

A G E N D A

Central Area Planning Sub- Committee

Date: **Wednesday, 9th March, 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,
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 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 - 18
To approve and sign the Minutes of the meeting held on 9th February, 2005.	
4. ITEM FOR INFORMATION - APPEALS	19 - 20
To note the Council's current position in respect of planning appeals for the Central Area.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda items 5 to 7 are applications that had been deferred at the last meeting and the rest of the items are new applications.	
5. DCCW2004/3707/F - & - DCCW2004/3708/C - 12-13 BRIDGE STREET & GWYNNE ST, HEREFORD	21 - 34
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

6. **DCCW2004/3917/F - 11-16 YEARS AT TRINITY HOUSE, 31 35 - 40**
BARRICOMBE DRIVE, HEREFORD, HR4 0NU

Change of use to small school for pupils 11-16 years at Trinity House, Hereford

Ward: Three Elms

7. **DCCW2004/4212/F - LAND ADJACENT TO BRICK HOUSE, BUSH 41 - 48**
BANK, HEREFORD, HR4 8PH

Erection of 2.590 ha of Spanish polytunnels for use in soft fruit growing (table top method).

8. **DCCW2005/0034/F - TESCO STORES LTD, ABBOTSMEAD ROAD, 49 - 52**
BELMONT, HEREFORD, HR2 7XS

Variation of condition 10 of planning permission cw2001/1848/f to allow for one tanker delivery to petrol station on Sundays between the hours of 10.00 am and 4.00 pm

Ward: Belmont

9. **DCCE2004/4378/RM - DENCO HOLDINGS LTD, HEREFORD, 53 - 56**
HEREFORDSHIRE, HR4 9SJ

Class A1 non-food retail development car parking associated facilities and servicing.

Ward Three Elms

10. **DCCE2004/4338/F - LAND ADJACENT TO JOHN VENN BUILDING, 57 - 66**
GAOL STREET, HEREFORD

Construction of 23 flats with 20 car parking spaces.

Ward: Central

11. **DCCE2004/4262/F - THE THRESHING BARN, EASTWOOD, 67 - 70**
TARRINGTON. HEREFORD

Proposed stable and tack/trap shed.

Ward: Backbury

12. **DCCE2004/3862/F - 249 ROSS ROAD, HEREFORD, HEREFORDSHIRE, 71 - 74**
HR2 7RS

Proposed first floor and ground floor extensions.

Ward: St. Martins & Hinton

13. **DCCE2005/0292/F - 48 HAFOD ROAD, HEREFORD, HR1 1SQ 75 - 82**

Change of use from Residential C3 to Residential C2 care home for adults with learning disabilities, including two storey rear extension.

Ward: Tupsley

- | | |
|---|----------------|
| <p>14. DCCE2004/4168/F - 139 QUARRY ROAD, HEREFORD.</p> <p>Change of use of building from a health centre to a fish and chip shop.</p> <p>Ward: Tupsley</p> | <p>83 - 88</p> |
| <p>15. DCCE2005/0320/F - LAND ADJACENT TO PINE VIEW, FOWNHOPE COURT DRIVE, FOWNHOPE HEREFORDSHIRE</p> <p>Proposed erection of single storey dwelling with accommodation in roof space and ancillary two bay garage and formation of new vehicular access.</p> <p>Ward: Backbury</p> | <p>89 - 94</p> |

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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, 9th February, 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, Mrs. E.M. Bew, A.C.R. Chappell, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling and D.B. Wilcox

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

100. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. S.P.A. Daniels, G.V. Hyde and A.L. Williams.

101. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
Mrs. P.A. Andrews	Item 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	Declared a prejudicial interest and left the meeting for the duration of this item.
R. Preece	Item 10 - DCCE2004/2401/F – Proposed replacement of two dwellings at: 5 AND 6 GRAFTON COURT CLOSE, GRAFTON, HEREFORD, HEREFORDSHIRE, HR2 8BL	Declared a personal interest.
R.M. Wilson	Item 12 - DCCE2004/4340/F – 4 No. 3-bedroom semi-detached houses with integral garages at: BUILDING PLOT BETWEEN 30 AND 32 BARNEBY AVENUE, BARTESTREE, HEREFORD, HR1 4DH	Declared a prejudicial interest and left the meeting for the duration of this item.

Ms. G.A. Powell	Item 14 - DCCW2004/3789/F – Demolition of redundant premises and erection of 10 no. residential dwelling apartments at: 17 WHITECROSS ROAD, HEREFORD, HR4 0DE	Declared a personal interest.
R.I. Matthews	Item 18 - DCCW2004/3917/F – Change of use to small school for pupils 11-16 years at: TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 0NU	Declared a prejudicial interest and left the meeting for the duration of this item.

Mr. K. Bishop, Principal Planning Officer, declared a prejudicial interest in respect of item 5 and a personal interest in respect of item 12 and left the meeting for the duration of these items.

102. MINUTES

RESOLVED:

That the Minutes of the meeting held on 12th January, 2005 be approved as a correct record and signed by the Chairman.

103. 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.

104. DCCW2004/3085/F - LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD [AGENDA ITEM 5]

32 dwellings and associated works.

The Central Team Leader updated the Sub-Committee as follows:

- an additional letter had been received from W. & J. Scaffolding Ltd. which reiterated previous objections and provided further details about the number of people employed on the site or in association with the businesses operating from the site;
- Welsh Water had not raised objections in principle and it was noted that recommended condition 4 would ensure that 'No development shall commence until mains drainage is available on site';
- the Conservation Manager had advised that the existing conifer forming part of the frontage of the site was not considered to be of sufficient amenity value to warrant retention;
- the Transportation Manager had advised that there was no technical requirement to provide street lighting as part of this application.

In accordance with the criteria for public speaking, Mr. Owen spoke on behalf of Holmer Parish Council, Mr. O'Neill had registered to speak on behalf of Holmer and District Residents' Association but was not in attendance at the meeting, and Mr. Brockbank spoke on behalf of the applicant.

Councillor Mrs. S.J. Robertson, the Local Member, expressed a number of views, including:

- the comments of Holmer Parish Council were noted, particularly in relation to the number of people employed on or in association with the site;
- the Head of Community and Economic Development had commented that from an economic development perspective the site should be retained and safeguarded for employment use;
- the Forward Planning Manager had commented that the application ran contrary to current adopted Local Plan policy;
- the site was not redundant and that it would be difficult for businesses to relocate and would have an adverse impact on the local economy;
- the importance of tourism was noted and there was concern that this development would harm the rural feel of this area;
- concerns about the lack of infrastructure and facilities in the locality;
- concerns about the drainage arrangements;
- the value of employment land such as this was noted, especially for small businesses; and
- it was felt that the benefits of the proposal did not outweigh the material planning considerations in this instance.

In response, the Central Team Leader highlighted the principal local and national planning policy considerations. In particular, it was reported that the removal of the employment use of the site would bring a benefit to the surrounding residential development by removing what were considered to be non-conforming uses.

Councillor D.B. Wilcox supported the views of the Local Member, particularly given the lack of suitable employment land on the north side of the river and the potential impact upon local businesses and the families that they supported. He also felt that the proposed contributions did not outweigh the significant concerns that had been raised.

Councillor R.I. Matthews expressed his dismay that key information had not been available until this meeting. He felt that the development should be resisted and that references to brownfield redevelopment were misleading given that the site was on the edge of high quality countryside. He proposed that planning permission be refused on the grounds of highway concerns, loss of employment land and the impact on the local community.

A number of Members felt that there was no justification for the loss of this employment land.

A few Members felt that the application should be supported and commented that the lack of alternative employment sites and facilities should not be overestimated given the proximity of the site to Roman Road.

In response to questions, the Central Team Leader advised that it was difficult to

establish the exact number of people employed given the information available.

Councillor P.J. Edwards spoke against the loss of employment land and felt that the density of the proposal was too high given that the site was on the periphery of the settlement boundary and the importance of maintaining a transition between residential development and open countryside.

In response to comments made regarding perceived contradictions and anomalies in the report, the Head of Planning Services advised that a balance had to be achieved both in the weight given to the policies of the adopted Local Plan and the emerging Unitary Development Plan and in the weight given to the loss of employment land and the benefits to the locality of the proposal. He added that the report attempted to provide as clear and as balanced a view as possible given the information available. It was noted that the loss of existing employment land in terms of adopted policy was a potential reason for refusal.

It was suggested that the application also be refused because the scale and density of the proposal would destroy the character of the area. However, it was noted that this might not be defensible given the targets detailed in PPG3 and it was therefore proposed that the impact on the appearance of the countryside be given as a reason for refusal.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to refuse the application, subject to the reasons for refusal set out below and any further reasons for refusal felt to be necessary by the Head of Planning Services provided that the Head of Planning Services does not refer the application to the Planning Committee:

- 1. Loss of employment land;**
- 2. Impact on the appearance of the countryside.**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

[Note: Following the vote on the above resolution, the Development Control Manager noted that the Sub-Committee had thoroughly debated the issues and the reasons for refusal could be defended. Therefore, the application would not be referred to the Head of Planning Services.]

105. DCCW2004/2410/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS [AGENDA ITEM 6]

Proposed enclosure of existing unloading dock and installation of new electrical sliding gate to service yard.

Councillor P.J. Edwards, a Local Member, noted the view that the electronic sliding gates reduced noise level emissions when compared to the previous hinged gates.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

Informative:

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

106. DCCE2004/4316/F - 42B HOLME LACY ROAD, HEREFORD, HEREFORDSHIRE, HR2 6BZ [AGENDA ITEM 7]

Change of use of premises for A2 purposes as a licensed betting office.

The Central Team Leader advised that recommended condition 2 should refer to 6.00pm on Sundays and not 5.00pm as given in the report.

In accordance with the criteria for public speaking, Mr. Norris spoke on behalf of the applicant.

Councillor Mrs. W.U. Attfield, a Local Member, expressed concerns regarding the lack of parking provision in the vicinity and related highway safety issues. She added that the situation would be exacerbated by this proposed use as customers of the betting shop were more likely to park for longer periods whilst they watched sporting events. She also questioned the assertion in the report 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'.

Councillor A.C.R. Chappell, a Local Member, endorsed the views of Councillor Mrs. Attfield and commented on the existing traffic problems on Holme Lacy Road. He said that the parking provision was inadequate for the businesses already operating in the area and felt it unlikely that the nearby public house would allow its own spaces to be used by customers of the betting office. He also felt that the highway issues in the area should be given greater attention by the Council. Councillor Chappell proposed that the planning permission be refused on the grounds of inadequate parking and related highways safety issues. Councillor R. Preece, also a Local Member, supported the comments made above.

