F44 (Investigation of contaminated land).**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. G31 (Details of play equipment).

Reason: To ensure the play area is suitably equipped.

17. G32 (Landscaping to include amenity land).

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

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

Reason: In the interests of residential and visual amenity.

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

Reason: In the interest of highway safety.

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

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

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

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

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

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

23. H19 (On site roads – phasing).

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

24. H21 (Wheel washing).

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

25. H27 (Parking for site operatives).

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

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

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies

6 DCCW2004/2410/F - PROPOSED ENCLOSURE OF EXISTING UNLOADING DOCK AND INSTALLATION OF NEW ELECTRICAL SLIDING GATE TO SERVICE YARD AT TESCO STORES LTD., ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS

For: Tesco Stores Ltd. per Development Planning Partnership, 14 Windsor Place, Cardiff, CF10 3BY

Date Received: 1st July 2004

Ward: Belmont

Grid Ref: 49325, 38452

Expiry Date: 26th August 2004

Local Members: Councillors P.J. Edwards, J.W. Newman and Ms. G.A. Powell

1. Site Description and Proposal

- 1.1 The Tesco Store, Abbotsmead Road is located adjacent to the A465 Trunk Road approximately 2 miles to the southwest of Hereford City Centre. The site is presently occupied by a Tesco superstore which is currently in the process of being extended and altered including the relocation of a petrol filling station.
- 1.2 This application seeks full planning permission to enclose the existing unloading dock area and to install new electronic sliding gates to the service yard adjoining Abbotsmead Road.

2. Policies

- 2.1 Hereford and Worcester County Structure Plan:

Policy CTC9 - Development Requirements

- 2.2 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria

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

Policy DR1 - Design

Policy DR13 - Noise

3. Planning History

- 3.1 There is a detailed and complex planning history associated with this site since the store was first approved under reference SH88/1340/PM in December 1988. It is not considered that this application is directly affected by any of the recent proposals and should be considered on its own merits.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Traffic Manager: No objections.

4.3 Head of Environmental Health and Trading Standards: "I have considered the acoustic report regarding the electric sliding doors on the service yard and their assessment appears to be satisfactory."

5. Representations

5.1 Belmont Rural Parish Council: The Parish Council does not support the proposed development and is particularly concerned at noise that may be generated by the proposal, in particular electric sliding entrance gates. This development is immediately adjacent to residential properties who have already indicated that noise levels at night are intrusive. We would wish to see assurances that noise emitted from the development is restricted.

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

6. Officer's Appraisal

6.1 The key issue for consideration in this application are the design issues associated with the enclosing of the delivery area and issues of visual amenity and noise associated with the new electronic sliding gates.

6.2 The new infill area is concealed under the existing open sided delivery yard adjoining the northern boundary of the site. It is proposed that a copper coloured panel will enclose this area to the yard elevation and help reduce noise level omissions from vehicles which are being unloaded. No objections are raised to the copper coloured cladding or to this element of the scheme.

6.3 With regard to the electronic gates, these will enable a larger area for vehicular movements within the site by sliding parallel to the existing boundary wall. Concerns have been expressed by the Parish Council regarding potential for noise from these gates, however the Environmental Health and Trading Standards Officer has reviewed the situation and is satisfied that there will be no detrimental impact to adjoining residents. Visually the gates are of a similar size and scale to the existing hung units and are the same height as the adjoining boundary wall. No objections are raised to the visual appearance of the proposed gates.

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.

Informative:

1. N15 - Reasons for the Grant of PP/LB/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**7 DCCE2004/4316/F - CHANGE OF USE OF PREMISES FOR A2 PURPOSES AS A LICENSED BETTING OFFICE
42B, HOLME LACY ROAD, HEREFORD,
HEREFORDSHIRE, HR2 6BZ**

For: William Hill Organization Ltd, William Hill Organisation, Bridge House, 47-55 Bridge Street, Walsall, West Midlands, WS1 1LQ

Date Received: 15th December, 2004 Ward: St. Martins & Hinton Grid Ref: 51006, 38487

Expiry Date: 9th February, 2005

Local Member: Councillor Mrs. W.U. Atfield, A.C.R. Chappell and R. Preece

1. Site Description and Proposal

- 1.1 The application premises comprise an empty single storey retail unit (formerly occupied by a furniture clearance and sales company). The premises forms part of a parade of shops which includes a greengrocers, convenience store/post office, hairdressers and a takeaway/fish and chip shop. The parade is designated as a Local Shopping Centre.
- 1.2 In addition to the commercial premises there are a number of residential uses at first floor level adjacent to the site. Limited access for parking is available in front of the application site although the forecourt has been defined by concrete bollards separating it from the larger parking area in front of the premises immediately to the east. The premises benefits from an access to the rear alongside 1a and 16 Norton Avenue.
- 1.3 The surrounding area is predominantly residential although there is a public house further to the east of Norton Avenue that benefits from its own large forecourt parking area.
- 1.4 Planning permission is sought for the change of use of the vacant retail unit (Use class A1) into a licensed betting office (Use Class A2). There are some relatively minor external alterations proposed as part of this application involving the introduction of more glazing into the front elevation of the premises. The applicant advises that the intention is to relocate their existing premises at 16-18 Hinton Road.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

CTC9 - Development criteria

2.2 Hereford Local Plan:

S13 - Local shopping centres

H21 - Compatibility of non-residential uses

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable development
- S2 - Development requirements
- DR2 - Land use and activity
- TCR2 - Vitality and viability
- TCR13 - Local and neighbourhood shopping centres

3. Planning History

- 3.1 HC900560PF - Conversion of garage area and storage area into retail unit and alteration to first floor flat entrance. Approved 5th March 1991.
- 3.2 CE2001/2013/F - Change of use of butchers shop to an advice centre for local residents. Approved 28th September 2001.
- 3.3 CE2002/3380/F - Link extension to existing shop. Approved 15th January 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 The Traffic Manager raises no objection in view of the availability of off road parking in the locality and the likelihood that most trips will be local pedestrian trips linked to visits to other services.
- 4.3 Head of Environmental Health and Trading Standards raises no objection subject to a conditional control on opening hours.

5. Representations

- 5.1 Two letters of objection has been received from the following sources:

- Mrs. D. Edwards, proprietor of Putson Vision, 42c Holme Lacy Road, Putson, Hereford, HR9 6BZ.
- Mr and Mrs Baker, 41 Holme Lacy Road, Hereford

- 5.2 The concerns raised can be summarised as follows:-

1. Parking are is already completely inadequate for existing businesses and the flats above the shops.
2. Customers of the betting shop will tend to leave cars parked for longer periods of time meaning fewer spaces available.
3. Litter and rubbish

- 5.2 Hereford City Council recommend refusal on the grounds of a lack of on-site parking and potential noise nuisance.

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

6. Officer's Appraisal

6.1 The main issues for consideration in the determination of this application are as follows:

- (a) the principle of non-retail use within the Local Shopping Centre;
- (b) the implications for parking and highway safety; and
- (c) residential amenity (including noise and parking arrangements).

Principal of Non-Retail Use

6.2 The application premises form part of a Local Shopping Centre where Policy S13 of the Hereford Local Plan establishes criteria for the consideration of development proposals. The requirements of the policy are such that additional retail floorspace will be permitted where this would not threaten the vitality and viability of the city centre and adequate parking, servicing and environment standards can be provided. The policy does not preclude the introduction of non-retail uses and infers support for other services that would meet the needs of the neighbourhood.

6.3 It is considered that the proposed licensed betting office use is complementary to the established retail and hot food takeaway uses in the immediate vicinity and as such that the principle of this proposal is acceptable.

Parking and Highway Safety

6.4 It is clear from the objections received to this application that the issue of parking provision has been identified as a key concern. It is acknowledged that the site itself benefits from very limited parking provision being segregated from the larger off-road parking areas in the locality. However it is not considered that the vehicular activity associated with the proposed use would result in any significant change when set against activity associated with the existing retail use such that there would be demonstrable harm in highway safety terms. It is noted that the use of a betting office might result in longer stays by customers but it is advised that there is considered to be sufficient off-road parking in the vicinity of the site to ensure that this would not represent a significant problem to existing businesses. Furthermore, it is recognised that a significant number of customers will be likely to be pedestrian or those linking car trips with the use of other shops and services in the parade.

6.5 The Traffic Manager raises no objections to the proposals and as such whilst the views of the proprietor of Putson Vision and the City Council are noted, it is not considered that these would justify the refusal of planning permission.

Residential Amenity

6.6 The applicants existing premises at 16-18 Hinton Road has a long and involved planning history primarily relating to the issue of opening hours and noise and disturbance associated with the use. In this location, careful consideration of the residential amenity of neighbouring occupiers is warranted. The applicant has advised

that normal opening hours operated are between 10.15am and 6.30pm during the winter months and 9.00am and 10.00pm during the summer, which would include Bank Holidays. The betting office would be open on Sundays from 11.00am to 5.00pm during the winter and 12.00pm in the summer. Reference is also made in submissions that very occasionally there is the need to accommodate sporting events outside these hours but the regulations governing betting offices restrict any use between midnight and 7.00am.

- 6.7 The existing retail use of the application premises is not time restricted whilst it is understood that the applicants current premises at Hinton Road are required to close at 6.30 p.m.
- 6.8 In the first instance it is advised that the Head of Environmental Health and Trading Standards raises no objection subject to an appropriate restrictive condition in relation to opening hours. The premises are single storey and as such there is no direct impact on neighbouring occupiers. The impact of this proposal would essentially be limited to the accommodation above the video shop, takeaway restaurant and greengrocers and the flats on Norton Avenue. It is suggested that the impact of the fish and chip shop and the slightly more distant public house upon neighbouring occupiers would be more significant than the introduction of a betting office and furthermore that the normal opening hours proposed are consistent with existing uses in the locality such that activities associated with the proposed use would not cause demonstrable harm.
- 6.9 The internal layout of the betting office is such that the public area is restricted to the front of the premises whilst the rear, which has a more direct relationship with 1a and 1b Norton Avenue, would be used for offices and staff facilities.
- 6.10 In the light of the above and with appropriate conditions it is considered that the amenities of local residents can be satisfactorily preserved such that the proposal would accord with Policy H21 of the Hereford Local Plan.

RECOMMENDATION

That, subject to no valid planning objections being received by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions:

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 use hereby permitted shall not be open to customers outside the hours of 9:00am and 10:00pm Mondays to Saturdays, and 11:00am and 5:00pm on Sundays (Non Standard Condition)

Reason: To safeguard the amenities of the locality.

Informative:

1 N15 -

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCW2004/4341/F - TWO STOREY EXTENSION TO SIDE OF PROPERTY AT 5 PRIORY VIEW, BELMONT, HEREFORD, HR2 7XH

For: Mrs. Pepper per Mr. J. Warman, 2 The Rucketts, Staunton-on-Wye, Herefordshire, HR4 7LT

Date Received: 20th December 2004 Ward: Belmont Grid Ref: 49503, 38601

Expiry Date: 14th February 2005

Local Members: Councillors P.J. Edwards, J.W. Newman and Ms. G.A. Powell

1. Site Description and Proposal

- 1.1 The application site is a modern two storey, three bedroom, detached house fronting the north west side of Priory View, a short residential cul-de-sac. It is within a tightly knit established residential area. Immediately to the rear are the gardens of houses fronting Buckfast Close. Adjoining to the east is a short private drive which serves two detached houses Nos. 6 and 7 Priory View with the former being side on to the application site and the latter facing. To the east, fronting Priory View is another detached house.
- 1.2 A garage attached to the east side of the house has been converted to habitable accommodation and the space between the front of the house and the carriageway has been surfaced with paviers to provide off street parking space.
- 1.3 It is proposed to demolish the existing garage and erect a two storey extension which would have the effect of extruding the whole of the side profile of the house to the east side boundary. It would also include a gabled two storey forward projection of 1.60 metres to the same extent as an existing porch. The footprint measures 2.90 metres x 9.90 metres. The additional space would provide a new bedroom and enlargement of an existing bedroom at first floor level together with enlarged kitchen and study area at ground floor level. In the rear elevation a bedroom window is shown at first floor level and a glazed door and kitchen window at ground floor level. In the front elevation there would be matching windows on each floor and in the side a small secondary window. Facing materials would be rendered walls and roof tiles to match existing.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General Policy and Principles

2.2 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria

Policy SH23 - Extensions to Dwellings

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H18	-	Alterations and Extensions

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 None consulted.