The Senior Engineer noted local concerns but reminded the Sub-Committee that these premises could carry on being used for retail purposes and, therefore, Officers could not identify any material planning reasons to justify the refusal of planning permission in this instance. The Development Control Manager added that it was possible that the unit would remain empty if planning permission was refused and that it might be difficult to defend on appeal having regard to the advice provided by Officers.

A motion to refuse planning permission failed and the resolution detailed below was then agreed.

RESOLVED:

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 6:00pm on Sundays (Non Standard Condition)

Reason: To safeguard the amenities of the locality.

Informative:

1 N15 -

**107. DCCW2004/4341/F - 5 PRIORY VIEW, BELMONT, HEREFORD, HR2 7XH
[AGENDA ITEM 8]**

Two storey extension to side of property.

Councillor P.J. Edwards, a Local Member, noted the concerns of Belmont Rural Parish Council and local residents but noted that there were no material planning reasons to warrant refusal of the application, particularly given the distances between this site and adjacent properties. Councillor Edwards noted the difficulties associated with parking in the area and suggested that permitted development rights should be removed to ensure that the front hard-standing area was retained for parking. The Principal Planning Officer confirmed that this issue could be addressed through a condition. It was agreed that this matter would be examined in consultation with the Chairman and the Local Members.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. E16 (Removal of permitted development rights)

Reason: To ensure that the front hard-standing area is retained for parking.

5. E18 (No new windows in specified elevation).

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

Informatives:

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

108. DCCE2004/3938/F - CROSS KEYS INN, CROSS KEYS, HEREFORD, HEREFORDSHIRE, HR1 3NN [AGENDA ITEM 9]

Proposed dormer windows in lean-to roof of holiday lets.

In accordance with the criteria for public speaking, Mr. Hall spoke on behalf of the applicant.

Councillor R.I. Matthews, the Local Member, noted that Officers recommended refusal of planning permission but he did not agree that the proposed dormer windows would have a detrimental impact upon the property. He felt that the proposal would in fact enhance the character and appearance of the building.

The Senior Planning Officer responded by advising that the national and local planning policies sought to retain the intrinsic value of rural buildings and the positioning, design and external appearance of the proposed dormer windows would be out of keeping with the existing building, hence the recommendation of refusal.

Whilst recognising the importance of the planning policies, a number of Members agreed with the Local Member that the proposal would enhance the building and, as it was to be used for tourist accommodation, the conversion would contribute to the sustainability of the area. It was noted that the Conservation Manager had not commented on the application, that Withington Parish Council had no objections and that no letters of objection had been received from local residents. Therefore, it was proposed that planning permission be granted subject to conditions.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to approve the application, subject to the conditions listed below, (and to any further conditions felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee:

1. Matching external materials;
2. Details of external joinery finishes.

(ii) If the Head of Planning Services does not refer the application to the Planning Committee the Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.

[Note: Following the vote on the above resolution, the Development Control Manager commented that the Sub-Committee had carefully considered the policies and, therefore, there were no critical policy issues at stake and the application would not

be referred to the Head of Planning Services.]

109. DCCE2004/2401/F - 5 AND 6 GRAFTON COURT CLOSE, GRAFTON, HEREFORD, HEREFORDSHIRE, HR2 8BL [AGENDA ITEM 10]

Proposed replacement of two dwellings.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 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

**110. DCCW2004/4010/F - SUNBEAM CORNER, EIGN STREET, HEREFORD, HR4 0AJ
[AGENDA ITEM 11]**

Proposed redevelopment of shop into 6 apartments.

The Principal Planning Officer reported the receipt of additional correspondence from Hereford City Council and from Hereford Civic Society.

Councillor Mrs. E.M. Bew and Miss F. Short, the Local Members, felt that this proposal would enhance the area.

A number of Members felt that there should be car parking provided as part of this scheme. Comments were made about the lack of parking in the area, inadequate public transport and the need for people to use cars given the rural nature of the County.

Councillor P.J. Edwards noted the concerns of the Conservation Area Advisory Committee and Hereford Civic Society about the need for the development to make a visual statement given its prominent position. Other Members, however, felt that the design was acceptable and would complement adjoining residential uses.

In response to concerns about parking, the Principal Planning Officer commented that the location of the site justified it as a car-free development and noted that a secure cycle storage area to be provided. The Senior Engineer advised that PPG3 required local planning authorities to try to reduce car parking standards and car parking provision of between 0 and 1.5 spaces per dwelling was now encouraged. The Development Control Manager added that it was the developer's choice and risk whether parking was provided and it would be clear to potential occupiers that no parking was available and they could make their own decisions on that basis; he also commented that a poorer quality scheme might result if parking was to be provided.

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. 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.

111. DCCE2004/4340/F - BUILDING PLOT BETWEEN 30 AND 32 BARNEBY AVENUE, BARTESTREE, HEREFORD, HR1 4DH [AGENDA ITEM 12]

4 No. 3-bedroom semi-detached houses with integral garages.

In accordance with the criteria for public speaking, Mr. Wargent spoke against the proposal.

In response to questions, the Senior Planning Officer advised that the site represented a link development between two contrasting residential developments

Councillor P.J. Edwards felt that the proposal could be considered over-intensive given that the site was on the periphery of the settlement boundary. In response, the Senior Planning Officer advised that the proposal would result in a density in the region of 50 dwellings per hectare and this was considered acceptable in the context of the emerging Unitary Development Plan and the advice given in PPG3. He also outlined the measures to mitigate parking concerns.

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 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 located 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.

112. [A] DCCW2004/3707/F AND [B] DCCW2004/3708/C - 12-13 BRIDGE STREET, HEREFORD, HR4 9DF AND GWYNNE STREET, HEREFORD [AGENDA ITEM 13]

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.

The Principal Planning Officer advised the Sub-Committee that the whole of Gwynne Street would be paved and street lighting would be provided on the new building.

Councillor Mrs. P.A. Andrews proposed that a site visit be undertaken on the grounds that:

- the character or appearance of the development itself is a fundamental planning consideration;
- a judgement is required on visual impact; and
- the setting and surroundings are fundamental to the determination or to the conditions being considered.

RESOLVED:

That consideration of planning applications DCCW2004/3707/F and DCCW2004/3708/C be deferred for a site visit.

113. DCCW2004/3789/F - 17 WHITECROSS ROAD, HEREFORD, HR4 0DE [AGENDA ITEM 14]

Demolition of redundant premises and erection of 10 no. residential dwelling apartments.

The Principal Planning Officer noted the concerns of some local residents but advised that the siting, design and layout was considered acceptable and that the location of the site justified the reduced parking proposed, comprising 10 car parking spaces and secure cycle storage, in line with PPG3.

Councillor Mrs. E.M. Bew and Miss F. Short, the Local Members, spoke in support of the proposal.

Some Members commented on the parking problems in the area and questions were asked about PPG3.

A number of Members commented that the scheme would significantly enhance the character and appearance of the area.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. **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.

114. DCCW2004/3485/F - HOLMER PARK, HOLMER, HEREFORD, HR1 1LL
[AGENDA ITEM 15]

Groundsmans store.

Councillor Mrs. S.J. Robertson, the Local Member, thanked Officers for their efforts in negotiating a suitable scheme but asked for further clarification regarding issues in relation to the running track, previous Planning Inspector comments, whether other buildings could be used for storage, and whether anything could be done to ensure the preservation of a nearby Listed Building.

In response, the Principal Planning Officer advised that: the running track did not require planning permission if it only comprised a bark surface laid direct onto the existing soil; the Planning Inspector comments related to a previously refused and dismissed scheme for a residential home and this proposal would only have a limited impact on the built environment and would be well screened; that other buildings were not suitable for the storage of modern machinery; and the Conservation Manager would be alerted to the concerns regarding the deterioration of the Listed Building.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

Informative:

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

115. DCCW2004/4212/F - LAND ADJACENT TO BRICK HOUSE, BUSH BANK, HEREFORD, HR4 8PH [AGENDA ITEM 16]

Erection of 2.590 ha. of Spanish polytunnels for use in soft fruit growing (table top method).

The Principal Planning Officer reported that the applicant was prepared to remove the existing polytunnels on the failed site and a condition would be required to this effect. However, it was also reported that the applicant did not feel able to remove two rows of tunnels from the original development nearest Pyon House as this would result in irrigation problems.

In accordance with the criteria for public speaking, Mr. Vaughan spoke on behalf of Canon Pyon Parish Council and Miss Foggo spoke on behalf of the applicant.

Councillor J.C. Mayson, the Local Member, expressed concern about the proximity of polytunnels to Pyon House and the resulting impact on visual and residential amenity. He felt that the two rows of tunnels nearest Pyon House should be removed given their intrusive nature and, whilst acknowledging that there might be technical difficulties to be resolved, he suggested that there should be further discussions with the applicant regarding this. A number of Members supported this suggestion.

RESOLVED:

That consideration of planning application DCCW2004/4212/F be deferred for further discussions.

116. DCCE2004/3284/F - THE SWAN INN, 171 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ [AGENDA ITEM 17]

Extension of car parking facilities.

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

Councillor D.B. Wilcox, a Local Member, noted the speaker's concern about additional noise and light pollution and asked whether the suggestion that parking

could be provided in place of the existing leylandi trees, in order to move it further away from the neighbour's dwelling, had been fully explored with the applicant. He added that recent changes to the licensing laws could exacerbate the problem. In response, the Central Team Leader advised that he did not have information available regarding this but it could be considered as part of the landscaping scheme. Therefore, it was proposed that Officers be authorised to grant planning permission, in consultation with the Chairman and Local Members, to address this issue.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and the Local Members, be authorised grant planning permission subject to the following conditions and any other appropriate conditions considered necessary by the 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 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.

117. DCCW2004/3917/F - TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 0NU [AGENDA ITEM 18]

Change of use to small school for pupils 11-16 years.

The Principal Planning Officer reported the receipt of correspondence from Herefordshire Housing and from Paul Keetch MP raising objections.

Councillor Mrs. P.A. Andrews, a Local Member, noted the significant level of local concern regarding this proposal and suggested that consideration of the application be deferred for further discussions to enable a meeting to take place between the applicant and local residents.

RESOLVED:

That consideration of planning application DCCW2004/3917/F be deferred for further discussions.

118. DATE OF NEXT MEETING

It was noted that the date of the next scheduled meeting was 9th March, 2005.

The meeting ended at 4.52 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCW2004/4033/O**

- The appeal was received on 9th February 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 J Caton
- The site is located at 103 Kings Acre Road, Hereford, Herefordshire, HR4 0RQ
- The development proposed is Site for single detached dwelling
- The appeal is to be heard by Written Representations

Case Officer: Peter Clasby on 01432 261947

APPEALS DETERMINED**Application No. DCCE2004/1922/A**

- The appeal was received on 1st October 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 Morrisons Supermarkets
- The site is located at Safeway Stores Plc, Station Approach, Hereford, Herefordshire, HR1 1DN
- The application, dated 4th May 2004 , was refused on 28th August 2004
- The development proposed was Internally illuminated totem sign.
- The main issue are whether the sign respects the character an appearance of the surrounding area and whether it harms views into and out of the nearby Conservation Area.