Internal Council Advice

4.2 The Traffic Manager - no objection to the grant of permission.

5. Representations

5.1 Belmont Rural Parish Council has considered this application for development and is concerned that the proposals would result in a development which is disproportionate for the location and be overbearing in relation to neighbouring properties.

There are also concerns over the availability of off road parking in this small cul-de-sac and the Parish Council's Footpaths Officer reports a number of complaints regarding inappropriately parked vehicles in this street. We note that the garage has already been converted to living accommodation, reducing the availability of off road parking at this property. There is no facility for additional parking on the road in this cul-de-sac so we would suggest that the provision of additional off road parking be a condition of any proposed approval.

5.2 Two letters of objection have been received from Mrs. B. Dawson, 4 Buckfast Close, Belmont, Hereford, HR2 7XL and Mr. & Mrs. T.C. Cooper, 3 Buckfast Close, Belmont, HR2 7XL, Hereford. Both these addresses are to the rear of the site and the grounds of objection can be summarised as follows:

1. Blocking view and loss of skyline.
2. Block out sunlight.
3. Concern about possible future building on grass verge at the side of the property.
4. Overlooking of objectors bedroom and consequent loss of privacy from proposed bedroom window.
5. Loss of privacy to existing patio.
6. Noise and disruption from building operations.

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

6. Officer's Appraisal

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

- i) The effect of the proposal on the character and appearance of the existing dwelling in terms of mass, scale, design and materials.
 - ii) The extent to which the existing dwelling remains the dominant feature in any resulting scheme.
 - iii) The extent to which the proposal fulfils the appropriate criteria of Policy GD1 (General Development Criteria) and Policy SH23 (Extensions to Dwellings) of the South Herefordshire District Local Plan.
 - iv) Impact on the character of the surrounding area.
 - v) Amenity of the occupiers of nearby residential properties.
 - vi) Parking and highway safety.
- 6.2 The design of the proposed extension is basically a two storey projection of the existing side profile of the house but incorporating a short forward projection with a feature gable which intersects the front roof slope. Window styles and proportions are consistent with the existing elevations and facing materials match the existing wall rendering and roof tiles. Its scale and mass would not appear over dominant and it is considered to be a logical and reasonably sympathetic addition, compatible with the character and appearance of the host building and the townscape character of the surrounding residential area. There are several similar extensions in the neighbourhood.
- 6.3 The rear wall of the extension is on the same plane as the existing house and the distance to the rear wall of the nearest dwelling to the rear, No. 4 Buckfast Close, is in the order of 19.20 metres. There is a first floor bedroom window at the rear of both houses. The additional bedroom window in the rear of the proposed extension would have a slightly more direct relationship to that in the rear of No. 4 Buckfast Close, however bearing in mind the intervening distance, it is not considered that it would result in an unacceptable increase in the risk of overlooking or loss of privacy.
- 6.4 It is considered that the extension will not result in a significant loss of sunlight to properties at the rear. Moreover the concerns relating to loss of view are not regarded as material considerations in the assessment of this application.
- 6.5 On the matter of off street car parking there is sufficient space on the front hardstanding area for the parking of three cars. Accordingly the parking provision is considered acceptable and the condition suggested by the Parish Council is unnecessary.
- 6.6 Overall it is considered that this proposal has due regard to the considerations in Policies GD1 and SH23 of the South Herefordshire District Local Plan and is acceptable.
- 6.7 Other matters raised by the objectors, such as noise and disruption of building operations and speculation about the use of an adjoining grass verge for building purposes have been considered but are not regarded as having sufficient weight to off set the recommendation to grant planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCCE2004/3938/F - PROPOSED DORMER WINDOWS IN LEAN-TO ROOF OF HOLIDAY LETS. CROSS KEYS INN, CROSS KEYS, HEREFORD, HEREFORDSHIRE, HR1 3NN

For: Mr. C. Corbin, per Mr. J.I. Hall, New Bungalow, Nunnington, Hereford, HR1 3NJ

Date Received: 10th November 2004

Ward: Hagley

Grid Ref: 55291, 44254

Expiry Date: 5th January 2005

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

1.1 This application seeks permission for the introduction of two dormer windows into the lean-to roof of a converted rural building at Cross Keys Inn, Cross Keys. The building is located to the north of the Public house and sits at right angles to the adjacent highway. The building was previously a stable block converted into two holiday units by virtue of planning consent DCCE2002/1359/F. The two dormer openings are proposed in the northeast facing elevation and represent a revision to the extant permission for the conversion of this building in two units of tourist accommodation.

2. Policies

2.1 South Herefordshire District Local Plan:

GD1	-	General development criteria
C20	-	Protection of historic heritage
C36	-	Re-use and adaptation of rural buildings
SH23	-	Extensions to dwellings

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable development
S2	-	Development requirements
S7	-	Natural and historic heritage
DR1	-	Design
HBA12	-	Re-use of traditional rural buildings
HBA13	-	Re-use of traditional rural buildings for residential purposes

2.3 Herefordshire SPG:

Re-Use and Adaptation of Traditional Rural Buildings

3. Planning History

3.1 DCCE2002/1359/F: Conversion of vacant outbuilding into bed and breakfast accommodation and holiday lets (2 units) - Approved

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 The Transportation Manager raised no objection to the proposed development

4.3 The Conservation Manager made no comment

5. Representations

5.1 Withington Parish Council raise no objection to this application.

5.2 A letter of representation has been received from the agent on behalf of the applicant making the following points in support of this proposal:

- The positions of the dormers *'could well have been entrances to the hay-loft'*;
- The re-roofing of the lean-to, and the advent of baled hay, could have resulted in the disposal of the loft openings;
- To re-instate the openings would overcome the internal problems;
- The associated Public house will cease to exist in five years if additional income is not secured;
- Pub is traditional and an asset to the local community.

5.3 Photographs were also submitted identifying dormer openings in the locality.

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

6. Officer's Appraisal

6.1 Tourism related development is broadly supported by Herefordshire Councils development plan policies; however, national and local planning policy restricts much new build development in the open countryside, inclusive tourism accommodation. South Herefordshire District Local Plan policy TM5 states that:

'Proposals for...self-catering accommodation will normally be expected from the conversion or change of use of an existing property.'

South Herefordshire District Local Plan policies C36 specifies that when considering the conversion of an appropriate rural building, as is the case here, the proposal:

'...will retain the existing buildings qualities and essential features and respect local building styles and materials'.

Herefordshire Supplementary Planning Guidance: Re-use and Adaptation of Traditional Rural Buildings takes this stance further and states that:

'Applications that do not retain the existing character and traditional form of the building or preserve the important architectural or historical features will be resisted.'

Any building should retain its 'flavour' after conversion. If it does not then the primary aim of conserving the building is lost.'

One can therefore surmise from this that the conversion of an appropriate rural building into a new use is justifiable due to the intrinsic value of the building itself.

- 6.2 It is considered that the proposed dormer windows do not retain the remaining character and traditional form of this building; indeed it is considered that these dormer openings will be harmful it, as well as to the visual amenities of the locality due to their prominence. If development is permitted that harms the intrinsic value of a converted building, the value of its retention in the first place is lost. That being the case, the end result is no more appropriate or acceptable than flattening the building in question and erecting a new build structure in an open countryside location. Though these works are relatively minor in scale, it is nevertheless suggest that their impact will be great.
- 6.3 Turning to the other aspects of this proposal, no actual evidence that any openings were previously found in this building has been identified, however, it is recognised that stable buildings of this type could potentially, in their past, have had a hay loft entrance. That said, it is considered that any such opening would not take the domestic appearance or positioning of the proposed dormer openings or result in the creation of a residential appearance to the building, as is the case here.
- 6.4 The need for a first floor toilet and shower is, it is considered, questionable. This property has permission for a conversion that appears wholly acceptable internally and includes toilet and bathroom facilities on the ground floor, and a toilet on the first floor. It is considered unlikely that the lack of a shower at first floor level will impact significantly upon the marketability of these units.
- 6.5 The supporting information submitted with this application raises the issue of the viability of the associated Public House if additional income is not secured. Notwithstanding the fact that it is not considered that this should necessarily override planning policy, it is stressed that an extant permission exists for the perfectly viable conversion of this property into two units of tourist accommodation. The submitted photographs are of dwellings for which dormer windows are, in principle, acceptable and as such not appropriate for comparison with this proposal.
- 6.6 No concerns exist in relation to residential amenity issue or transportation.

RECOMMENDATION

That planning permission be refused on the grounds that:

- 1. The proposed dormer openings, by reason of their positioning, design and external appearance, would be out of keeping with the existing built form and will represent an incongruous feature that, if allowed, would have a detrimental impact upon the associated property. The proposal is therefore considered contrary to South Herefordshire District Local Plan policies GD1, C20, C36, and SH23, and Herefordshire Unitary Development Plan: S1, S2, S7, DR1, and HBA12, together with Herefordshire SPG: Re-Use and Adaptation of Traditional Rural Buildings.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCCE2004/2401/F - PROPOSED REPLACEMENT OF TWO DWELLINGS 5 AND 6 GRAFTON COURT CLOSE, GRAFTON, HEREFORD, HEREFORDSHIRE, HR2 8BL

For: Mrs. H.A. Phillips & Mr. R. Waddington, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 1st July 2004

Ward: Hollington

Grid Ref: 49678, 37158

Expiry Date: 26th August 2004

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The application site comprises a pair of semi-detached bungalows, gardens and detached triple garage on land that lies to the east side of the cul-de-sac known as Grafton Close and to the rear of the relatively modern dwellings at Graftonbury Rise. The dwellings were originally built as staff accommodation for the nearby Graftonbury Hotel. The site has mature landscaping to its periphery as well as around the existing garage area, and is well screened from Grafton Lane. The application site also lies outside of any defined settlement boundary, and as such within an area designated as Open Countryside.
- 1.2 The current application is for the replacement of the two dwellings, with two three bed detached 'cottages'. One dwelling would be located towards the south east of the plot, nearest Grafton Lane and on the footprint of the triple garage, with the second dwelling in a more central location in the site. The dwelling would be two storey, with dormer style windows in the upper floor. Each dwelling would have separate vehicular access and garden space.

2. Policies

2.1 Planning Policy Guidance:

PPG7 - Sustainable development in rural areas

2.2 Hereford and Worcester County Structure Plan:

CTC2 - Areas of Great Landscape Value

H20 - Housing in rural areas

2.3 South Herefordshire District Local Plan:

C1 - Development within open countryside

C8 - Development within AGLV

SH21 - Replacement dwellings

GD1 - General development criteria

3. Planning History

- 3.1 25460 - Erection of two semi-detached chalets at Graftonbury Garden Hotel. Approved with conditions April 1968.
- 3.2 DCCE2004/3518/U - Continued use of bungalows as full time residential units unconnected with Graftonbury Hotel since 1973.

4. Consultation Summary

Statutory Consultations

- 4.1 None received

Internal Council Advice

- 4.2 The Traffic Manager has no objections to this proposal.