Decision: The appeal was **ALLOWED** on 29th November 2004

Case Officer: Kelly Gibbons on 01432 261781

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

**5 DCCW2004/3707/F - RETENTION OF ART DECO
(A) 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**

**5 DCCW2004/3708/C - RETENTION OF ART DECO
(B) 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

Members will recall that the applications were deferred for a Committee site visit. In the intervening period Hereford Civic Society have reviewed their observations in light of additional information and have submitted additional comments.

1. On the architectural treatment proposed, we acknowledge that this is always a difficult area involving different aesthetic opinions, but we would suggest that consideration be given to:-
 - a. The penthouse on the Crystal Rooms frontage to Bridge Street be glazed rather than repeating the Art Deco treatment.

- b. That further thought be given to the extent of brickwork on the north and south (Gwynne Street) elevations. While the south elevation is broken up by balconies we are of the view that even greater variety could be achieved by incorporating some areas of rendering or timber. Similarly with the north elevation where there are no balconies to provide such variety.
- c. The top storey is clad in metal and glass as with the Left Bank but a higher proportion of glass might lighten the overall effect.

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 building's 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. Officers 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 set 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.

6 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 Mrs. P.A. Andrews, Mrs. S.P.A. Daniels and Ms. A.M. Toon

Members will recall that this planning application was deferred pending a meeting with the applicant, residents, school and local Members. The outcome of this meeting will be reported verbally since at the time of writing it had not been convened.

The report has been updated to include additional representations received.

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 SummaryStatutory 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 Letter of objection from Herefordshire Housing as follows.

“I have been instructed by the Board of Herefordshire Housing to write and express its concerns regarding the above application.

Trinity House is located next to a primary school in the middle of a highly-populated housing estate containing some fairly vulnerable social housing tenants.

The type of young persons accommodated by Clifford House potentially represents a serious risk to the local community which could be avoided by accommodating these young people in a more appropriate location.

There are already a range of social issues being experienced on the Moor Farm Estate and this application will do nothing to improve that situation.

The board understands that, whilst initially built as a special school by the former Hereford and Worcester County Council, it has never been used as such – mainly because of the unsuitability of its location.”

5.5 Letter of objection from Paul Keetch, MP as follows.

“The concerns of local residents, councillors, police and others have been raised with me in connection with the proposals for the above development.

I feel that the intended use for this site is wholly inappropriate for this particular residential area and would therefore ask you to note my opposition thereof.”

5.6 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. Officers 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 up to 15 pupils.**

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.

7 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

Members will recall that this proposal was deferred from the last meeting to enable discussions to take place with the applicant to remove two tunnels on the existing polytunnel site adjacent to Canon Pyon House.

The applicant has confirmed that he is prepared to move these tunnels alongside the new tunnels he is now proposing. However he would wish to delay this move until 1st July 2006 to enable the crops already planted to be harvested.

Re-consultation with the Parish Council and Canon Pyon House has been undertaken and a verbal report will be made at the meeting.

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, Ivington Park, Leominster and R.W.K. Parlby, MBE, Stable Cottage, Ivington 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 - Knighton road.

14. The route from Ivington 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. Officers 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.

10. The new tunnels shall be set back 15 metres from the driveway to Canon Pyon House.

Reason: In the interest of visual amenity.

11. No polytunnels shall be erected on the land owned or rented by the applicant without the express written consent of the local planning authority.

Reason: In order to protect the landscape and residential amenity.

12. Prior to the 1st July 2006 the two tunnels located adjacent to the eastern boundary of Canon Pyon House and approved under CW2003/2321/F shall be removed unless otherwise agreed in writing by the local planning authority.

Reason: In order to clarify the terms of this permission and enhance residential amenity.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCW2005/0034/F - VARIATION OF CONDITION 10 OF PLANNING PERMISSION CW2001/1848/F TO ALLOW FOR ONE TANKER DELIVERY TO PETROL STATION ON SUNDAYS BETWEEN THE HOURS OF 10.00 AM AND 4.00 PM AT TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS

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

Date Received: 6th January 2005 Ward: Belmont Grid Ref: 49184, 38415

Expiry Date: 3rd March 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 comprises the recently relocated petrol filling station (PFS) for the Tesco store at Belmont, Hereford.

1.2 The application seeks full planning permission to vary Condition 10 of planning permission CW2001/1848/F to allow for one petrol tanker delivery to the filling station site on a Sunday between the hours of 10 a.m. to 4 p.m. Currently Condition 10 restricts any deliveries on Sundays, Bank or Public Holidays to the site. The reason for the conditions set out on the planning permission is to safeguard the amenities of the locality.

2. Policies

2.1 Planning Policy Guidance:

PPG24 - Planning and Noise

2.2 Hereford and Worcester County Structure Plan:

Policy CTC9 - Development Requirements

2.3 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR13 - Noise

3. Planning History

3.1 There is a detailed and complex planning history associated with the site since the store was first approved under reference SH88/1340/RM in December 1998. This application is for an amendment to a condition attached to planning approval

CW2001/1848/F - extension to existing supermarket and storage area, provision of cage marshalling area and relocation of existing petrol filling station including alterations to car park layout and associated highway works. Approved 8th September 2003.

DCCW2004/2611/F Variation of Condition 10 planning permission CW2001/1848/F to allow for one tanker delivery to the existing petrol filling station on Sundays between the hours of 10.00 a.m. and 4.00 p.m. Refused 14th December 2004. Appeal pending.

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency raise no objections.

4.2 Environment Agency - no objections.

Internal Council Advice

4.3 The Traffic Manager raises no objection.

4.4 Head of Environmental Health and Trading Standards - no adverse comments for use of the site between 10 a.m. and 4 p.m.

5. Representations

5.1 Belmont Rural Parish Council - "Belmont Rural Parish Council has considered this application and wishes to record a unanimous objection to the proposals. As stated in our previous consideration of these proposals, this site is located within a residential area and deliveries by tanker would have a detrimental effect on neighbouring properties from the noise and fumes of the tanker delivery. Neighbouring properties report that Sundays is the only day they are able to enjoy their homes and gardens without the noise and fumes from tanker deliveries. The Parish Council believes this should be preserved.

We have further concerns that in permitting one tanker delivery, the precedent would be set to permit further deliveries in the near future and that such a situation would be difficult to monitor."

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

1. Sunday is the only day of the week that some residents do not work. They do not want the smell and noise of delivery vehicles ruining that peace and quiet.
2. Tesco have made and continue to make various changes, if this is approved will they seek 24 hour opening.
3. Tesco's have already breached conditions on site.

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

6. Officers Appraisal

- 6.1 The key issue for consideration in this application is the impact on the amenities of adjoining occupiers that one petrol tanker delivery would have on a Sunday between the hours of 10 a.m. and 4 p.m.
- 6.2 The previous planning application was refused essentially through lack of information. No environmental noise assessment had been undertaken and limited background detail had been provided to substantiate a need to vary the condition. This information has been submitted and assessed by your Officers.
- 6.3 The existing planning permission allows deliveries to the site between 8 a.m. and 6 p.m. Mondays- Fridays and 8 a.m. to 1 p.m. on Saturdays. In addition the petrol filling station (PFS) is permitted to be open between the hours of 8 a.m. to 10 p.m. on Sundays and Bank Holidays. Under the present restriction this would mean that no petrol could be delivered between 1 p.m. on a Saturday and 8 a.m. on a Tuesday of a Bank Holiday. The applicants consider that could seriously limit their abilities to retain an adequate fuel stock and therefore retain customer satisfaction and expectations. However this must be balanced against the impact of allowing a petrol tanker into the site and its affect on nearby residential property.
- 6.4 The tanker bay is approximately 18 metres away from the nearest residential façade, 15 metres from the centre of a garden and in accordance with PPG24 noise levels should not exceed 50dBA on residential facades or 55dBA in gardens. The discharge of fuel from the tanker is by gravity and it is only the arrival and departure of the tanker that are considered to be events that generate noise. It has been calculated that the noise level at 10 metres from the tankers is 58dBA at 18 metres that is reduced by 5dBA and the acoustic fence which runs along the boundary of the site provides a further 8dBA giving a resultant level at the residential façade of 48dBA. The noise level from the centre of the nearest garden is calculated as being 44.5dBA. Therefore noise levels from one tanker event on a Sunday would be below the criteria for gardens and residential façade prescribed in Government guidance. It is therefore considered that there would be no demonstrable harm to the amenity of nearby residents.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The loading and unloading of service and delivery vehicles to the petrol filling station together with their arrival and departure from the site shall not take place outside the hours of 8.00 a.m. to 6.00 p.m. Mondays to Fridays and 8.00 a.m. to 1.00 p.m. on Saturdays nor at any time on Bank or Public Holidays. On a Sunday one tanker delivery only will be allowed between the hours of 10 a.m. and 4 p.m.**

Reason: To safeguard the amenities of the locality.

- 2. A10 (Amendment to existing permission).**

Reason: For the avoidance of doubt.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCCE2004/4378/RM - CLASS A1 NON-FOOD RETAIL DEVELOPMENT CAR PARKING ASSOCIATED FACILITIES AND SERVICING DENCO HOLDINGS LTD, - HEREFORD, HEREFORDSHIRE, HR4 9SJ

For: Morbaine Ltd, The Finlan Centre, Hale Road, Widnes, Cheshire, WA8 8PU

Date Received: 29th December, 2004 Ward: Three Elms Grid Ref: 50707, 41642

Expiry Date: 23rd February, 2005

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

1. Site Description and Proposal

- 1.1 The application site comprises offices and factory units occupied by Denco and located on the east side of Holmer Road. To the north of the site is further industrial development with small wholesale warehouse units beyond; to the south is the BT Depot with established retail warehousing beyond. Vehicular access to the site is via a private road which runs along the north side of the site providing access to the Denco premises, additional industrial land and a private playing field to the rear. A public footpath runs alongside the southern edge of the site.
- 1.2 All the premises on the east side of Holmer Road gain access via a service road that runs parallel. There are two points of access to the service road - opposite the existing vehicular access to the site (via a mini-roundabout on the service road and a T-junction and further to the south (via a recently improved and realigned T-junction). The service road also has a restricted exit only T-junction with Roman Road to the north.
- 1.3 Outline planning permission (application no. DCCE2003/3392/O) for a Class A1 non-food retail unit was granted on 17th November, 2004 following the completion of a Section 106 Agreement securing financial contributions towards highway related improvements. This is a reserved matters application seeking approval for the external appearance, siting, means of access, design and landscaping of the retail unit and associated works.
- 1.4 A centrally located DIY unit (to be occupied by B&Q) is proposed, providing some 5574 square metres of retail warehouse floorspace, and 1393 square metres garden centre area and approximately 743 square metres of space for a covered builders yard. A total of 297 parking spaces is proposed to the west and south of the unit. A service access and turning area is proposed to the north and east of the unit.
- 1.5 The application includes detailed landscaping proposals relating to the site boundaries and parking areas. The unit would be predominantly clad in silver/grey panels on the side elevations with the addition of higher quality textured facing brickwork and architectural mesh panels. The main entrance into the unit would take the form of a large glazed feature located in a set back position on the south elevation.

2. Policies

2.1 Hereford Local Plan:

- ENV14 - Design
- ENV15 - Access for all
- ENV16 - Landscaping
- E2 - Established employment areas
- E6 - Other uses on employment land
- S1 - Role of central shopping area
- S11 - Criteria for large scale retail development
- T2 - Highway and junction improvements

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable development
- S2 - Development requirements
- S4 - Employment
- S5 - Town centres and retail
- TCR1 - Central shopping and commercial areas
- TCR2 - Vitality and viability
- TCR9 - Large scale retail development outside central shopping and commercial areas
- TCR25 - Land for retail warehousing

3. Planning History

- 3.1 DCCE2003/3392/O - Class A1 non-food retail development, car parking, associated facilities and services. Approved 17th November, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: Raises no objection.
- 4.2 The Ramblers Association comment that the development does not appear to have any effect upon the adjacent public right of way. The width of the footpath should not be obstructed in anyway and careful consideration should be given to ensuring footpath is not blocked by trolleys and the suitable floodlighting should be incorporated so as to make the footpath safer for shift workers.
- 4.3 Open Spaces Society raise no objections provided width of footway is preserved. Low wooden fencing alongside footpath is welcomed.
- 4.4 Welsh Water raise no objections subject to conditions regarding discharge of foul and surface water.
- 4.5 Health and Safety Executive raises no objection to grant of planning permission.

Internal Council Advice

- 4.6 Traffic Manager raises no objection.
- 4.7 Head of Environmental Health and Trading Standards raises no objection.

4.8 Public Rights of Way Manager raises no objection subject to retention of rights of way again welcoming the low wooden rail alongside the public footpath avoiding the tunnel effect created by other development of this type.

4.9 Conservation Manager raises no objection to the revised landscaping scheme.

5. Representations

5.1 Hereford City Council raise no objection.

6. Officers Appraisal

6.1 The principle of a non-food retail unit with associated parking and facilities has recently been established at this site through the granting of outline planning permission pursuant to DCCE2003/3392/O on 17th November, 2004. The details submitted with the outline application included illustrative material suggesting the possibility of 2 options for developing the site. These were a single DIY warehouse including associated garden centre and the provision of a row of 5 smaller retail warehouse units.

6.2 The application seeks reserved matters approved for a single DIY warehouse (consistent in size with the details submitted at the outline stage) to be occupied by B&Q and since the fundamental principle has been established it is considered that the main issues for consideration in the determination of this application are as follows:

- (a) the visual impact of the detailed design, external appearance and siting of the DIY and the associated landscaping proposals, and
- (b) highway safety and parking issues.

Visual Impact

6.3 The proposed warehouse would be sited at right angles to Holmer Road and the service road from which access would be derived to the associated parking and service areas. This orientation is consistent with the illustrative proposals submitted with the outline application and is essentially considered to be the only realistic option in order to accommodate a unit of this size on a relatively narrow site. The siting is such that the landscaped parking areas would be located immediately to the south and west of the unit, which would occupy a position set back some 30 metres from the access road frontage.

6.4 This is clearly a large building but its siting compares favourably to other large commercial buildings in the locality and it is not considered that it would be overly dominant or visually harmful within the streetscene.

6.5 The design represents a relatively standard format and in this location characterised by other large scale warehouse units there would be no objection to the approach adopted. The principal south facing elevation incorporates a glazed entrance feature which provide some interest on an otherwise very simple structure. The materials proposed are considered to be of a higher quality than existing development in the locality. The main elevation would comprise a construction of metallic silver composite panels with flint coloured textured concrete blockwork that would extend to enclose the more prominent garden centre area. The enclosure of this space included the use

of metal meshwork that is considered to be more appropriate than closeboarded fencing or trellis work.

- 6.6 The landscaping scheme has been considered and accepted by the Conservation Manager and in the light of the above it is considered that the visual impact of the proposed warehouse unit is acceptable in this context.

Highway Safety and Parking

- 6.7 The outline approval for this development secures a financial contribution towards the provision of highway related improvements including bus-stop provision and these will be secured through the monitoring of the Section 106 Agreement. The proposed parking allows for a total of 296 car parking spaces (including 8 disabled and 4 parent and child spaces). This is considered acceptable by the Traffic Manager who also raises no objection to the service area arrangements to the north of the unit.

RECOMMENDATION

That unconditional planning permission be granted.

INFORMATIVES:

- 1 The applicant is advised that the site is also the subject of an outline planning permission (DCCE2003/3392/O) and that Conditions 3, 5, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19 and 20 require discharging or satisfying as part of the overall development of the site. Furthermore that the Section 106 Agreement relating to this site requires the agreed financial contribution to be paid upon implementation of the development hereby approved.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCCE2004/4338/F - CONSTRUCTION OF 23 FLATS WITH 20 CAR PARKING SPACES, LAND ADJACENT TO JOHN VENN BUILDING, GAOL STREET, HEREFORD

For: Golding Stores Ltd, JBD Architects, Mortimer House, Holmer Road, Hereford, HR4 9TA

Date Received: 20th December, 2004 Ward: Central Grid Ref: 51368, 39951

Expiry Date: 14th February 2005

Local Member: Councillor D. Fleet

1. Site Description and Proposal

- 1.1 The application site comprises a 0.08 hectare plot, currently used for car parking. It lies between Bath Street which forms the eastern boundary and Gaol Street to the west. The U-shaped John Haider Building (formerly known as the John Venn Building) is located immediately to the south of the site whilst the northern boundary is defined by public car parking and premises occupied by S.A. Evans (Funeral Directors).
- 1.2 The site is on the edge of the inner city area sandwiched between the Central Shopping Area and the Established Residential Area which lie to the west and east respectively. It occupies a prominent location within the Hereford City Centre Conservation Area and the Bath Street frontage covers the remains of the city ditch which together with the buried remains of the city wall running north and south across the centre of the site is designated as a Scheduled Ancient Monument.
- 1.3 A road improvement line exists along the Bath Street frontage that would allow for sufficient width for a dual carriageway to extend from Commercial Street through to Ledbury Road.
- 1.4 Planning permission is sought for the residential development of the site in the form of two separate blocks addressing the Bath Street and Gaol Street frontages. A total of 23 apartments are proposed (20 no. 2 bed units and 3 no. 1 bed units) within part 4/5 storey blocks. The block facing Bath Street would be raised on columns to allow ground floor parking and to permit public views of the remains of the city wall (an interpretation board and artisan designed railings form part of the proposals). The residential element of this block would be created within the first, second and third floor block with the fourth floor being contained within a set back penthouse arrangement.
- 1.5 The Gaol Street block would be set back at ground floor level with three floors of residential accommodation over. Both blocks are set in board from the John Haider Building. A total of 20 car parking spaces is proposed within the centrally located paved communal area with secure cycle parking and refuse storage provided.
- 1.6 A contemporary design approach would be adopted incorporating the use of sandstone, render and titanium zinc cladding. A particular feature are the large glazed panels used on the east elevations of both blocks facing Bath Street.

- 1.7 The application is accompanied by a design statement that includes an Archaeological Evaluation.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	Planning Policy Guidance
PPG3	-	Housing
PPG13	-	Transport
Circular 6/98	-	Planning and Affordable Housing

2.2 Hereford & Worcester County Structure Plan:

T12	-	Car parking
T15	-	Pedestrians and cyclists
CTC5	-	Archaeology
CTC9	-	Development requirements
CTC15	-	Conservation areas
CTC18	-	Development in urban areas

2.3 Hereford Local Plan:

ENV14	-	Design
ENV15	-	Access for all
H3	-	Design of new residential development
H6	-	Amenity open space in smaller schemes
H7	-	Communal open space
H8	-	Affordable housing
CON12	-	Conservation areas
CON13	-	Conservation areas – development proposals
CON14	-	Planning applications in conservation areas
CON18	-	Historic street pattern
CON19	-	Townscape
CON20	-	Skyline
CON35	-	Archaeological evaluation
CON36	-	Nationally important archaeological remains
CON37	-	Other sites of archaeological interest
T1A	-	Commercial Road/Ledbury Road link
T5	-	Car parking designated areas
T12	-	Cyclist provision

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H1	-	Hereford and the Market Towns: Settlement boundaries and established residential areas
H9	-	Affordable housing

H13	-	Sustainable residential development
H14	-	Re-using previously developed land and Buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
T11	-	Parking provision
T12	-	Existing parking areas
T16	-	Access for all
HBA6	-	New development within conservation areas
ARCH1	-	Archaeological assessments and field evaluations
ARCH2	-	Foundation design and mitigation for urban sites
ARCH5	-	Scheduled ancient monuments
ARCH7	-	Hereford AAI
ARCH	-	Enhancement and improved access to archaeological sites

2.5 Supplementary Planning Guidance:

Provision of Affordable Housing

3. Planning History

- 3.1 HC940490PF - Change of use of private car park to car sales lot and provision of temporary building. Approved 9th January, 1995.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage do not wish to make any representations and recommend that the case should be determined in accordance with Government guidance, Development Plan policies and with the benefit of conservation advice locally.
- 4.2 Welsh Water raises no objection subject to conditions ensuring foul and surface water are drained separately and to ensure that surface water or drainage run off is connected into the public sewerage system.

Internal Council Advice

- 4.3 The Traffic Manager recommends that planning permission be refused since the proposal conflicts with a highways improvement line and also advises that the parking provision falls short of the required minimum.
- 4.4 The Conservation Manager raises no objection in principle but comments that the success of this scheme depends upon a high standard and quality of detail, materials and finishes. It is advised that the site is one of particular archaeological sensitivity but having regard to the evaluation undertaken no objection is raised subject to standard conditions relating to site investigation and submission of foundation design details.
- 4.5 The Chief Forward Planning Officer comments that whilst the proposal would contribute to the vitality and viability of the city centre, the main concern relates to the lack of provision for affordable housing.