5. Representations

- 5.1 Grafton Parish Council has no objection.
- 5.2 Hereford City Council (adjoining parish) has no objection.
- 5.3 Letters of objection have been received from P.A. Wales of Barnstable, 2 Graftonbury Rise, Grafton Lane and Mr and Mrs Hopper of 1 Graftonbury Rise. These letters raise the following issues:
- Damage to the natural environment through removal of trees;
 - Change to and impact on the landscape character of Grafton Close;
 - Loss of privacy to adjacent dwellings - currently single storey, but proposed two storey;
 - Loss of affordable house;
 - Concerns of precedent being set for adjacent site;
 - Applicant's plan has omitted a conservatory added at 1 Graftonbury Rise.
- 5.4 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. Officer's Appraisal

- 6.1 The Council's adopted policy is to allow replacement dwellings in the countryside provided "the existing dwelling is not of architectural or historic interest which it is desirable to retain and the replacement is of a size and scale similar to that of the original dwelling and is on the same site" (Policy SH21).
- 6.2 The existing dwellings are dated bungalows that are not considered to be architecturally noteworthy. The new dwellings would be substantially larger than the existing dwelling and are detached rather than semi-detached properties. As such they do not fall clearly within the remit of Policy SH21 of the Hereford Local Plan. In order to support this application, sufficient justification, in the form of material considerations should be considered to outweigh these policies that serve to protect

the open countryside. As such the main issue for the consideration of this application is whether the replacement of the bungalows with two storey detached dwellings, within this particular context would be an acceptable form of development.

- 6.3 Grafton Lane, although not recognised as a village settlement, has undergone significant development in recent years, including the development of the adjacent 'Graftonbury Rise', made up predominantly of large detached dwellings in generous amenity space. The application site itself is located within a residential 'close' and is surrounded on each side by land in residential use. Although the development does not accord with the prevalent local plan policy in its strictest interpretation, it is considered that the scheme would represent an enhancement of the visual amenity of the area and a development more in keeping with the character and appearance of the surrounds. As such, having regard to this particular site, its surrounds and its minimal intrusion on the landscape, allowing the replacement of the dwellings in the form proposed is considered to be acceptable.
- 6.4 In terms of privacy and overlooking, the dwellings have been designed and sited in such a way that upper floor windows can be obscure glazed where overlooking may be an issue. The distance between all the surrounding dwellings is sufficient to ensure that a satisfactory relationship is retained. There are no highway concerns or objections.
- 6.5 To conclude, the proposal does not in its strictest interpretation accord with the criteria of the local plan 'replacement dwelling' policy. However, sufficient weight has been given to the context of the site, its immediate surroundings and character of the immediate area, as well as impact on the neighbouring property and on balance it is felt that this proposal would be both beneficial to the immediate surroundings and a suitable replacement to the existing units.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 E19 (Obscure glazing to windows)

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

- 6 The development hereby approved shall be carried out in strict accordance with the levels approved.

Reason: To ensure that the development is carried out in accordance with the approved plan.

- 7 During the demolition and construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside of the following times, without prior consent from the local authority:

Monday - Friday 7.30am - 6.00pm, Saturday 8.00am - 1.00pm nor at any time on Sundays, Bank or public holidays.

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution.

- 9 All machinery and plant shall be operated and maintained in accordance with BS 5228: 1984 Noise Control of Construction and open sites.

Reason: To safeguard residential amenity and prevent pollution.

- 10 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.

- 11 E16 (Removal of permitted development rights)

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

Informatives:

- 1 HN01 - Mud on highway
- 2 HN04 - Private apparatus within highway
- 3 HN05 - Works within the highway
- 4 N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCCW2004/4010/F - PROPOSED REDEVELOPMENT OF SHOP INTO 6 APARTMENTS AT SUNBEAM CORNER, EIGN STREET, HEREFORD, HR4 0AJ

For: Messrs. Thomas per Mr. J. Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 16th November 2004 Ward: St. Nicholas Grid Ref: 50602, 40061
Expiry Date: 11th January 2005

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

1. Site Description and Proposal

- 1.1 Sunbeam Corner is located at the northern end of Friars Street at its junction with Eign Street, Hereford. The site presently contains a retail unit for audio/visual equipment with parking spaces for customers.
- 1.2 The proposal is to redevelop the existing complex of buildings with six one-bedroom Townhouses. The proposal has been reduced from seven units following negotiations.
- 1.3 The scheme provides for six two-storey houses set against the western boundary of the site constructed of facing brick under a natural slate roof which will be hipped. In addition to the houses a cycle store and bin store is also proposed. A small walled and railed amenity area for each unit will be created at the front facing Friars Street. The retail unit is to close following the retirement of the owner.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG6	-	Town Centres and Retail Development
PPG13	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning

2.2 Hereford and Worcester County Structure Plan:

Policy H14	-	Location of Growth
Policy CTC5	-	Archaeology
Policy CTC6	-	Conservation Areas
Policy CTC9	-	Development Requirements
Policy CTC15	-	Conservation Areas
Policy CTC18	-	Development in Urban Areas

2.3 Hereford Local Plan:

Policy H3	-	Design of New Residential Development
Policy CON12	-	Conservation Areas

Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON35	-	Archaeological Evaluation
Policy CON36	-	Nationally Important Archaeological Remains
Policy CON37	-	Other Sites of Archaeological Interest

2.4 Hereford Unitary Development (Revised Deposit Draft):

Policy H1	-	Hereford and the Market Towns
Policy H2	-	Hereford and the Market Towns
Policy H3	-	Managing the Release of Housing Land
Policy H13	-	Sustainable Residential Development
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy E5	-	Safeguarding Employment Land and Buildings
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy T7	-	Cycling
Policy T11	-	Parking Provision
Policy HBA6	-	New Development in Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH6	-	Recording of Archaeological Remains

3. Planning History

3.1 No recent applications.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Traffic Manager - objected to the original proposal for seven units as it included land identified for highway improvements. The revised scheme is now supported.

4.3 Head of Conservation - the amended proposals. The scheme appears to be visually attractive and contributes to the residential zone being formed with conversion of the Eye Hospital between Friars Street and Barton Road.

I would not wish to raise any objection to this proposal. Samples of slate, brick and reconstituted stone should be provided and joinery finish to be advised.

Furthermore a programme of archaeological work in accordance with a written scheme of investigation will be required before work commences on-site.

5. Representations

- 5.1 Hereford City Council - no objection to the principle of the development but suggest six units only are appropriate for site. Inadequate car parking provision demonstrated.

Their comments on revised proposal for six units are awaited.

- 5.2 Conservation Area Advisory Committee - the shop is to be demolished for 7 apartments. A mixed development is preferable in this urban context with some shops. The scheme does not reflect the surrounding and adjacent area. On this important corner site the height of the building should be greater to make a visual statement. At present the design is too harsh on the Whitecross Road site.

- 5.3 Hereford Civic Society - this proposal is to demolish the existing shop and replace with a block of flats of uninspired design is completely unrelated to the local street scene and is out of scale with the surrounding area, particularly the old Eye Hospital to the rear. It should be higher and of a completely different and higher quality design. There should be shops on the ground floor. The opportunity to have a well designed building on this important site should not be missed. We would recommend that this application be rejected.

- 5.4 The applicant's agents have submitted a Planning Statement in support of the proposal. This identifies the benefits of development of the site in terms of rounding off the street scene whilst creating a visual lift to the area complementing the redevelopment of the Victoria Eye Hospital.

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

6. Officer's Appraisal

- 6.1 The main issues relating to the proposal are:

- (1) The principle of developing the site.
- (2) The impact on the Conservation Area.
- (3) The road network.

The Principle of Development the Site

- 6.2 The site is contained within the urban area of Hereford City where policies support the regeneration and development of brownfield sites. It is located outside of the Central Shopping Area as identified by the Hereford Local Plan and therefore the retention of a retail use is not a pre-requisite of redevelopment. In fact the proposal will complement the adjoining redevelopment of the former Victoria Eye Hospital immediately to the west of this site also for residential development. Friars Street will form the break between the parade of shops on the south side of Eign Street and east of Friars Street and residential development west of Friars Street.

The Impact on the Conservation Area

- 6.3 Members will note the concerns of both the Conservation Areas Advisory Committee and Hereford Civic Society concerning the design of the building, lack of a visual statement, unrelated to the street scene and lack of retail units. However the Council's Head of Conservation considers that the scheme provides a visually attractive building

and contributes to the residential zone being formed with conversion of the former Eye Hospital. It should also be noted that the site lies outside of the recognised and identified Central Shopping Area for Hereford City. Therefore the requirement for the retention of retail development cannot be sustained. The height of the new build is 7 metres which is approximately 1.1 metres above the height of the existing building, however this will not impact detrimentally upon the area and will complement the adjoining development site. Accordingly it is considered that the proposal meets the test of enhancing and preserving the character of the Conservation Area.

The Road Network

- 6.4 Friars Street has an identified road improvement scheme and the revised details for this scheme will not impact upon that scheme. No car park is proposed, but a secure cycle storage area is and the site's location within the city justifies it as a car free development. In addition, the Council's Traffic Manager raised no objection.

Conclusions

- 6.5 The redevelopment of the site will enhance the Conservation Area, be visually attractive and contribute to residential zoning of the area commenced with the redevelopment of the former Eye Hospital. The loss of the retail unit is noted, however it lies outside of the identified Central Shopping Area and the business is ceasing following the retirement of the owner. Its loss will not be detrimental to the vitality or viability of the shopping centre. The proposal is therefore considered to accord with the main thrust of planning policy.

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) (23rd December 2004).**

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. **The secure cycle storage area identified on the submitted plans shall be available for use by all of the dwellings hereby approved.**

Reason: To ensure all of the dwellings have suitable cycle storage.

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

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

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

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

7. D01 (Site investigation – archaeology).

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

8. C05 (Details of external joinery finishes).

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCCE2004/4340/F - 4 NO. 3-BEDROOM SEMI-DETACHED HOUSES WITH INTEGRAL GARAGES BUILDING PLOT BETWEEN 30 & 32 BARNEBY AVENUE, BARTESTREE, HEREFORD, HR1 4DH

For: Idyllic Homes, per Mr. P.T. Gill, 13 Vaughan Street, Hereford, HR1 2HD

Date Received: 20th December 2004

Ward: Hagley

Grid Ref: 55889, 41327

Expiry Date: 14th February 2005

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of 4, 3 bedroom, semi-detached dwellings. The site is currently in an area of undesignated open land to the north of Barneby Avenue and lies within the identified settlement boundary. The site is flanked by residential development with Lugwardine Primary School located to the south. A public footpath runs along the east of the site boundary.

2. Policies

2.1 Planning Policy Guidance:

PPG3 - Housing

2.2 South Herefordshire District Local Plan:

GD1 - General development criteria
 C2 - Settlement boundaries
 C30 - Open land in settlements
 SH6 - Housing development in larger villages
 SH8 - New housing development criteria in larger villages
 T3 - Highway safety requirements
 T4 - Highway and car parking standards

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
 S2 - Development requirements
 S3 - Housing
 DR1 - Design
 DR2 - Land use and activity
 H4 - Main villages: settlement boundaries
 H15 - Density
 H16 - Car parking

3. Planning History

- 3.1 DCCE2003/3431/O - Site for erection of two detached houses with garages. Approved 5th April 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raised no objection subject to conditioning.

Internal Council Advice

- 4.2 Traffic Manager raises the objection to the proposal subject to conditions.
- 4.3 Public Rights of Way Manager raised no objections.

5. Representations

- 5.1 Lugwardine Parish Council raised no adverse comments against this proposal.
- 5.2 Three letters of objection have been received to this application from the following sources:

- Lugwardine Primary School;
- D.J. Shaw, 45 Barneby Avenue, Bartestree;
- P.A. Wargent, 43 Barneby Avenue, Bartestree.

The comments made can be summarised as follows:

- Design is not in keeping with the locality;
- Roadway is of insufficient width to accommodate on road parking and garages are rarely used;
- Sewerage system is already inadequate;
- Additional traffic will add to existing problems caused by the school;
- Previous proposal for two dwelling preferential;
- Congestion caused during construction and by deliveries;
- Inadequacy of existing network for school traffic, compounded by this proposal.

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

6. Officer's Appraisal

- 6.1 The application site lies within the defined Bartestree Settlement Boundary where Local Development Plan policy allows new residential development. The site is not considered to be a particularly valuable area of open space and as such the principle of its development is supported. Notwithstanding this, it is suggested that the principle for residential development on this site has been established by virtue of the previous application (DCCE2003/3431/O).