- 4.6 Head of Strategic Housing Services requests provision of 35% affordable dwellings (8 in total) referring to the lower threshold of 15 dwellings identified in the Herefordshire Unitary Development Plan (Revised Deposit Draft).

5. Representations

- 5.1 Hereford City Council raise no objection in principle but have concern at the likelihood of increased traffic and in particular as a result of access and egress to and from the site.
- 5.2 One letter of objection has been received from M.R.P. Churchman, Property Controller of Dignity (on behalf of S.A. Evans, Funeral Directors) raising the following concerns:
- proximity to our property and significant loss of light
 - no elevations should overlook our property due to the sensitive nature of our business
 - parking provision appears to be on the light side
 - conditions should be imposed in respect of working hours and noise levels during the construction period.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issues for consideration in the determination of this application are as follows:
- (a) the principle of residential development;
 - (b) the impact upon the character and appearance of the Conservation Area;
 - (c) implications for the Scheduled Ancient Monument (city defences);
 - (d) provision of affordable housing;
 - (e) highways, parking and access issues; and
 - (f) the impact upon the amenities of neighbouring occupiers.

Principle of Residential Development

- 6.2 The site lies within the settlement boundary for Hereford located on white land adjacent to the Central Shopping Area and an Established Residential Area and as such proposals for residential development would broadly accord with Policy H23 of the Hereford Local Plan, subject to compliance with more detailed policy criteria. The scheme as proposed incorporates a total of 23 units of accommodation (20 two bed units and 3 one bed units) on a relatively small site and represents a highly efficient re-use that would be supported by PPG3, which encourages a greater intensity of development in sustainable city centre locations with good public transport accessibility. Policy H15 of the emerging Unitary Development Plan indicates that sites in Hereford should achieve a density of at least 50 dwellings per hectare and the proposal is certainly consistent with this and the density achieved within the John Haider Building.
- 6.3 In terms of other matters of principle it is acknowledged that the site is constrained by a long standing road improvement line between Commercial Road and Ledbury Road and that this is identified in the Local Plan. However in line with fundamental changes in Government guidance the improvement line is not protected by UDP policy and since there are no specific design proposals for a link road scheme or plans relating to

an alternative sustainable transport project for this site it is not considered that significant weight can be afforded to this issue. It is advised that the development of this particular site would not be viable if the old road improvement line were preserved.

- 6.4 The site is not specifically allocated for any purpose in the Local Plan but its present use as a private car park is a relevant consideration is as much as Government guidance and emerging UDP Policy T12 would actively encourage the redevelopment of the car park for alternative beneficial use.
- 6.5 In light of the above it is suggested that there would be no grounds for objecting to the principle of residential development on the application site, subject to compliance with detailed policy requirements which are set out below.

Impact on the Conservation Area

- 6.6 The existing site is considered to detract from the general character and appearance of the locality, which is characterised by a rather non-descript openness dominated by surface car parking. It is recognised that the site occupies a very important and highly prominent location on the edge of the city centre and that its redevelopment therefore offers an opportunity to considerably enhance the townscape.
- 6.7 A contemporary design solution has been submitted, which incorporates high quality materials (dressed sandstone, coloured render, tinted glazing and titanium zinc). The scale of the proposed development has been informed by the John Haider Building, which although unlisted represents a locally important landmark building. The proposed development would in effect incorporate a maximum of 5 storeys of accommodation within two blocks addressing both street frontages but despite the number of storeys, the overall massing of the building would be limited by the combined open/set back nature of the ground floor and the in-board setting of the top storey on the Bath Street block.
- 6.8 The subservient positioning of eaves lines and fenestration is such that the individual blocks would not appear overly dominant when viewed in conjunction with the John Haider Building and the introduction of the centrally positioned glazed elements on the Bath Street and internal courtyard elevations provides both an architectural statement and a vertical emphasis that would generally serve to reduce the perceived bulk of the building.
- 6.9 In longer distance views from Commercial Road, the rather unsightly end elevations and communal stairs serving the John Haider Building would be removed with the zinc cladding serving to break up the end elevations of the proposed blocks. Furthermore the erection of high quality 'artisan designed' railings along the principal Bath Street frontage would through careful control over detailing introduce a further enhancement to the site and surroundings.
- 6.10 It is suggested that the site offers an opportunity for a high quality contemporary development to lift the character and appearance of the locality and it should be noted that the scheme is supported by the Conservation Manager and that no objections have been received from English Heritage who advise that a well executed scheme could have a considerable benefit to this rather fragmented part of the city centre fringe.

Scheduled Ancient Monument

- 6.11 The site has significant archaeological value in view of its location within the Area of Archaeological Importance and since the eastern part forms part of the Scheduled buried remains of the city defences.
- 6.12 A detailed archaeological evaluation has been undertaken by the applicant indicating the presence of a substantial thickness of rampart material at a depth of approximately 0.8 metres with the most sensitive archaeological deposits being apparent in the western half of the site, whilst the eastern half has been extensively developed during the Victorian period leading to a conclusion that archaeological deposits here will have been destroyed up to the edge of the city ditch.
- 6.13 The proposal incorporates the provision of an archaeological interpretation board on the Bath Street frontage which will improve public perception of the line of the city defences and it is also advised that Scheduled Ancient Monument Consent has been granted subject to strict adherence to conditions that would incidentally be covered by the standard archaeological conditions proposed in the recommendation below.
- 6.14 The evaluation and findings have been considered by the Conservation Manager who raises no objection to the permanent development of the site subject to the submission of a detailed programme of archaeological work and foundation design.

Affordable Housing

- 6.15 Government guidance contained in PPG3 and Circular 6/98 provides information in relation to the provision of affordable housing Circular advice states that affordable housing should be sought on suitable sites for development in excess of 25 units or on sites of 1 hectare or more. Neither threshold is triggered by this proposal.
- 6.16 Policy H8 of the Hereford Local Plan does not prescribe any form of threshold. Set against this adopted policy, Policy H9 of the emerging UDP seeks to impose a lower threshold limit of 15 units and above. It is advised that this policy can only be accorded limited weight and should not be used to judge the current application since the advice in Circular 6/98 is clear that the local planning authority can only seek affordable housing at lower thresholds than that set out in guidance when that threshold has been the subject of a development plan process.
- 6.17 Furthermore, the proposal represents a particularly high quality design and a very efficient use of the land that would be seriously compromised by the provision of affordable housing within the scheme. It is worth noting at this stage that a proposal for 4 dwellings on the site would satisfy the density requirements of PPG3 and clearly this would not trigger any affordable provision. Neither would it constitute an efficient use of land. In the context of the above, it is advised that affordable housing provision is not a realistic option and should not be sought in relation to this particular proposal.

Highways, Parking and Access

- 6.18 The relevance of the existing road improvement line has been considered earlier in the appraisal and as such this section will deal more specifically with the issue of access and parking provision. The City Council has identified concerns in relation to increases in traffic to the site and the Traffic Manager suggests that parking provision falls short of the required minimum spaces for this location.

- 6.19 The proposal limits access to one point from Gaol Street and since the development will result in significant loss of existing parking spaces it is maintained that the level of traffic using the local road network will decrease. The specification of the access in terms of visibility meets identified standards, leaving the proposed number of spaces provided on site as the only outstanding issue.
- 6.20 The applicant considers that the proposed 20 spaces in addition to the provision of secure cycle parking and easy pedestrian access to public transport and other services is adequate. It is suggested that the 20 spaces will be designated to the equivalent number of two bedroomed units whilst the one bedroomed ground floor units in the Gaol Street block could make use of the immediately adjacent public car parks if necessary. It has been made clear in negotiations that the increase in the number of parking spaces or a reduction in the number of units in order to meet the Traffic Manager's requirement of one space per unit would compromise the viability of the scheme.
- 6.21 In seeking to balance the lower and upper thresholds for parking provision outlined in Government guidance and emerging policies it is advised that this particular scheme strikes an acceptable balance that would not result in unacceptable nuisance parking or a reduction in highway safety in the locality.

Neighbouring Amenity

- 6.22 Immediately to the north of the Gaol Street block is the two storey premises of a well established funeral directors. The property has two windows in the side elevation which serve a reception and waiting area. The existing building is currently surrounded on all sides by surface car parking and as such the introduction of the proposed four storey block will result in a loss of daylight into the windows identified above. However it is considered that the greater benefits attributable to the successful development of the application site would outweigh these concerns and as such the loss of daylight to this commercial premises which stands somewhat isolated and out of keeping with the locality is not considered in its own right to warrant the refusal of planning permission.
- 6.23 The John Haider Building and its residents would not be materially affected by the proposal in view of the relative orientation and juxtaposition of the two buildings. The open courtyard of proposed layout is such that daylight will still be available to the communal stairway of the John Haider Building and furthermore habitable rooms within the existing building face outwards and will not be affected.
- 6.24 Conditions ensuring no windows are installed in the north facing elevations of the Gaol Street block and restricting hours of construction are proposed in order to address identified concerns.

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 Notwithstanding the approved drawings, details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of development:**

- (a) specification of the 'artisan designed' railings to the Bath Street frontage;**
- (b) detailed specification relating to the tinting of the glazed screen walls and windows serving the residential units hereby approved;**
- (c) the position and design of the archaeological interpretation board;**
- (d) details of rainwater goods and their positions.**

Reason: To ensure a satisfactory appearance upon completion of the development

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

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

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

Reason: To protect the amenity of local residents.

- 8 Foul and surface water discharges must be drained separately from the site and no surface water or land drainage run off shall be permitted (whether directly or indirectly) to discharge into the public sewerage system.**

Reason: To protect the integrity of the public sewerage system and prevent hydraulic overloading in the interests of health and safety of existing residents and the wider environment.

- 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 H07 (Single access - outline consent)**

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

- 12 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.

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 The cycle parking areas identified on the approved plans shall be installed prior to the occupation of any residential units on hte site and retained thereafter.

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 N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 ND01 - Scheduled Monument Consent**
- 3 ND02 - Area of Archaeological Importance**
- 4 ND03 - Contact Address**
- 5 HN01 - Mud on highway**
- 6 HN05 - Works within the highway**
- 7 N01 - Access for all**
- 8 N03 - Adjoining property rights**
- 9 N07 - Housing Standards**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCCE2004/4262/F - PROPOSED STABLE AND TACK/TRAP SHED THE THRESHING BARN, EASTWOOD, TARRINGTON, HEREFORD, HEREFORDSHIRE, HR1 4JF

For: Mr D Morris, per Mr I Williams, Tupsley Court Cottage, Tupsley Court, Hereford, HR1 1UX

Date Received: 9th December, 2004 Ward: Backbury Grid Ref: 63492, 40274

Expiry Date: 3rd February, 2005

Local Member: Councillor Mrs J Pemberton

1. Site Description and Proposal

- 1.1 The site is located north of the A438 immediately west of the junction with C1151 approximately 1.5 miles east of Tarrington. The site currently forms part of a paddock and is bounded to the north and west by agricultural land. To the east is a detached thatched roofed property which is Grade II Listed and south is the applicants property which is a converted barn. Further converted barns lie to the west, the majority of which are also Grade II Listed.
- 1.2 The applicants propose the construction of a timber framed building to be used for the stabling of two horses along with an attached tack and trap room. The building is to be clad with weatherboarding under a pitched slated roof and measures 11.2 metres in length by 5.7 metres in width by 4.4 metres in height to the ridge of the roof.