- 6.2 Turning to the density of the proposal, Policy H15 of the emerging Unitary Development Plan stresses the importance of new developments making the 'most

effective use of the site area available'. This proposal would result in a density in the region of 50 dwellings per hectare and this is considered acceptable in the context of the above policy, and the advice given in PPG3. The site can accommodate the dwellings and parking facilities, together with amenity space. A condition will remove Permitted Development Rights to protect the provision of amenity space.

- 6.3 From a design perspective this proposal has been revised so as to reduce the ridge height of the dwelling. The scale of the dwelling is now considered appropriate in the context of the neighbouring dwellings. The site represents a link development between two contrasting residential developments. It is considered that the design solution is appropriate and will be effective. Siting and materials will allow for comfortable integration of the dwellings into the street scene. As proposed, the dwellings will not impact unacceptable upon the neighbouring dwellings. Privacy will be assured through effective conditioning.
- 6.4 Turning to the highway concerns, the current school related congestion exists and will persist whether this site is redeveloped or not and it not considered that four new dwellings will significantly contribute to this congestion. The use of this area as a drop off point is not a formal arrangement and it may be the case that this development, with the dropping of the kerbs and the access provisions, restricts the ability of this particular stretch being used for such uses. The use of the garaging will be ensured through conditioning and it is confirmed that the proposal meet both the existing and emerging policy parking requirements. Conditioning to provide the required visibility splays will ensure the proposal is satisfactory from a highway safety perspective.

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 E08 (Domestic use only of garage)

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

5 E09 (No conversion of garage to habitable accommodation)

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

- 6 E16 (Removal of permitted development rights)**
Reason: Due to the restrictive nature of the application site.
- 7 E18 (No new windows in specified elevation)**
Reason: In order to protect the residential amenity of adjacent properties.
- 8 E19 (Obscure glazing to windows)**
Reason: In order to protect the residential amenity of adjacent properties.
- 9 F16 (Restriction of hours during construction)**
Reason: To protect the amenity of local residents.
- 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 G09 (Retention of trees/hedgerows)**
Reason: To safeguard the amenity of the area.
- 13 G33 (Details of walls/fences (outline permission))**
Reason: In the interests of residential and visual amenity.
- 14 H04 (Visibility over frontage)**
Reason: In the interests of highway safety.
- 15 H14 (Turning and parking: change of use - domestic)**
Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.
- 16 H27 (Parking for site operatives)**
Reason: To prevent indiscriminate parking in the interests of highway safety.
- 17 The foul discharge from the proposed development must be connected directly or indirectly to the 150mm public foul locted at the cul-de-sac of Barneby Avenue**
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 W01 (Foul/surface water drainage)**

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

19 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.

20 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 HN01 - Mud on highway**
- 2 HN05 - Works within the highway**
- 3 HN10 - No drainage to discharge to highway**
- 4 N03 - Adjoining property rights**
- 5 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds**
- 6 N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats**
- 7 N16 - Welsh Water Informative**
- 8 No building should be placed within a 4.25 metre stand-off of our overhead line apparatus. This would include the two stay wires that are within the area in question.**
- 9 A 3.0 metre stand-off between any building and the 415v underground cable must be maintained. Also, the cable should it eventually be contained in anything other than garden or the ground levels are changed then it must be lowered or diverted. Any costs incurred would be passed to the applicant.**
- 10 It is essential that we maintain a vehicular access (to include a lorry) to this apparatus for future works including emergency out of hours work.**
- 11 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 (A) DCCW2004/3707/F - RETENTION OF ART DECO FRONTAGE TO BRIDGE STREET AND PART OF CHAPEL, DEMOLITION OF REMAINING BUILDINGS AND PROPOSED DEVELOPMENT FOR RESIDENTIAL AND RETAIL PURPOSES AND ASSOCIATED ANCILLARY WORKS AT 12-13 BRIDGE STREET, HEREFORD, HR4 9DF AND GWYNNE STREET, HEREFORD

For: Country Visions OK Limited per Harris Lamb, Grosvenor House, 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

13 (B) DCCW2004/3708/C - RETENTION OF ART DECO FRONTAGE TO BRIDGE STREET AND PART OF CHAPEL, DEMOLITION OF REMAINING BUILDINGS AND PROPOSED DEVELOPMENT FOR RESIDENTIAL AND RETAIL PURPOSES AND ASSOCIATED ANCILLARY WORKS AT 12-13 BRIDGE STREET, HEREFORD, HR4 9DF AND GWYNNE STREET, HEREFORD

For: Country Visions OK Limited per Harris Lamb, Grosvenor House, 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

Date Received: 21st October 2004

Ward: Central

Grid Ref: 50844, 39718

Expiry Date: 20th January 2005

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 This site consists of the former Crystal Rooms (13 Bridge Street), No. 12 Bridge Street, the chapel behind and former warehousing backing onto Gwynne Street, Hereford.
- 1.2 The proposal is to retain the Art Deco frontage to the Crystal Rooms and part of the chapel, demolition of the remaining buildings and construction of retail units fronting Bridge Street together with 23 apartments incorporating conversion of the chapel to the rear comprising 2 x one bed, 12 x 2 bed and 9 x 3 bed units. 19 will be flats with 4 maisonettes. In addition 23 car parking spaces are proposed.

- 1.3 The new build along Gwynne Street will follow generally the footprint of the former Crystal Rooms Nightclub. It will be five stories high and still be attached to the Gwynne Street Warehouse. The facade is proposed of brick, glazing and coloured metal panels. The panelling will mainly form the upper storey.
- 1.4 The Art Deco frontage to Bridge Street will be retained and repaired. The adjoining building will be demolished and replaced with a design similar to a late 18th century, three bay facade over a five bay shopfront with traditional design and classical proportions.
- 1.5 The chapel, which is set behind No. 11 Bridge Street, will have its eastern portion removed and installation of a new roof at the line of the true west gable. Four floors of apartments will be installed.
- 1.6 All the apartments will have a principal outlook overlooking the courtyard which will contain the car park. All vehicular access will be via Gwynne Street adjacent to the Gwynne Street Warehouse in the same position as the existing access. The car park will be surfaced with a mixture of differing patterns of block pavings.
- 1.7 The application documents include a supporting statement, design statement and archaeological site assessment.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG5	-	Simplified Planning Zones
PPG6	-	Town Centres and Retail Development
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPG25	-	Development and Flood Risk

2.2 Hereford Local Plan:

Policy S1	-	Role of Central Shopping Area
Policy S2	-	Retail Development Within the Central Shopping Area
Policy S6	-	Secondary Shopping Frontages
Policy H23	-	City Centre Residential Accommodation
Policy CON24	-	Shopfronts
Policy CON35	-	Archaeological Evaluation
Policy CON36	-	Nationally Important Archaeological Remains
Policy CON37	-	Other Sites of Archaeological Interest
Policy CON39	-	Enhancement
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON15	-	Enhancement Schemes
Policy CON16	-	Conservation Area Consent
Policy CON17	-	Conservation Area Consent – Condition
Policy CON18	-	Historic Street Pattern
Policy CON19	-	Townscape

- Policy CON20 - Skyline
- Policy CON28 - Shopfronts – Materials

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S3 - Housing
- Policy S5 - Town Centres and Retail
- Policy S6 - Transport
- Policy S7 - Natural and Historic Heritage
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR3 - Housing
- Policy DR4 - Environment
- Policy H1 - Hereford and the Market Towns
- Policy H9 - Affordable Housing
- Policy H16 - Car Parking
- Policy TRC8 - Design Standards for Employment Sites
- Policy HBA6 - New Development Within Conservation Areas
- Policy HBA7 - Demolition of Unlisted Buildings within Conservation Areas
- Policy HBA8 - Locally Important Buildings
- Policy HBA10 - Shopfronts
- Policy ARCH1 - Archaeological Assessments and Field Evaluations
- Policy ARCH2 - Foundation Design and Mitigation for Urban Sites
- Policy ARCH4 - Other Sites of National or Regional Importance
- Policy ARCH5 - Sites of Regional or Local Importance
- Policy ARCH6 - Recording of Archaeological Remains
- Policy ARCH7 - Hereford AAI
- Policy ARCH8 - Enhancement and Improved Access to Archaeological Sites
- Policy T11 - Parking Provision

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - no objection in principle subject to conditions raising floor levels above a 1 in 100 year flood.

Internal Council Advice

- 4.2 The Traffic Manager recommends refusal as the level of parking will impact adversely on road safety in Gwynne Street.
- 4.3 Conservation Manager:

Archaeology - Following archaeological assessment and evaluation of the site any damage can be satisfactorily mitigated by attachment of a specific suite of archaeological conditions to any permission granted. These conditions would ensure

the submission of an archaeologically acceptable foundation design, the appropriate recording of extant historic structures, an archaeological site investigation, on the satisfactory conclusion of the normal archaeological archiving, reporting and publication.

Historic Buildings and Conservation

Design comments on planning application

Character assessment of building: The site is located at the southern end of Bridge Street on the eastern side of the road and extends in a roughly 'L' shaped form to the southern end of Gwynne Street. It encompasses numbers 12 Bridge Street, which currently detracts from the conservation area by virtue of unsympathetic modern shopfronts and poor quality finishes to what is an oddly proportioned building. Number 13, the former Crystal Rooms building, has a 1930's Vitrolite clad facade, and is one of only 2 Art Deco Buildings in Hereford. It is therefore of local importance in terms of its architectural history, but is also of more regional significance as it is one of the earliest structures in the area with this type of cladding. The facade is a striking feature of the street scene, all the more so given the that the majority of buildings along Bridge Street either date from or were re-faced in the 18th and 19th centuries, resulting in a strong architectural character to the frontages. It is therefore important to retain this frontage. The rear of this building is a utilitarian structure of poor quality construction and little architectural merit. It dominates the western end of Gwynne Street and detracts from the conservation area due to its shabby appearance and lack of architectural and built quality, and in that it relates poorly to neighbouring structures and creates a dead frontage. The Gwynne Street warehouse is a very attractive building of local importance, being the only surviving remnant of this type of industrial building within the city centre.

The site is located within the central conservation area at a point where due to topography, and the nature of the adjoining historic built environment, it is integral to key views into the city and of the Cathedral, especially when viewed from south of the river and when looking northeast along Gwynne Street. The development to the rear of the Crystal Rooms will have the greatest impact in this respect, especially on the skyline and in its relationship with the Cathedral. This site has great potential for enhancement of the conservation area within this sensitive historic context, although the quality of the adjacent townscape and the nature of the site itself create a number of constraints.

Comments: This application is the result of extensive discussion between the applicants, English Heritage, and Herefordshire Council officers. The principle of demolishing number 12 Bridge Street and the building to the rear of number 13 are acceptable in principle on the grounds that they currently detract from the character and appearance of the conservation area. The retention of number 13 and the Gwynne Street warehouse are integral to the success of this scheme as their demolition could not be supported due to their local interest and the positive contribution they make to the vitality of the townscape. This was the basis for discussions and the applicant has recognised and respected these parameters.

The supporting information submitted with this application is very thorough and demonstrates a sound understanding of both the historical development of the site and its present character and quality, especially in regards to its importance in a wider townscape context. This has formed the basis for the development of, and justification

for, the proposals as submitted. Instrumental to the success of any scheme for this site is that the design approach and its relationship with its context in townscape terms is of the highest quality. The need to integrate with both adjoining buildings and key buildings in wider views of the site is especially difficult given that this operates a number of different levels and with a number of constraints. Proposals have successfully achieved this solely because the quality of design has not been compromised.

Initial concerns regarding the scale and mass of the new Gwynne Street frontage and its relationship with the warehouse and Cathedral have been addressed. The stepping down and change in materials immediately adjacent to the warehouse allows this building to still stand alone visually and no longer competes with it in terms of detail. The recessing of the top storey and the use of a different material lessen the perception of the rise in scale to the west. The zinc roofs proposed are also unobtrusive within the skyline and will be subservient in views from the south, helping to reduce the perceived mass and height of the new build, and its vertical emphasis. The vertical emphasis is also tamed by the use of architectural devices such as the windows, balconies, and cornice running in continuous horizontal plans. The delineation of the Gwynne Street elevation will add interest at street level and help to break up the mass of the building in distance views. The relief provided to the existing blank walls which terminate views from the rear of the Left Bank is welcomed and will add vitality and interest at this junction within Gwynne Street. The new penthouse level above the Bridge Street frontage will have minimum impact when viewed from street level due to the extent to which it is recessed behind this facade, and its stepping down towards the west terminates the top storeys of the new build in an unobtrusive manner.