2. Policies

2.1 Malvern Hills District Local Plan:

Recreation Policy 13	-	Horses and stables in the countryside
Landscape Policy 3	-	Development in Areas of Great Landscape
Conservation Policy 11	-	The setting of listed buildings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S8	-	Recreation, sport and tourism
RST1	-	Criteria for recreation, sport and tourist development
LA2	-	Landscape character if areas least resilient to change
HBA4	-	Setting of listed buildings

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager: No objection.
- 4.2 Conservation Manager: No objection to amended proposal.
- 4.3 Head of Environmental Health and Trading Standards: No objection.

5. Representations

- 5.1 Ashperton Parish Council: No objection.
- 5.2 Tarrington Parish Council: The Parish Council has no objection in principle but would prefer the building to be sited in a different place where it would be less prominent, perhaps the opposite (south west) corner. They would also prefer timber rather than brick building.
- 5.3 One letter of objection has been received from Gareth Creed-Newton and Jenny Shaftain of Shepherds Cottage, Eastwood. The main points raised are:
 - Concerns about noise arising from the horses along with general activity such as vehicles arriving and departing.
 - Concern about the smell which would be generated, which is likely to be throughout the year.
 - We note that the proposed building is as far away from the applicants property as possible which is a strong indication that they also believe that it will be a nuisance to them if it was sited closer to their property.
 - Concerns that the building will be suitable in the long term for habitable accommodation.
 - We object strongly to the location of the stables given that there are many other suitable places on the applicants land which would not interfere with our property and quality of life.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The plans have been amended since first submitted to take on board concerns expressed by consultees and officers. The amendments are:
 - 33% reduction in the scale (floor area) of the building,
 - change of materials from brick to weatherboarding
 - removal of the access road across the field.
- 6.2 The change in the materials from brick to weatherboarding will give the development a softer appearance and assist in assimilating the building into its environment. The reduction in size along with the removal of the access road will further minimise the impact of the development on the landscape, which is designated as an Area of Great Landscape Value.
- 6.3 The objectors concerns regarding noise and smells are noted. However, Environmental Health have been consulted on the application and raise no objection on either of these matters. It is considered that there is sufficient distance between the stables and the applicant's property to achieve a satisfactory level of amenity.

- 6.4 The opportunity for siting the building elsewhere within the applicants land has been explored. However, the proposed siting is the most appropriate due to the existence of the mature hedge along the eastern boundary. A building elsewhere within the plot is likely to have an unacceptable impact on the landscape particularly given the elevated nature of the site.
- 6.5 The proposal is therefore considered acceptable in accordance with Recreation Policy 13 of the Malvern Hills District Local Plan subject to conditions ensuring that the building is used for stabling of the applicant’s own horses and not for any business or other use.

RECOMMENDATION

That planning permission be granted subject to approval:

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 E11 (Private use of stables only)

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

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 DCCE2004/3862/F - PROPOSED FIRST FLOOR AND GROUND FLOOR EXTENSIONS, 249 ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RS

For: Mrs L.A. Taylor, 249 Ross Road, Hereford, HR2 7RS

Date Received: 4th November, 2004 **Ward: St. Martins & Hinton** **Grid Ref: 50651, 38062**

Expiry Date: 30th December, 2004

Local Members: Councillor C. Chappell, R. Preece, Mrs U. Attfield

1. Site Description and Proposal

- 1.1 The site is located north of unclassified road U82301 known as Redhill Avenue immediately east of the A49, south of Hereford City centre. The applicant's property is semi-detached of brick construction under a hipped tiled roof with attached single storey flat roof garage. The site is within an Established Residential Area and ground levels fall from south to north within and adjoining the site.
- 1.2 Proposed is the demolition of the existing garage and construction of a new two storey extension with additional single storey lean-to rear incorporating a garage with a utility room at ground floor and en-suite bedroom and bathroom at first floor.

2. Policies

2.1 Hereford Local Plan:

H16 - Alterations and extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

H18 - Alterations and extensions

3. Planning History

3.1 HC920492PF - Extension to form garage. Approved 21st December, 1992.

4. Consultation Summary

Internal Council Advice

4.1 Traffic Manager: No objections.

5. Representations

5.1 Hereford City Council: No objection.

5.2 One letter of objection has been received from Mrs E. Ewins, 247 Ross Road, Hereford. The main points raised are:

- first floor extension would restrict light to my garden, side kitchen window and patio area;
- there is a 6ft boundary wall dividing mine and the applicants property with the applicant's property also being 6ft higher than ours. The soil built up on either side of the boundary may not be able to support the proposed extension.

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

6. Officers Appraisal

6.1 The plans have been amended since first submission to address concerns expressed by Officers. The amendments are:

1. Reduction in the width of the extension to create a 400mm recess on the front elevation.
2. Increase in the width of the rear single storey utility by 200mm.
3. Introduction of a hipped roof to the extension.
4. Replacement of proposed bay window at first floor on the front elevation with conventional four-pane window.

6.2 The reduced scale and amended design of the extension now ensures that it is visually and architecturally subservient to the original dwelling. Matching materials are proposed and the introduction of a hipped roof will compliment the form of the existing dwelling. With regard to the neighbours concerns regarding a potential loss of sunlight, there are no windows in the side elevation of the objector's property serving habitable rooms. This fact allied with the limited width of the extension and the juxtaposition and orientation of the two properties is such that any loss of sunlight will be marginal. Concerns regarding the stability of ground adjacent to the boundary are likely to be addressed with the need to comply with Building Regulations should planning permission be approved. Finally, adequate off street parking exists to the satisfaction of the Traffic Manager.

6.3 The amended proposal is considered acceptable in accordance with Policy H16 of the Hereford Local Plan.

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 B02 (Matching external materials (extension))

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

INFORMATIVE:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCCE2005/0292/F - CHANGE OF USE FROM RESIDENTIAL C3 TO RESIDENTIAL C2 CARE HOME FOR ADULTS WITH LEARNING DISABILITIES, INCLUDING TWO STOREY REAR EXTENSION, 48 HAFOD ROAD, HEREFORD, HR1 1SQ

For: Milbury Care Services, Homewood Design, Unit 9, Tamworth Enterprise Park Mariner, Tamworth, B79 7UL

Date Received: 31st January, 2005 Ward: Tupsley Grid Ref: 52388, 39632

Expiry Date: 28th March, 2005

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

1. Site Description and Proposal

- 1.1 This application seeks permission for the change of use of 48 Hafod Road, Hereford from residential (C3) to a residential care home for adults with learning disabilities (C2). The proposal includes a two storey side/rear extension and the conversion of the existing garage to provide additional accommodation. The scheme is intended to provide 6 bedrooms and 2 self contained units (8 adults with learning disabilities in total). Staffing levels will vary depending upon activities but typically would be 4 full time staff and up to 8 support workers.
- 1.2 The site is located on the western side of Hafod Road within both an Established Residential Area and the Hafod Road Conservation Area. The existing property is a large detached dwelling house which is currently vacant.
- 1.4 This application is a re-submission of application DCCE2004/4282/F, which was withdrawn on Officer advice due to concerns over the access and parking arrangements.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General policy and principles

2.2 Hereford and Worcester County Structure Plan:

CTC15 - Preservation, enhancement and extension of conservation areas

2.3 Hereford Local Plan:

ENV14 - Design
 H12 - Established residential areas – character and amenity
 H21 - Compatibility of non-residential uses
 CON12 - Conservation areas
 CON13 - Conservation areas – development proposals
 SC1 - Health care

SC3 - Facilities for the disabled

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
S2 - Development requirements
S6 - Transport
S7 - Natural and historic heritage
DR1 - Design
DR2 - Land use and activity
HBA6 - New development within conservation areas
CF7 - Residential nursing and care homes

3. Planning History

3.1 DCCE2004/4282/F - Change of use from residential C3 to residential C2 care home for adults with learning disabilities, including two storey rear extension. Withdrawn 25th January, 2005.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations received.

Internal Council Advice

4.2 Conservation Manager: Considers the proposal acceptable subject to a condition requiring matching materials.

4.3 Traffic Manager: Raises no objection subject to a condition relating to parking arrangement provision.

5. Representations

5.1 Hereford City Council has considered this planning application and recommends refusal on account of the anticipated increase in volume of traffic accessing the premises.

5.2 Letters of objection have thus far been received from 34 local residents, the comments of which can be summarised as follows:

- Loss of privacy;
- Loss of light;
- Dominating presence of property;
- Inadequate parking provision;
- Unacceptable traffic generation;
- Unacceptable rise in on-street parking;
- Unacceptable access arrangement;
- Precedent set by refusal of the dental surgery (DCCE2001/2615/F: Change of use from C2, residential care home, to dentist surgery with self-contained first floor flat above. Refused, January, 2002);
- Precedent set if this application is approved;
- Removal of conifers is inappropriate;

- Loss of hedgerow is unacceptable;
- Harm to Conservation Area caused by access alterations;
- Inappropriateness of area to house individuals with learning disabilities. Specific reference to safety concerns in relation to children in the area;
- Harm to trees caused by development;
- Applicants have advertised the property as a future service in the media, assuming the granting of permission. This is unacceptable and if the application is permitted will call into question the probity of planning officers;
- Noise and light pollution.
- Covenant preventing dwellings in Hafod Road from becoming a business.

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

6. Officers Appraisal

6.1 It is considered that the principal issues for consideration in relation to this proposal are as follows:

- The principle of development;
- Highway safety and parking provision;
- Conservation Area issues;
- Residential amenity issues;
- Design and scale.

Each of these will be considered individually.

Principle of Development

6.2 Policy H12 of the Hereford Local Plan requires the protection and where appropriate the enhancement of the environmental character and amenity of the designated established residential areas. Policy H21 states that proposals for non-residential development in the established residential areas will not be permitted where they would have an unacceptable adverse effect on the residential character and amenity of an area. Highway safety is specifically referenced. The provision of healthcare and disabled facilities is supported where in accordance with other relevant policies of the plan. In relation to health care facilities, policy specifically references the need for public and private transport accessibility. Turning to the Herefordshire Unitary Development Plan (Revised Deposit Draft), Policy CF7 supports residential nursing and care homes such as that proposed here where they have adequate private amenity space, are accessible by a choice of means of transport and have reasonable access to services and facilities, and where the use will not significantly impact upon the amenity of neighbouring residents.

6.3 The Conservation Area policies in both the above quoted Development plans require any proposal to preserve or enhance the affected Conservation Area.

6.4 In consideration of the above outlined policy stance it is quite clear that there is no fundamental policy objection to the proposed change of use, rather the acceptability or otherwise of the proposal rests upon the impact of the use upon the locality with specific regard to highway issues and residential amenities.

Highway Safety and Parking Provision

- 6.5 The Traffic Manager has raised no objection to the proposed development. The previous application proposed 6 spaces in total but failed to allow for adequate vehicle turning and access arrangements. The current proposal provides four unrestricted spaces and a single space for a disabled user, a total of five spaces. The remaining hardstanding is now hatched to ensure the required turning area and the access revised. This does include the loss of some of the existing hedgerow. The access and parking provision now proposed represent the results of direct negotiations with the Traffic Manager. While the concerns of local residents are recognised and appreciated it must be stressed that the parking provision and access arrangements accord with both the adopted and emerging Development Plan policy standards and requirements. It is considered that no refusal on highway grounds could therefore be substantiated.

Conservation Area Issues

- 6.6 The Conservation Manager has raised no objection to the proposal. It is considered that the proposed extension is appropriate in design and scale and will integrate effectively into the existing built form. The access arrangements are not considered to be cause for concern with the loss of part of a conifer hedgerow acceptable. It is considered that the proposed application will preserve the character and appearance of the Hafod Road Conservation Area.

Residential Amenity Issues

- 6.7 Developments of this type are sensitive and this is reflected in the understandably high level of local objection to this application. Amenity could potentially be effected by the physical additions proposed and the actual use of the property.
- 6.8 The proposed extension will not cause any unacceptable light loss or overbearing impact to habitable openings and privacy will be ensured through the conditioning of obscure glazing in the altered south facing elevation. The extension is not so much a rear addition as the infilling of the corner of the existing property. Impact to the rear will therefore be little different to that currently found on site. The internal alterations will not result in habitable windows where there are currently none and thus the impact would be no greater than the use of the property as a dwelling. The impact of this application upon residential amenities therefore rests on the impact of the activities associated with the use of the property, and the highway issues already discussed.
- 6.9 It is considered that the occupation of this property by 8 adults with learning disabilities, together with the associated care staff, will not cause unacceptable disturbance for local residents. The property is large with ample amenity space and it is considered that the site is capable of accommodating the proposed use without undue harm to neighbours. It has already been outlined that no objection in principle is raised to this use and it is considered that in this instance there is no residential amenity issue that can be demonstrated to support the refusal of this application. A residential care home is, it is suggested, best located in a residential area. It is ultimately a residential use where individuals will live and be supported.

Design and Scale

- 6.10 The design of the proposed extension is considered acceptable and reflects the existing architectural characteristics of the main dwelling. The alterations to the garage

will sit comfortably with the dwelling and indeed are considered more successful than the existing garage arrangement. The siting of the addition is such that the silhouette of the dwelling will be little altered. The scale is considered acceptable in the context of the locality. As note above, the Conservation Manager is satisfied with the proposed works.

Other Issues

- 6.11 The promotion of the property by the applicant prior to the determination of this application is a little regrettable but has no bearing on the determination of this application or any influence upon the ultimate decision made.
- 6.12 The setting of a precedent in planning can occur when an application is determined contrary to the principles of planning policy. As discussed above, this proposal is not contrary to the principle of policies contained in either the adopted or emerging Development Plans. As noted previously, the acceptability or otherwise of this application relates to the specifics associated with it. No precedent would therefore be set with the determination either way of this application. Every application is considered on its own merits and future applications would be considered as such. This would include the culminative effect of developments in the locality.
- 6.13 Application DCCE2001/2615/F has been referred to in a number of objections. This application was for the change of use of 5 Hafod Road to a dentist surgery. The previous use of this property was C2 (residential care home). For the interests of clarification it is advised that this application was recommended for approval by Officers but refused by Members at the Central Areas Planning Sub-Committee meeting held on the 2nd January, 2003. This refusal was appealed against but this appeal was withdrawn. It is not considered that this application sets a precedent for this application, as stated above.
- 6.14 While no specific controls over the occupants of this property are reasonable, a condition will be imposed to restrict this property to the specific use applied for, thereby controlling the future use of this premise.
- 6.15 The covenant raised is not a planning matter but rather a legal issue.

Conclusion

- 6.16 This application is in accordance with parking and highway safety requirements and is considered to pose no unacceptable harm to the residential amenities of neighbouring properties, or to the Hafod Road Conservation Area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 A07 (Development in accordance with approved plans)**

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

3 B01 (Samples of external materials)

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

4 E06 (Restriction on Use)

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

5 E18 (No new windows in specified elevation)

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

6 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

7 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8 F38 (Details of flues or extractors)

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

9 F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

10 G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 G17 (Protection of trees in a Conservation Area)

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

12 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 N03 - Adjoining property rights

2 N11A – Wildlife and Countryside Act 1981 (as amended) - Birds

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCCE2004/4168/F - CHANGE OF USE OF BUILDING FROM A HEALTH CENTRE TO A FISH AND CHIP SHOP, 139 QUARRY ROAD, HEREFORD.

For: Mrs S J Humphries, per Mr J I Hall, New Bungalow, Nunnington, Hereford, HR1 3NJ

Date Received: 3rd December, 2004 Ward: Tupsley Grid Ref: 52428, 40033

Expiry Date: 28th January, 2005

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

1. Site Description and Proposal

- 1.1 The application site comprises a vacant health centre (Use Class D1) with residential accommodation at first floor level. It is located in a prominent position close to the junction of Ledbury Road and Quarry Road and forms the end unit in a small parade of retail units, all of which have residential accommodation over.
- 1.2 The site benefits from a lay-by parking area serving the parade of shops. The submitted plans refer to an area of hardstanding to the north west of the building but this is not included within the red line defining the application site.
- 1.3 The site forms part of a designated Local Shopping Centre with the surrounding area being an Established Residential Area.
- 1.4 The proposal seeks planning permission for the change of use of the vacant health centre unit at ground floor level to a takeaway fish and chip shop (Use Class A5 under the provisions of the new Use Classes Order 2005) retaining the residential accommodation at first floor. The application is accompanied by additional supporting information including details of an extraction system, a petition supporting the application and details relating to proposed hours of business, parking/traffic control, litter and noise and activity associated with the use of the premises.
- 1.5 The application is a resubmission following the refusal of an identical application (with the exception of the additional information referred to above) on 1st November 2004 (DCCE2004/3349/F). The reason for refusal of this application is as follows:-

"The site is located within an established residential area as defined by the Hereford City Local Plan (1996). The proposed change of use of the ground floor to an (A5) fish and chip shop would be unacceptable and would cause harm to the residential amenity of the neighbouring residents and in particular those living directly over the retail units. Furthermore, such a use would alter the character of the area in terms of social activity outside normal business hours, increased noise and litter as well as emanating fumes and odours in close proximity to nearby residents. As such, the proposal fails to comply with Policy H21 of the Hereford City Local Plan which seeks to ensure non-residential uses are compatible with adjacent uses."

2. Policies

- 2.1 Hereford and Worcester County Structure Plan:

CTC9 - Development Requirements

2.2 Hereford Local Plan:

H12 - Established residential areas – character and amenity
H21 - Compatibility of non-residential uses
S13 - Local shopping centres

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
S2 - Development requirements
DR2 - Land use and activity
TCR13 - Local and neighbourhood shopping centres
TCR15 - Hot food takeaway outlets
T11 - Parking provision

3. Planning History

- 3.1 CE1999/2179/F Change of use of ground floor shop to A3 hot food takeaway. First floor to remain in residential use. Refused 22nd September 1999.
- 3.2 CE2000/3342/F Change of use of ground floor to natural health centre. Approved 6th February 2001.
- 3.3 CE2004/4168/F Change of use of building from a health centre to a fish and chip shop. Refused 1st November 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Head of Environmental Health and Trading Standards comments that whilst discussions have taken place regarding the extract ducting I have not received specific details in relation to the proposed works. I would therefore suggest the application be rejected unless a suitable noise insulation scheme is submitted.
- 4.3 The Traffic Manager raises no objection to the grant of planning permission.

5. Representations

- 5.1 A total of 80 letters of objection have been received in response to the application. The concerns raised can be summarised as follows:-
- Inadequate parking having regard to level of use associated with existing shops and the use of Quarry Road as a short cut.
 - Increased traffic and parking problem. Threat to pedestrians and elderly people in the area.
 - Litter and noise would spoil the residential environments.

- Nuisance from cooking smells.
 - Attraction of vermin.
 - Health and safety issues relating to discarded food.
 - Toxic fumes from exhausts of waiting cars.
 - Takeaway use not compatible with character of area.
 - Proposed parking area originally intended as a communal landscaped space.
 - Ducting system would be unsightly and would not eradicate smells.
 - Activity will make it difficult to get our car in and out of our driveway.
 - No need for a fish and chip shop with other such businesses within a 1 mile radius of the site.
 - Threat of anti-social behaviour late at night.
- 5.2 Hereford City Council recommend refusal on the grounds of likely noise, smell and litter in a residential area.
- 5.3 The applicant has carried out their own petition of local residents and raised a petition of some 341 signatures from the surrounding area who raise no objection to the proposed chip shop feeling that it would be a useful local amenity.
- 5.4 A letter from the Residential Care Manager of 1-4 Ivy Close, Ledbury Road, Hereford has been received indicating that the majority of staff and clients employed or using the facility have no objection to the proposal suggesting that they would use the outlet.
- 5.5 Brightwells in their capacity as agents of the freehold owners of the application site comment upon the planning policy issues (addressed in the Officer's appraisal) and make the following comments:
- no objection raised by the Traffic Manager;
 - applicant will be installing a new ventilation system and the use of current technology will reduce the likelihood of nuisance emissions;
 - a restriction on trading hours would be accepted;
 - litter patrols and the provision of bins are proposed;
 - A3 takeaway will provide an important local service and amenity to an area which currently does not have such a facility.
- 5.6 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues for consideration in the determination of this application are as follows:-
- (a) the impact of the proposed use on residential amenity;
 - (b) highways and parking issues, and;
 - (c) visual impact of associated equipment.

Residential Amenity

- 6.2 The site lies within the Established Residential Area of Tupsley where Policy H12 of the Hereford Local Plan seeks to protect the environmental character and amenity of

the area and furthermore Policy H21 states that proposals will not be permitted where they would have an unacceptable adverse effect on residential character, including highway safety.