The retention of the western end of the chapel is welcome as this frontage is of some merit and the building itself positively contributes to the history and development of this site. The new glazed eastern end provides a marked contrast to the older building, which works well and will provide a focal point within the site. The dormer windows are the least successful addition to this building but will have minimal impact as the southern one will be hidden by the new block to Gwynne Street and the northern one seen only in views from the rear of King Street.

There were and remain some reservations regarding the scale of the proposed replacement for number 12 Bridge Street as this will be the tallest traditionally detailed property within Bridge Street. This in itself, combined with a traditionally accurate replication of classical proportions and detail may result in a building that outshines the more vernacular quality of the historic buildings along Bridge Street, making it a prominent feature of the street scene. The shopfront details are of a high quality and a status that surpasses the existing historic shopfronts on Bridge Street, most of which date from the 19th century. Again this would add to the building's prominence and stature in comparison to its historic neighbours. However, details of the shopfront can be controlled by condition and ultimately this element of proposals has to be judged on whether it preserves or enhances the conservation area. Given the poor quality of the existing building and the positive contribution proposals would make there would not be sufficient grounds for refusal of the whole scheme on the basis of the above reservations.

- 4.4 Head of Environmental Health and Trading Standards - no objection subject to a condition pertaining to construction time.

5. Representations

5.1 Hereford City Council - no objection.

5.2 Two letters of support from Andrew Morris & Co. and Sally Hocking, Flat 2, 10/11 Bridge Street, Hereford identifying the following:

1. As a freehold owner in Bridge Street of business premises I write to support the planning application which has been submitted in respect of the former Crystal Rooms site which I understand is to be considered by yourselves shortly.
2. I feel that the proposals which we have seen will considerably enhance the Bridge Street/Gwynne Street area of the City particularly as this areas has already been upgraded by the inclusion of the Left Bank development.
3. I feel that having residential and shop/office accommodation available in the street will bring back more people into the centre and certainly the scheme will blend in with the current character and surrounding buildings.
4. The apartments along with the retail units will improve the environment.

5.3 Conservation Area Advisory Committee – The retention of the Art Deco front was welcomed. Mixed uses for the development in Gwynne Street would be socially desirable to discourage disturbances at night. The roofs should be simplified and there is too much emphasis on brick. On the frontage the penthouse is too massive, it should be lightweight, transparent and set-back. It should not reproduce the Art Deco front. The retention of the chapel should be reconsidered. Affordable housing should form part of the scheme. A 3-dimensional model is desirable to show the urban context of the development including the Left Bank properties.

5.4 Two letters of objection from

1. Hereford Civic Society
2. RRA Architects

The main points raised are:

1. We believe this proposed redevelopment of the Crystal Rooms and the area to the rear is not of a sufficiently high standard of architectural design for this important site next to the Left Bank complex. In particular we feel there should be mixed use of the site with shops along the Gwynne Street frontage. There appears to be no provision of affordable housing. The access from the very narrow Gwynne Street to the car park is poor and should be moved more to the centre of the frontage. The proposed penthouse on top of the Crystal Room frontage is not a good addition.
2. An opportunity appears to have been lost to provide a courtyard/open space in the centre of the complex with the car park underneath. We also question whether the retention of the frontage of the old chapel is really worthwhile if, by its removal, better design and usage of the area could be obtained. Also the entire projects use of brick as a cladding material means that the scale is way out of

proportion with the context. Different materials should be introduced to break up the mass.

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

6. Officer's Appraisal

6.1 The key considerations in determining this Planning and Conservation Area Consent applications are:

1. The principle of the proposed development.
2. Conservation and archaeological issues.
3. Flooding.
4. Affordable Housing
5. Parking provision

The Principle of the Proposed Development

6.2 The site is located within the settlement boundary for Hereford City wherein general terms the reuse of previously developed land is strongly encouraged by all forms of planning policy (PPG3).

6.3 Although no site specific policy exists in the Hereford Local Plan or Unitary Development Plan, both documents identify the site as being within the Central Conservation Area and Central Shopping Area. The frontage along Bridge Street is identified as being secondary shopping frontage. No shopping frontage is identified for Gwynne Street. The demolition of 12 Bridge Street and its replacement with retail units on the ground floor with residential above complies with Policy H23 of the adopted Hereford Local Plan provided it complies with all other policies of the Plan. In this particular instance the impact on the Conservation Area and skyline. This policy is further supported by both PPG6 and PPG3 which encourages and promotes mixed use developments above shops. They can increase activity within the city centre and contribute to the vitality and viability of the city centre. The retention of the Art Deco frontage to the former Crystal Rooms and development of retail with residential above further complements the proposal. The remainder of the Crystal Rooms including the warehousing is demolished and replaced with residential apartments that retain the historic street pattern of Gwynne Street as required by Policy CON18. No retail is proposed on the Gwynne Street frontage but this frontage is not identified as either primary or secondary shopping frontage in the adopted Hereford Local Plan or emerging Unitary Development Plan.

Conservation and archaeological issues

6.4 Conservation Manager has thoroughly examined the proposal and despite concerns raised by the Conservation Areas Advisory Committee, Hereford Civic Society and RRA Architects the proposal can be satisfactorily developed to protect any archaeological remains and that the proposal will enhance this part of the city centre on two important frontages and will add vitality and interest from the street level to the skyline.

Flooding

- 6.5 Part of the site lies within a Flood Zone 3, with the remainder in Flood Zone 2. A Flood Risk Assessment has been undertaken by the applicant in line with PPG25. This has been assessed by the Environment Agency. The applicant on the advice of the Environment Agency's Flood Defence Team has kept the current layout of buildings and ground levels as existing. Consequently the Environment Agency have confirmed that there will be no change in the current flooding regime and thus no adverse impact upon flood storage or flows and no objections are raised subject to appropriate conditions.

Affordable Housing

- 6.6 Concern has been expressed regarding the lack of affordable housing on this site in this respect.

National policy in PPG3 and Circular 6/98 provides guidance for local planning authorities and developers about the provision of affordable housing. The guidance in the circular states that affordable housing should be sought on suitable sites for development in excess of 25 units or on sites of 1 hectare, whichever is the lower threshold.

- 6.7 In terms of the adopted Hereford Local Plan, Policy H8 seeks the provision of affordable housing on suitable sites but does not contain any threshold limits.

- 6.8 The emerging Unitary Development Plan seeks to impose a threshold limit of 15 units and above. However, this policy is not part of the adopted local plan and, therefore, it cannot be used as a threshold against which to judge the current application since the advice in Circular 6/98 is clear that the Local Authority can only seek affordable housing for thresholds lower than that advised in the guidance if that threshold has been the subject of a development plan process.

- 6.9 In addition, Policy H9 of the revised deposit Unitary Development Plan accepts that it may not be appropriate to seek affordable housing on all sites. Sites must be judged to be suitable before affordable housing can be sought. There are three criteria contained within Policy H9 against which the suitability of sites to provide affordable housing will be judged.

- 6.10 The first criteria is proximity to local services and facilities which this site meets. However, criteria 2 and 3 relate to the particular cost associated with a development and whether affordable housing would prejudice the realisation of other planning objectives that need to be given priority. In this respect, the applicant has stated the following:

Development costs will be abnormal for the following reasons:

- Demolition costs will be abnormally high because of the need to take extra precautions and care owing to the proximity of adjoining buildings.
- Construction costs will be abnormally high because of the need to work around existing buildings.

- Construction costs will be abnormally high because it is necessary to retain the Art Deco façade to Bridge Street and particular care will be required as part of this process.
- The part demolition and conversion of the chapel will equally attract abnormally high demolition and construction costs whilst the retained structure is kept safe during the process of conversion.
- The development requires regard to be had to Environment Agency requirements in terms of the adjoining flood plain which will increase development costs, in particular the need to maintain a flood route for the proposed dwellings and the adjoining five storey warehouse building.
- The site sits within a Conservation Area. The quality of development will need to be very high in order to ensure that Conservation Area policies are complied with and that the roof of the building provides a high quality design solution in order to blend in with the cityscape.
- The regeneration of the site is to be desired in conservation terms and also to meet the Council's strategic housing requirements. Owing to the abnormally high costs of development, the potential regeneration will not arise if affordable housing is imposed upon the scheme.
- This would mean that a number of fundamental policy objectives could not be fulfilled. Perhaps just as importantly in the context of this particular site the Art Deco frontage could not be retained and repaired and given a new lease of life.

Your Officers therefore consider that it could not be feasible to impose affordable housing provision on this particular site.

Parking Provision and Road Network

- 6.11 Members will note that the Traffic Manager considers that one space per dwelling is excessive in this city centre location particularly in view of the local road network.
- 6.12 The site is accessed off Gwynne Street where traffic movements are slow due to its width and tortuous nature.
- 6.13 The guidance in PPG3 requires Local Planning Authorities to try to reduce car parking standards and an average car parking provision of 1.5 spaces per dwelling is now encouraged. This standard is lower than the Council's current adopted standards for residential development which would normally require the provision of two spaces per dwelling in this sort of development.
- 6.14 Government guidance regarding housing does acknowledge that in the interest of good design, standards can be relaxed in order to achieve higher densities. In the case of the application proposal, the car parking standard of one space per dwelling unit is proposed and it is considered that this approach is fully in accordance with Government requirements to make the best use of land in the urban area.
- 6.15 National policy does not seek to prevent any car parking being provided with residential development, even in city centre locations. Indeed the Government

provides very specific advice to Local Planning Authorities about the use of car parking standards in central locations and this is set out in paragraph 5.1 of PPG13.

6.16 The Council's policies makes it clear that neither the policy in the adopted Hereford Local Plan (Policy T6) or the policy in the emerging Unitary Development Plan (Policy T11) requires a nil parking provision with residential development.

6.17 Furthermore to insist on nil or limited parking could affect the viability of the scheme and undermine the desirability of residential development within the central area. It is therefore considered that one car parking space per unit is considered acceptable and will not compromise highway safety

Conclusion

6.18 This important site within the Central Conservation Area has been fully examined within the processing of the planning application. Issues such as conservation, archaeology, design, transportation and flooding have been thoroughly assessed and are all considered to be acceptable. This redevelopment with modern and traditional designs fully complements the sensitive location of the site. The removal of poor quality buildings on Bridge Street and Gwynne Street and their replacements with both modern and traditional buildings contributes positively to the appearance of the Conservation Area.

6.19 The site clearly constitutes the reuse of previously developed land in the urban area and achieves urban regeneration which creates sustainable patterns of development. The proposal will continue the revitalisation of the area commenced with the Left Bank development and is considered to fully accord with the relevant National and Local Planning policies.

RECOMMENDATION

In respect of DCCW2004/3707/F:

That planning permission be granted subject to the following conditions:

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

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

2. 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. D01 (Site investigation - archaeology).

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

5. D04 (Submission of foundation design).

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

6. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

7. F17 (Scheme of foul drainage disposal).

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

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. G13 (Landscape design proposals).

Reason: In the interests of visual amenity.

10. G15 (Landscaping implementation).

Reason: To ensure the site is satisfactorily landscaped.

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

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

12. Finished floor levels shall be at least 600mm above the 1 in 100 year flood level of 52.62m AOD.

Reason: To protect the new development from flooding and to minimise the risk and damage to property.

13. H27 (Parking for site operatives).

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

14. H29 (Secure cycle parking provision).

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

15. C12 (Repairs to match existing).

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

16. C11 (Specification of guttering and downpipes).

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

17. C05 (Details of external joinery finishes).

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

18. C02 (Approval of details).

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

Informative:

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

In respect of DCCW2004/3708/C:

That Conservation Area Consent be granted subject to the following conditions:

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

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

- 2. C14 (Signing of contract before demolition).**

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 3. C19 (Commencement condition).**

Reason: In order to ensure compliance with Section 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCCW2004/3789/F - DEMOLITION OF REDUNDANT PREMISES AND ERECTION OF 10 NO. RESIDENTIAL DWELLING APARTMENTS AT 17 WHITECROSS ROAD, HEREFORD, HR4 0DE

For: Mr. J.R. Harrower per Hook Mason, 11 Castle Street, Hereford, HR1 2NL

Date Received: 27th October 2004 Ward: St. Nicholas Grid Ref: 50324, 40125
Expiry Date: 26th January 2005

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

1. Site Description and Proposal

- 1.1 Planning permission is sought to redevelop the south east corner of the Ryelands Street/Whitecross Road junction with 10 apartments comprising four one bedroom flats and six two bedroom apartments.
- 1.2 The development will front onto Whitecross Road and Ryelands Street and will be developed in two blocks. The corner block will be three storeys high and comprise the six two bedroomed apartments and the block facing Ryelands Street will be two storey and consist of the four one bedroom flats. External materials proposed will be a mixture of facing brick and render under a slate roof.
- 1.3 Vehicular access will be off Ryelands Street into a parking area with ten car parking spaces, cycle and bin store.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
 PPG3 - Housing

2.2 Hereford and Worcester County Structure Plan:

- Policy H14 - Location of Growth
 Policy CTC9 - Development Requirements
 Policy CTC18 - Development in Urban Areas

2.3 Hereford Local Plan:

- Policy H3 - Design of New Residential Development

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- Policy H1 - Hereford and the Market Towns
 Policy H2 - Hereford and the Market Towns
 Policy H3 - Managing the Release of Housing Land

Policy H13	-	Sustainable Residential Development
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy T7	-	Cycling
Policy T11	-	Parking Provision

3. Planning History

- 3.1 HC950317PF Change of use to used car sales area with spaces for 16 cars plus 4 customer parking spaces plus mobile office. Proposed lighting. Approved 4th October 1995.
- 3.2 HC970493PF To continue use as car sales area for 16 cars plus 4 customers parking spaces, mobile office and lighting. Approved 22nd January 1998.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 The Traffic Manager raises no objection subject to conditions.
- 4.3 Environmental Health and Trading Standards - comments not yet available.

5. Representations

- 5.1 Hereford City Council welcome proposal.
- 5.2 St. Nicholas Community Association object on the following grounds:
- Although the application is for Whitecross Road, the proposed entrance for this development is Ryelands Street.
 - No provision has been allocated in the plan for parking facilities for visitors to this development.
 - Ryelands Street is an already densely populated street which has major problems with parking and traffic issues, these problems were exacerbated by the Persimmon development on the Bulmers site and this development with its lack of visitor parking facilities will only make these problems worse.
 - The two main roads in the area, Barton/Breinton Road and Whitecross Road, feed Ryelands Street. Both these roads have traffic problems and this development will only increase traffic to these roads, which are both already at a standstill at peak times of the day.

- The proposed new entrance is opposite the entrance to the new development on the Bulmers Club site, this will only increase any traffic problems at this end of Ryelands Street.
- Whilst we realise that parking is a highways issue and not a planning issue, we would ask that this development is treated the same as a previous application for the Bulmers Lab site by a local college. That application was originally rejected because there were major concerns regarding the potential increase in parking that could be imposed on local streets, i.e. Ryelands Street by the students parking, it was felt that these local streets were already overburdened with parking issues. We raise the point that if students parking in these streets could have a major impact on the area why not visitors to this development and also what if the people who buy these properties have two cars where do they park when they park when they have only one parking space per apartment allocated. Would it not be feasible to loose the Block B of the development to increase the parking allocation to the site and therefore place no increase on the already overburdened street?

5.3 Three letters of objection have been received from Mrs. I. Powles, Albion Villa, 13 Whitecross Road, Hereford, Mr. & Mrs. K. Kyriakou, Whitecross Fish Bar, 15 Whitecross Road, Hereford and Mr. G. Breakwell, Winston, Ryelands Street, Hereford.

5.4 The main points raised are:

1. The number of parking spaces is totally inadequate.
2. Development of the party wall adjoining No. 15, Whitecross Fish Bar could impact upon the rights of that property and the business.
3. Concern over noise and disruption on the business during construction.
4. The road is already busy and this will add further to the problem.
5. There has been a lot of residential building in the area and this commercial property should be retained.
6. Concern that building residential adjacent to a food takeaway could cause problems in the future.
7. The new development will overlook the 'front' garden and windows of No. 13 Whitecross Road.
8. The east boundary wall is in a poor state of repair.

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 relating to the proposal are:

1. The principle of developing the site.
2. Siting, design and layout.

3. The road network and parking.

The Principle of Developing the Site

- 6.2 The site lies within the established residential area as defined by the adopted Hereford City Local Plan. The Plan states at paragraph 3.34 that there is scope within such areas for further residential development. Central Government advice on housing contained in PPG3, para. 1 emphasises the importance of utilising previously developed land in urban area in order to promote more sustainable patterns of development. Development should be located on sites that allow residents a choice of modes of transport other than private car to access local jobs and services. It is considered this site which is well within walking distance to the city centre and also has good links to public transport fulfils this fundamental objective.
- 6.3 The planning application for one and two bedroom flats is a high density form of development which equates to around 100 units per hectare. Paragraph 65 of PPG3 promotes high density development in locations with good public transport accessibility (such as town and city centres). This same section of PPG3 suggests that Local Planning Authorities should seek to avoid development with densities less than 30 per hectare and encourage higher densities. The site is in the location with a high level of public transport accessibility and therefore the development at a higher density is appropriate in this instance. Subject to meeting other Local Plan policies, the principle of residential development in this location is supported by Local Plan Policy H13 and Central Government Guidance contained in PPG3.

Siting, Design and Layout

- 6.4 Whilst the site does not lie within the Central Conservation Area, it does occupy a prominent position on one of the main arterial routes in Hereford City. As such the contribution which this site makes in townscape terms is considered important.
- 6.5 The layout submitted indicates a development comprising two blocks. A wrap around block at the junction of Whitecross Road and Ryelands Street to form a landmark corner building. This will be a three storey building similar to corner block development opposite on the former Bulmers Social Club site and will be prominent when entering the city from a westerly direction.
- 6.6 The layout proposed conforms with the general development pattern in the area with frontage development around the site whilst the land to the rear forms the parking and amenity space. The vehicular access is off Ryelands Street and is considered acceptable to the Traffic Manager together with the proposed parking.
- 6.7 The design of the units are considered acceptable and a particular emphasis should be placed on the use of high quality materials. The use of slate, render and brick to harmonise with the surrounding developments. Officers are of the opinion that the proposal will significantly contribute to the townscape in this corner location and provide a high quality development of private flats.
- 6.8 With regard to impact on adjoining properties and window to window positions, it is considered that the scheme has been designed in a way which will minimise any overlooking to private residents and complies with the minimum standards for window to window distances. The concerns raised regarding the party wall and impact on the business during construction are firstly civil issues and secondly conditions regarding

construction hours will be imposed. It should also be noted that residential development abuts the other side of the fish and chip shop.

The Road Network and Parking

- 6.9 The Traffic Manager is satisfied with the proposed access, number of parking spaces and the inclusion of a cycle store. The concerns of the local residents are noted, however the site's location within easy walking distance of the city centre with a high level of public transport accessibility justifies the reduced parking proposed in line with PPG3.
- 6.10 In conclusion, Officers are satisfied that the principle of residential development on this site is an appropriate use which in general terms accords with policies and proposals contained within the Local Plan and with the latest Central Government guidance. The proposal will introduce a high quality form of development which should add significantly to the existing townscape in this part of the city as well as providing a sustainable location for housing on a principal transport corridor.

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

Reason: To protect the amenity of local residents.

- 5. The secure cycle storage area identified on the submitted plans shall be available for use by all of the dwellings hereby approved.**

Reason: In order to clarify the terms of this permission and to ensure adequate cycle storage for residents.

- 6. Details of the cycle and bin store shall be submitted for approval in writing of the local planning authority prior to work commencing on site and constructed in accordance with the approved details prior to occupation of any of the dwellings.**

Reason: In order to clarify the terms of this permission and to ensure adequate cycle storage for residents.

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

- Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
8. 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. H05 (Access gates).
- Reason: In the interests of highway safety.
12. H14 (Turning and parking: change of use - domestic) (10 parking spaces).
- Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.
13. H21 (Wheel washing).
- Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.
14. H27 (Parking for site operatives).
- Reason: To prevent indiscriminate parking in the interests of highway safety.
15. H29 (Secure cycle parking provision).
- Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informatives:

1. HN05 - Works within the highway.
2. HN10 - No drainage to discharge to highway.
3. HN19 - Disabled needs.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

15 DCCW2004/3485/F - GROUNDSMANS STORE AT HOLMER PARK, HOLMER, HEREFORD, HR1 1LL

**For: Mr. D. Edwards, Station Approach, Hereford, HR1
1BB**

Date Received: 23rd September 2004 **Ward: Burghill,** **Grid Ref: 50785, 42281**
Holmer & Lyde

Expiry Date: 18th November 2004

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 Holmer Park is located at the end of Cleeve Orchard, Holmer. It was formerly the Wiggins Social club and is presently being refurbished and extended into a Health Club.
- 1.2 Planning permission is sought to place a single storey groundsmans store measuring 13 metres x 5.2 metres together with a 4.2 metre x 4 metre open lean-to.
- 1.3 The building will have a clay tile roof with timber boarding and be used to house a tractor, mower and general store.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

Policy CTC7 - Listed Building
Policy CTC9 - Development Requirement

2.2 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria
Policy C17 - Trees/Management
Policy C29 - Setting of a Listed Building
Policy C30 - Open Land in Settlements

3. Planning History

- 3.1 SC980298PF Change of use to Class B1 office with associated provision of car parking and landscaping. Approved 04/02/1999.
- 3.2 SC980299PO Site for residential home (amended scheme). Refused 18/11/1998, appeal dismissed.
- 3.3 CW2000/2722/O Outline application for the erection of four detached dwellings. Approved 14/02/2001.
- 3.4 CW2001/2858/F Change of use from social club to D1(h) Use in connection with public worship religious instruction. Approved 05/12/2001.

- 3.5 CW2002/0819/F Change of use of Wiggins Social Club to D2 (Health & Leisure Club) with extensions to form cardio-fitness training area and swimming pools with changing and plant rooms within underground extension. Approved 16/10/2002.
- 3.6 DCCW2003/2671/F Proposed single storey extension to form cardio training area. Approved 01/12/2003.
- 3.7 DCCW2004/2435/F Proposed groundsman store, outdoor swimming pool, running track and tennis courts. Withdrawn 06/09/2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 The Traffic Manager - no objection.
- 4.3 Head of Conservation - the proposal would have a minor impact on the built environment and is therefore acceptable.

5. Representations

- 5.1 Holmer Parish Council - the Parish Council objects to this development as follows:

1. This facility should be provided within existing buildings.
2. When the Inspector dismissed the appeal for a rest home he indicated that no buildings should be erected to the front of Holmer Park that would detract from the front elevation.

- 5.2 Seven letters of objection have been received, the main points raised are:

1. Previous application included the running track, yet this re-submission states permission is not required for it. This is an activity outside of the building which on the original application stated that all activity would be within the confines of the building.
2. This area for the groundsmans store is presently on undeveloped area with many mature trees which enhances the general area. This proposal would damage that status.
3. Surely there must be space within the existing building that should be utilised.
4. The previous outbuildings have been disposed of by the applicant and converted to residential, therefore deliberately depriving them of suitable buildings.
5. The groundsman store will intensify the amount of buildings at the site creating an overdevelopment.

- 6. The open areas have previously been considered on appeal and dismissed. The Inspector made reference to the important contribution that Holmer Park made to the character and visual amenity of the area.