- 6.3 It is clear from the significant number of objection letters received in response to this application that noise, litter, odour, nuisance relating to vehicular traffic coming and going and the perceived threat of late night anti-social behaviour are serious concerns associated with this particular use and therefore notwithstanding its position within a commercial shopping parade these are relevant material considerations.
- 6.4 In response to these concerns the applicant has provided a detailed specification of an extraction system including reference to decibel levels, carbon filters, noise and odour attenuation measures and fan speed controllers designed to minimise the impact of cooking odours in the immediate vicinity of the site. In addition the applicant advises that the intended opening hours would be between 11.30am and 9.45pm Mondays to Fridays (the premises would be closed between 1.45pm and 4.45pm on these days) and 12.00pm to 9.45pm on Saturdays. The premises would be closed on Sundays.
- 6.5 It is intended to operate daily litter patrols in the vicinity of the premises and provide bins such that the general environs would be kept clean and tidy. The applicant further comments that the early closing time would ensure that customers would not congregate late at night or cause nuisance.
- 6.6 The Head of Environmental Health and Trading Standards has considered the submissions received by the applicant and is generally satisfied that a high specification extraction system could reduce the impact of odour emissions from the proposed takeaway to an acceptable level having regard to neighbouring properties, with the exception of future occupiers of the flat above the ground floor. At the time of writing, it has been advised that there is insufficient information available to assess the noise impact on future occupiers of the flat and on this basis a refusal recommendation has been put forward.
- 6.7 Further to this it has been advised that any permission granted should be the subject of hours of operation restrictions.
- 6.8 In reaching a recommendation on this highly sensitive proposal it is acknowledged that whilst individual elements such as the technical specification of extraction equipment, hours of operation and the responsible management of the site may have been addressed by the applicant there remains an overall judgement to be made in respect of the general implications of allowing the takeaway use in this location. The recent history of the application site directs towards the consistent refusal of planning permission and on balance it is not considered that this revised proposal is materially different from those submitted previously. It remains the case that a takeaway establishment is not considered compatible within this Established Residential Area and moreover that if the general noise and disturbance associated with the operation of the site and the comings and goings of customers would detract from the existing character of the locality which would not be in the interests of protecting the residential amenity of those existing residents living in the vicinity of the site. It is suggested that an acceptance of such a use even on the terms put forward by the applicant would lead to significant pressure in the future for an extension of hours that would be very difficult to oppose and therefore the refusal of planning permission is recommended.

Highway Safety and Parking

- 6.9 Local concerns have been expressed in relation to the limited parking available to serve the site but the Traffic Manager has advised that there would be insufficient grounds to object to this particular issue in highway safety terms. Previous refusals relating to this site have not relied upon highway safety concerns and as such it is considered unreasonable to introduce such a reason for refusal at this stage.
- 6.10 Notwithstanding this it is considered that the comings and goings of private cars and the slamming of doors for example would contribute to the erosion of the residential character of the area and as such would be relevant to the amenity concerns identified above.

Visual Amenity

- 6.11 In its original form, the application proposed an externally mounted extract duct that would have been very prominent on the elevation facing Ledbury Road. The applicant has revised the submission to include an internally positioned duct that would terminate just above ridge level on the rear roof slope of the property. It is considered that this would not in its own right have a significant effect on the locality to the extent that the refusal of permission would be warranted.
- 6.12 Reference has been made to the parking area to the north of the property but it is advised that this does not form part of the identified application site and as such is not relevant to the consideration of this particular proposal.

Conclusion

- 6.13 In the light of the manner in which this application has unfolded, the applicant has demonstrated a level of local support for this proposal but it is clear that there is also significant opposition from residents living in the vicinity. The overall impact of the proposed takeaway use having regard to the information provided and the views expressed by the Head of Environmental Health and Trading Standards is finely balanced. However the local planning authority has taken a consistent view on the unacceptability of such a use in this particular location and it is not considered that there are sufficient grounds to warrant departing from this view and as such the recommendation is one of refusal.

RECOMMENDATION

That planning permission be refused to the following reason:

- 1 The site is located within an established residential area as defined by the Hereford City Local Plan (1996). The proposed change of use of the ground floor to an (A5) fish and chip shop would be unacceptable and would cause harm to the residential amenity of the neighbouring residents and in particular those living directly over the retail units. Furthermore, such a use would alter the character of the area in terms of social activity outside normal business hours, increased noise and litter as well as emanating fumes and odours in close proximity to nearby residents. As such, the proposal fails to comply with Policy H21 of the Hereford Local Plan which seeks to ensure non-residential uses are compatible with adjacent uses.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

15 DCCE2005/0320/F - PROPOSED ERECTION OF SINGLE STOREY DWELLING WITH ACCOMMODATION IN ROOF SPACE AND ANCILLARY TWO BAY GARAGE AND FORMATION OF NEW VEHICULAR ACCESS. LAND ADJACENT TO PINE VIEW, FOWNHOPE COURT DRIVE, FOWNHOPE HEREFORDSHIRE

For: Mr & Mrs Mansell, Border Oak Design & Construction, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF

Date Received: 1st February, 2005 Ward: Backbury Grid Ref: 57866, 34814

Expiry Date: 29th March, 2005

Local Member: Councillor Mrs J. Pemberton

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a two storey detached dwelling on a site adjacent to Pine View, Fownhope. The application site comprises 0.13ha of generally open land situated at the northern edge of Fownhope. The majority of the site is presently used as a large paddock, which extends into the countryside to the north. The site, with the exception of a small element where the access will cross, is within the Fownhope Settlement.
- 1.2 There is currently a small brick-built stable building and some stone walls on site. The main area of the site is located to the east of a stream which splits the area in two. The access will cross over the stream which runs to the west of the main site area. A small area of the site, principally consisting of the access road to serve the main site, is found to the west of the stream. A small bridge is in situ, providing access to the main site area. The dwelling is proposed to be located in the north-east corner of the site. A garage is proposed on the southern boundary, adjacent to the retaining wall. The site is set lower than the land to the south.
- 1.3 To the immediate south of the site is the boundary of the Fownhope Conservation Area. All of Fownhope is designated as both Areas of Outstanding Natural Beauty and Great Landscape Value.
- 1.4 An outline application, DCCE2002/3130/F, exists on this site for a dwelling. This full application is required due to a condition attached to the outline permission which restricted any dwelling on this site to single storey. Additionally, no garage was originally proposed.

2. Policies

2.1 South Herefordshire District Local Plan:

- | | | |
|-----|---|--|
| GD1 | - | General development criteria |
| C23 | - | New development affecting conservation areas |

C30	-	Open land in settlements
C31	-	Trees in conservation areas
SH6	-	Housing development in larger villages
SH8	-	New housing development criteria in larger villages
C5	-	Development within AONB
C6	-	Landscape and AONB
C8	-	Development within AGLV

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
H4	-	Main villages – settlement boundaries
LA1	-	Areas of Outstanding Natural Beauty
LA5	-	Protection of bees, woodlands and hedgerows

3. Planning History

3.1 DCCE2002/3222/O - Erection of dwelling (outline). Approved 15th January, 2005.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations received.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Team Leader - Minerals and Waste: No objection.

4.4 Conservation Manager: Considered the dwelling to be a little fussy, particularly to the west, but overall considered the appearance to have charm suited to the setting. No Objections.

5. Representations

5.1 Fownhope Parish Council: fully support the application.

5.2 Two letters of objection have been received from the following sources:

- M.B. Chambers, Brooklyn, Fownhope;
- Mr E.F. Heathman, 1 Fownhope Court, Fownhope.

5.3 The comments received can be summarised as follows:

- A dwelling will be harmful to the Conservation Area;
- Two storey is excessive and will be intrusive, the new dwelling should be a single storey property as agreed in the outline permission.

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

6. Officers Appraisal

6.1 The main issues in this case are considered to be:

1. Principle of residential development;
2. Residential amenity;
3. Design, Conservation and Area of Outstanding Natural Beauty issues;
4. Highway safety.

Principle

6.2 It is considered that the principle of a new dwelling on this site has been established by virtue of the previous permission (DCCE2002/3222/O). It is therefore considered that the acceptability or otherwise of this proposal rests on the details of the proposal.

Residential Amenity

6.3 Regarding residential amenity, the site is sufficiently distanced from Pine View and Brooklyn to ensure no adverse relationships will result from the siting proposed. Court Stables is located immediately to the east of the site with habitable windows overlooking, though these are presently screened by a fir tree hedge. It is considered that the siting of the dwelling, together with its orientation and fenestration arrangements, will ensure that the impact upon light provision, and overbearing impact, are minimised. The impact upon the residential amenities of neighbouring properties is considered to be within acceptable limits.

Design, Conservation, and Area of Outstanding Natural Beauty Issues

6.4 The proposed dwelling will not encroach significantly further into the adjacent valley than existing development (Court Stables) and the site is largely screened from public vantage points. The Conservation Area contains a wide variety of dwelling types ranging considerable in design, scale, and architectural merit. The proposed dwelling is two storey but the second floor is proved within the roof space of the property. The application has been revised by reducing the roof pitch from 47.5 degrees to 45 degrees resulting in a ridge height of 6.6 metres. The dwelling is modest in its provision of accommodation and it is considered that the massing and silhouette of this property will not cause significant harm above and beyond that of a single storey dwelling. The proposal is a typical Border Oak design, which is not considered incongruous in this architecturally varied area. The garage is a timber 'wagon shed' type with an open front and catslide rear roof. It is considered that the siting and design of the garage is acceptable. It is considered that the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty will be preserved.

Highway Issue

6.5 The proposed access and parking arrangements have been assessed by the Traffic Manager and are considered 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 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: To enable the local planning authority to retain control over these matters in the interest of protecting the Area of Outstanding Natural Beauty and Conservation Area.

7 E17 (No windows in side elevation of extension)

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 F18 (Scheme of foul drainage disposal)

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

10 F28 (No discharge of foul/contaminated drainage)

Reason: To prevent pollution of the water environment.

11 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.

12 G01 (Details of boundary treatments)

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

13 G04 (Landscaping scheme (general))

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

14 G05 (Implementation of landscaping scheme (general))

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

15 G17 (Protection of trees in a Conservation Area)

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

16 G19 (Existing trees which are to be retained)

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

17 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.

18 H27 (Parking for site operatives)

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

INFORMATIVES:

1 HN01 - Mud on highway

2 N03 - Adjoining property rights

3 The applicants attention is drawn to the comments made by the Environment Agency (enclosed) in response to application DCCE2002/3222/O. These comments remain equally valid and appropriate in the context of this application.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