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

6. Officer’s Appraisal

- 6.1 The groundsman store is sited to the north of the site adjacent to a parking area. It is a single store and will provide storage facilities for the maintenance of the grounds.
- 6.2 It will not impact upon the openness of the area and Members will note that the Head of Conservation considers that the proposal will have only a limited impact on the built environment and is therefore acceptable.
- 6.3 Your Officers concur with this view and subject to appropriate external materials the proposal is considered acceptable.
- 6.4 Concerns have been expressed regarding the running track. Clarification has been sought from the applicant as to the specification of the track to ascertain the need for planning permission. He has confirmed that the track will be 1.2 metres wide with a bark surface laid direct onto the existing soil. There will be no excavation or laying of a membrane, therefore planning permission is not required.

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.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCCW2004/4212/F - ERECTION OF 2.590 HA OF SPANISH POLYTUNNELS FOR USE IN SOFT FRUIT GROWING (TABLE TOP METHOD) AT LAND ADJACENT TO BRICK HOUSE, BUSH BANK, HEREFORD, HR4 8PH

**For: Mr. V.P. Powell per Antony Aspbury Associates,
34 Carlton Business Centre, Carlton, Nottingham, NG4
3AA**

Date Received: 8th December 2004 Ward: Wormsley Ridge Grid Ref: 45252, 50572

Expiry Date: 2nd February 2005

Local Member: Councillor J.C. Mayson

1. Site Description and Proposal

1.1 Brick House Farm is located on the western side of the A4110 Hereford to Leintwardine Road at Bush Bank, Canon Pyon.

1.2 The application seeks permission to develop 2.590 hectares (6.4 acres) with a series of 28 Spanish polytunnels. The tunnels themselves will cover an area of 2.228 hectares with the remainder of the site comprising of headlands surrounding the structures. The polytunnels comprise of metal legs which are manually driven into the ground and hoops which are connected to the legs making each tunnel approximately 3.6 metres high and 8 metres wide. The polytunnels are covered with polythene for a period of approximately 7 months per year between March and September (inclusive). For the remainder of the year the polythene is removed, rolled up and stored between each tunnel, however the metal framework of the tunnel remains intact throughout the whole year.

1.3 The polytunnels, the subject of this application, will be utilised to protect a strawberry crop which is planted on a "table top" system. The strawberries are planted in growbags which are placed on a metal frame within a tunnel. This frame is also manually driven into the ground. This system of growing allows a reduction in the amount of fertilizers and pesticides that are used on the crop as well as allowing the ripe fruit to be picked which much greater ease. The applicant has requested that permission be granted for at least a six year period. Given the use of the table top system the crop rotation within the ground is not necessary which allows the structures to remain on site for a much longer period.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General Policy and Principles
PPG7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan:

Policy CTC6 - Development and Significant Landscape Features

2.3 Leominster District Local Plan:

Policy A1 - Managing the District's Assets and Resources

Policy A9 - Safeguarding the Rural Landscape

Policy A24 - Scale and Character of Development

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy E13 - Agricultural and Forestry Development

3. Planning History

Adjacent

DCCW2003/2321/F Erection of 1.62 ha of Spanish polytunnels (23 tunnels in total) retrospective - table top method of growing. Approved 29th October 2003.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Traffic Manager - no objection provided no intensification.

4.3 Environmental Health and Trading Standards - no objection.

4.4 Conservation Manager advises I have had a number of meetings on site with the applicant and his agent and have fully discussed the proposals with them prior to this application.

The applicant has previously voluntarily provided acceptable mitigation and screening in relation to the voluntary code of practice for other polytunnels that do not form part of this application and for previous application. Some of these measures also provide partial screening for the present proposals.

I accept the need for the additional polytunnels required under this application and I do not object to the extent or layout of them.

The applicant's proposals for screening the development are acceptable in principal but we will require more detail on a drawing. This should state that the new hedges are to be planted in a double staggered row at 400mm centres, rows 300mm apart, protected by rabbit guards and within a cultivated bed, 600mm width with 50mm depth of medium grade bark mulch. The existing hedge along the southern boundary should be gapped up wherever there is space as well as the areas indicated on the submitted plan. We will also require additional tree planting along both this hedge and the

proposed hedge. Trees should be planted as standard oaks, protected with rabbit guards and planted within the hedge plants at 10 – 15 metre spacing.

The existing hedges allowed to grow up should be cut at an A profile and also gapped up as necessary.

The red alder require enhanced maintenance in order to maximise their growth potential. An area of 500mm diameter should be kept weed and grass free around the base of each tree and should be dressed with well rotted manure and granular fertilizer.”

5. Representations

5.1 Canon Pyon Parish Council – “The Parish Council discussed the above at a meeting on 4th January 2005, and comments are as follows:

The Parish Council is in a difficult position. With no national guidelines on polytunnels and a county policy which could have been designed to promote local ill-feeling in which, at least, it has been markedly successful, the county is in danger of irreparably damaging its greatest asset - tourism.

The Parish Council, however, welcomes Mr. Powell's assurances that further expansion of the polytunnels is ruled out.

Should the application succeed the Parish Council would request the following:

1. Two rows of tunnels be removed from the original development nearest Pyon House and relocated on the new site, thus providing a buffer for the house.
2. Specimen native deciduous trees to be planted individually to break up the landscape of screening and tunnels. These to be planted in the pasture buffer zones to the south and east of the subject area.
3. A stoned passing place to be inserted along the lane to Pyon House.
4. The Highway Authority to consider the inherently unsafe access points.”

5.2 Arrow Valley Residents' Association – “Although not in the Arrow Valley area we consider this development would affect the residents we represent in Ivington, Newtown, Aulden, Birley and district as the spread of polytunnels in this area is insidious and this particular application will only add to the polythene blight on the countryside now evident on whichever route is taken to Hereford.

How will this application comply with the voluntary code so recently agreed to by local growers?

It is appreciated that this comparatively small area now applied for will not warrant an environmental impact assessment but my committee would urge the planning committee to consider the cumulative impact of this plastic menace.”

5.3 Six letters of objection have been received from V. O'Neill, Canon Pyon House, Canon Pyon, Hereford; Pam Johnson, Lower Park Cottage, Ivington, Leominster; R.R.A.

Leech, Pyon House, Canon Pyon, Herefordshire (2); Aubrey Greene, Invington Park, Leominster and R.W.K. Parlby, MBE, Stable Cottage, Invington Court.

The main points raised:

1. The tunnels are adjacent to the driveway to Canon Pyon House and not Brick House.
 2. Tunnels are 1.5 metres away from the garden fence on the east side of Canon Pyon House and further tunnels on the south of the driveway will impact further on residential amenity.
 3. Landscaping of the existing site despite 3 years in the ground if sparsely planted and less than 1 metre tall.
 4. The planting along the driveway of alder is completely ineffectual because it is deciduous and secondly because of its power growth of less than 30cm. per year. This means it will not reach the height of the tunnels in the life of the tunnels.
 5. There are no passing places on the drive and with the alder planted so close together these new tunnels visibility will be very poor or non-existent.
 6. Our amenity will be blighted by these hideous tunnels.
 7. Table top crops in polytunnels can be grown on an industrial estate. They do not need farm land. This is industry not farming.
 8. The proposal will increase the noise, activity and security risk from the staff employed at the site
 9. The agreement put forward that they will remove existing tunnels erected under the voluntary code is spurious in that they would have been removed in 2005 and then the land left free for two years whereas this is for 6 years.
 10. We are concerned regarding the chemicals that are being sprayed by people in 'moon-suits'.
 11. The hint that other crops may be grown concerns us as they will not have been considered.
 12. The polytunnels are not part of the traditional agricultural landscape designated as an AGLV.
 13. The tunnels will be easily seen from the Hereford - Knigton road.
 14. The route from Invington to Hereford will be impaired whichever road is taken with polytunnels at Brierley and Marden. The alternative route is through Bush Bank!
- 5.4 13 letters of support have been received, the main points raised are:
1. This is a business decision taken by Mr. Powell to keep the farm viable and produce the quality product that the customer/consumer demands.

2. The extensive hedge and tree planting being done reduces the impact of the tunnels.
3. Retains employment in the countryside and contributes to the local economy.
4. The level of polytunnels is not overly intrusive and appropriate to the local area.
5. Chamfering of the tunnels to lengths of 30 metres through 60 metres and then 100 metres would reduce their impact further.
6. The remainder of the field should be protected and landscaped and other fields in Mr. Powell's control protected against polytunnel development without due planning considerations.

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

6. Officer's Appraisal

- 6.1 The main issues in this case are the principle of polytunnels in this area, the impact of the tunnels on the landscape and impact on adjoining residential properties.
- 6.2 Brick House Farm lies in an area of open countryside although the area does not have a specific landscape designation in either the Leominster District Local Plan or the emerging Unitary Development Plan. One of the few exceptions for development in open countryside relates to proposals for agriculture. Policy A9 (Safeguarding the Rural Landscape) of the Leominster District Local Plan requires that particular regard should be had to the design, scale, character and location of development proposals to ensure that they do not detract from the quality and visual appearance of the landscape in which they sit. As such, the critical issue in this instance is the assessment of these criteria and not the principle of the development in this case.
- 6.3 As previously noted, the application site adjoins the eastern boundary of Canon Pyon House which is in private ownership but surrounded by land associated with Brick House Farm. Indeed the access drive to Canon Pyon House runs along the entire northern boundary of the application site. When assessing the impact on the living amenity associated with this property, Officers have looked carefully at the siting and orientation of the dwelling and existing landscape features which are contained within the garden of the property. It is considered that whilst close to the boundary of this property the development is well screened by existing dense planting of mature trees within the curtilage of Canon Pyon House.
- 6.4 It is acknowledged that the access drive to Canon Pyon House will have polytunnels either side if this application is approved, however they are set back from the drive which has been planted with alder. Therefore, although there maybe an impact upon the driveway the amenity on Canon Pyon House is not considered sufficient to warrant refusal of the application.
- 6.5 In terms of impact on the surrounding landscape this site is lower than the existing site to the north and would be visible from properties to the west at some distance. However the fact that they can be seen is not in itself a reason for refusal and Officers conclude that the additional tunnels are not detrimental to the landscape quality of the area.

- 6.6 The applicant has indicated that planning permission for a period of six years is necessary to justify the expenditure and to accommodate alternative crops should market demand change. As noted above, the polythene on the structure could be insitu for a period of 6-7 months per year between March and September.
- 6.7 Finally the applicant has stated that the tunnels erected under the voluntary code and where the crop has failed will be used on this site. This therefore will reduce the amount of polytunnels within the landscape. He has also indicated that no other polytunnels will be erected in the near future and a condition to this affect is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The structures hereby permitted shall be removed and the land restored to its former condition on or before 9th February 2011 in accordance with a scheme of work to be submitted to and approved by the local planning authority.**

Reason: To enable the local planning authority to give further consideration to the acceptability of the development. Permanent permission of this nature would not be appropriate having regard to potential future changes in agricultural production methods.

- 2. The polythene covering shall only be applied for a period of seven months per calendar year unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of visual amenity having regard to the specific requirements of the growing season.

- 3. G22 (Tree planting).**

Reason: To ensure the environment of the development is improved and enhanced.

- 4. G25 (Scope of tree planting scheme).**

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

- 5. G23 (Replacement of dead trees).**

Reason: To safeguard the amenity of the area.

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

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

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

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

8. GO5 (Implementation of landscaping scheme (general)).

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

9. Prior to the use hereby approved commencing details of a passing bay along the driveway to Canon Pyon House shall be submitted for approval in writing of the local planning authority and the passing bay installed in accordance with those details prior to use of the polytunnels.

Reason: In the interests of highway safety.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

17 DCCE2004/3284/F - EXTENSION OF CAR PARKING FACILITIES. THE SWAN INN, 171 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

For: The Union Pub Company, The Brewery, Shobnall Road, Burton-upon-Trent, Staffs, DE14 2BW

Date Received: 24th August, 2004 Ward: Aylestone Grid Ref: 52329, 41714

Expiry Date: 19th October, 2004

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

1. Site Description and Proposal

1.1 The application site lies on the northern side of an established public house and to the rear garden of the detached dwelling (in the pub's ownership) that fronts Aylestone Hill. Currently the car park has a boundary that consists of mature, established hedgerow and close board fencing with a gateway through to the area of garden that is the subject of this application.

1.2 The proposal comprises the sub-division of the rear garden of the detached dwelling with the erection of a 1100mm post and rail fence. The area of land would measure 17m x 29m and would provide an additional 24 car parking space to serve the public house. This would be in addition to the existing 24 spaces that would be retained in the existing car park. The reason that the extension is required is that the existing car park is not longer large enough to accommodate the needs of the public house and the site of the pub is such that on road parking is not an option.

2. Policies

2.1 Planning Policy Guidance:

PPG3 - Housing
PPG15 - Planning and the Historic Environment

2.2 Hereford Local Plan:

ENV14 - Design
CON12 - Conservation areas
CON13 - Conservation areas – development proposals
CON14 - Planning applications in conservation areas
CON19 - Townscape

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
S2 - Development requirements
DR1 - Design
H16 - Car parking
HBA6 - New development within conservation areas

3. Planning History

- 3.1 HC940380PF - Demolition of existing shed and kitchen extensions and alterations to existing public house and associated external works, new sewerage system, 2 new bridges over stream and alterations to entrance and layout of car park. Approved 15th November, 1994.
- 3.2 HC920487PF - Extensions and alterations to existing public house and associated external works. New sewerage system and new bridge over stream. Approved 23rd December, 1992.
- 3.3 P/26490 - Extension to car park. Approved 1st December, 1983.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory consultations.

Internal Council Advice

- 4.2 The Traffic Manager recommends a condition requiring parking and turning space be provided for 48 cars.
- 4.3 The Conservation Manager concludes that the proposal would have a minor impact on the setting of the Conservation Area and is therefore acceptable.

5. Representations

- 5.1 Hereford City Council raised no objection to the proposal.
- 5.2 One letter of objection has been received from Mr David Quine and Julie Brown of 175 Aylestone Hill that raise the following objections:
- Already suffer from noise and light pollution from the existing car park;
 - Proposed additional car park would increase the amount of noise and light pollution, and would affect the air quality detrimentally from exhaust fumes etc;
 - Impact on the value of their property;
 - If the trees (Leylandi) were removed then parking in their place could be provided further away from the perimeter of our dwelling thus reducing the impact on our property. We would not object to this.
- 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. Officer's Appraisal

- 6.1 The issues for consideration in the appraisal of this proposal are:
- The principle of development;
 - The impact of the development on the character and appearance of the neighbouring properties;

- Highway safety.
- 6.2 The application site is within the Aylestone Hill Conservation Area and within an area designated as countryside in the Hereford Local Plan, but is without designation in the Unitary Development Plan, therefore the proposal should be assessed in its merits. As such consideration should be given to the acceptability of the further expansion of the car parking area.
- 6.3 The alterations and changes that would be required are minimal in nature, involving the removal of a small area of hedgerow (landscaping) to form an access, erection of a boundary fence and the laying of a hard surface. The mature hedgerow that currently forms the boundary to the site would remain, softening the appearance of the cumulative effect of the car park. It is also considered appropriate, having regard to its position within the Conservation Area, that a suitable boundary treatment be erected between the proposed car park and adjoining property (which is in the same ownership). This should be in the form of appropriate landscaping and fencing. With these measures in place the expansion of the car park would have a minimal impact on the character and appearance of the Conservation Area.
- 6.4 The occupiers of the nearby dwelling have raised some concerns relating to additional noise and disturbance, light pollution. The site is immediately adjacent to an established public house and an area of garden belonging to the adjoining dwelling would be retained between the two. A suitable fence and landscaping can be erected to help minimise impact but it is considered that the car park extension would not have a detrimental impact on the amenities of the occupiers of this property.
- 6.5 The introduction of additional car parking will allow for the expansion of a local business which due to its location does not have the benefit of nearby on street parking. The expanded parking facilities are required in order to increase and support the business.
- 6.6 To conclude, the minimal works, coupled with the introduction of a landscaping and fenced boundary, would provide additional car parking facilities for a public house in an edge of town location. The proposal would preserve the character and appearance of the Conservation Area in accordance with the policies of the local plan and national guidance. As such, subject to conditions, the proposed car park is recommended for approval.

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 G01 (Details of boundary treatments)

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

3 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

18 DCCW2004/3917/F - CHANGE OF USE TO SMALL SCHOOL FOR PUPILS 11-16 YEARS AT TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 0NU

For: Clifford House, Eyecote, Luston, Leominster, Herefordshire, HR6 0AS

Date Received: 9th November 2004 Ward: Three Elms Grid Ref: 49204, 41193
Expiry Date: 4th January 2005

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

1. Site Description and Proposal

- 1.1 The site comprises the former office building known as Trinity House including car parking area to the front of the building and is accessed via a private drive which also serves two detached dwellings. This drive runs along the boundary with Trinity County Primary School.
- 1.2 The building is two storey constructed of brick under a tile roof. The front area is laid out as a car park and can accommodate approximately 16 vehicles. The remainder of the curtilage is grassed.
- 1.3 Planning permission is sought to change the use of the premises to a small school for 15 children aged between 11 and 16 years. The accommodation will be divided into three classrooms, staff room, kitchen, boiler room, w.c. and hall on the ground floor with three classrooms, two offices and w.c. on the first floor. The application is for a change of use and does not involve any external alterations.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

Policy CTC9 - Development Requirements

2.2 Hereford Local Plan:

Policy ENV14 - Design
 Policy H12 - Established Residential Areas – Character and Amenity
 Policy H21 - Compatibility of Non-residential Uses
 Policy SC6 - Permanent Educational Accommodation

2.3 Herefordshire Unitary Development Plan (Proposed Revised Draft):

Policy T11 - Parking Provision
 Policy T14 - School Travel

3. Planning History

- 3.1 P/25024 Residential development and provision of an access drive for four dwellings. Approved 10th June 1982.
- 3.2 P/28214 Proposed 8 bed medium stay childrens home. Approved 20th June 1986.
- 3.3 HC890564JZ Change of use from residential childrens home to therapeutic and office use. Approved 30th October 1989.
- 3.4 HC950432PF/W Change of use from offices. Approved 19th December 1995.
- 3.5 HC970528PF/W Conversion and extension of existing building to provide accommodation for mental health rehabilitation unit. Refused 19th February 1998.
- 3.6 DCCW2004/1006/F Change of use from office to residential. Approved 14th May 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 The Traffic Manager has no objection. Parking is exactly in accordance with Herefordshire Council standards. Access from the adopted highway is acceptable. Extant use for offices is likely to be a higher overall generation of traffic over a working day.
- 4.3 Environmental Health and Trading Standards - no comments.
- 4.4 Head of Education - Trinity House is served by the same cul-de-sac that also provides access to Trinity Primary School. There are already concerns regarding congestion in the area and in particular there would be great concern over any increase in the number of minibuses and cars that would be required to both drop off the children and collect them again from the school should this application be approved.

5. Representations

- 5.1 Hereford City Council - recommend refusal. Access to site considered to be substandard for other than domestic use for which building was designed. Considered to be an incompatible use for a residential area.
- 5.2 Governors of Trinity School – “The Governors of Trinity School wish to make a representation regarding the above planned change of usage at Trinity House.

The site is adjacent to Trinity Primary School and both sites are served by Barricombe Drive, which is a cul-de-sac, requiring traffic both up and down for access/egress. There is also parking permitted on one side of Barricombe Drive, which means that

traffic cannot flow in both directions at once any way. The existing congestion is already a problem, and access at key times is very difficult.

The residents and school are already working closely together on formulating travel plans to ease congestion in the entire Moor Farm area.

With the siting of Whitecross High School adjacent to Trinity Primary School across the Three Elms Road, this would concentrate three schools in very close proximity. The problems of access would be further complicated.

The age range of the two schools either side of this primary school would be the same (11-16) and would place our young, vulnerable children in the middle of a potential clash between students from the other two schools. The students travelling to and from school would share the same access routes and the potential rivalry would spill over into the community, and be witnessed by our primary pupils.

This area has had recent, serious trouble in the community involving youths and residents, culminating in the death of a resident at 29 Barricombe Drive (next door to both Trinity House and Trinity School).

As governors of Trinity Primary School and neighbours in this community, we strongly object to the creation of a further school in this cul-de-sac, for reasons of congestion and increasing the number of youths moving through the area with the potential for conflict this could bring.”

5.3 Nine letters of objection have been received together with a petition signed by 141 people. The main points raised are:

1. This is a predominantly residential area and the addition of a non-residential development of this size will add to the traffic problems already affecting the area.
2. The nature of the pupils who will attend the school are likely to have an adverse effect upon the local established residents. There is already a Public Order issue in the area and this will exacerbate the problem.
3. Trinity School is at the bottom of the drive leading to Trinity House and these pupils should not have to be confronted by disorderly or even violent senior students.
4. Adjacent residential property would have their amenity and privacy impacted upon due to overlooking.
5. The premises are too small for activity equipment to be placed outside.

5.4 The applicants have submitted the following letter in support of the proposal.

“Thank you for your letter dated 3rd December 2004 with reference to Trinity House. You request some extra information, which we are of course happy to supply.

Setting up a school is a long involved process and set out in a statutory instrument and examined by the DFES. It will be our intention to extend registration of our current school to include this site as soon as possible if consent is granted.

We have two other schools, The Larches, Coningsby Road, Leominster, HR6 8LL and Northwall House in the city of Worcester at 11 The Butts, Worcester, WR1 3PA. To date to my knowledge neither of these establishments have caused any difficulty to the local community.

It is our expectation that the school would operate Monday to Friday from 9am to 3.30pm. Evenings and weekends would be free as of course 'normal' holiday arrangements. We envisage that about 15 pupils would attend.

The teaching ratio (all qualified teachers) will be 2:1 normally but the largest class size would be set at four pupils. We also employ classroom assistants to assist in the delivery of the educational experiences. The school would be managed by a senior teacher who would take day-to-day charge and control and be based on site.

Education is a vital component of the Looked After System and we place a great emphasis on a quality learning experience, all our pupils are expected to take public examinations.

As you will be aware the property has the benefit of a large parking area, much used by Herefordshire Council, latterly as an occupational therapy unit.

We would expect that children would be transported to school in a people type vehicle carrier at the beginning and end of the educational day. This in effect would be a taxi type arrangement, which is administered by our residential staff. On this site two or three vehicles could easily transport the pupils to daily school.

In my experience these type of applications always seem to produce more 'heat' than light. We would be more than happy to extend a welcome for any of your ward representatives to visit our 'Larches' school in Leominster. I would hope they would be pleasantly surprised.

If you require any more information or indeed if you wish to visit our school in Leominster to get a flavour of our educational delivery then please feel free to get in touch."

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

6. Officer's Appraisal

6.1 In assessing this application consideration must be given to

1. The impact on residential amenity.
2. Access and parking.

The Impact on Residential Amenity

6.2 The site is located in essentially a residential area with Trinity School located immediately to the north. Members will note the previous permissions granted for the building which have been allowed in the knowledge of the site's location. The school will run at similar times to the adjoining Trinity School and therefore the impact of the use is not considered to be detrimental to the amenities of nearby residents.

Access and Parking

6.3 Access to the site is via the private drive near the entrance to Trinity School. This has been inspected by the Traffic Manager and in view of the previous uses he considers that access and parking provision is acceptable.

Conclusion

6.4 The application has evoked considerable disquiet from local residents and the Governors of Trinity School. However in planning terms the use of the premises for only 15 pupils is considered acceptable particularly taking into account the previous permission granted. The access and parking provisions have been thoroughly assessed by the Traffic Manager who raises no objection. The proposal is therefore considered to be 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. **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. **The premises shall be used for 15 pupils only.**

Reason: In order to clarify the terms of the permission and in accordance with the applicant's letter dated 8th December 2004.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

