

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 6th April, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 16
To approve and sign the Minutes of the meeting held on 16th March, 2005.	
4. ITEM FOR INFORMATION - APPEALS	17 - 20
To note the Council's current position in respect of planning appeals for the central area of Herefordshire.	
APPLICATIONS RECEIVED	
To consider and take any appropriate action in respect of the planning applications received for the central area of Herefordshire and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda item 5 was deferred at the last meeting and agenda items 6 to 14 are new applications.	
5. DCCW2004/3917/F - TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 ONU	21 - 26
Change of use to small school for pupils 11-16 years.	
Ward: Three Elms	

6.	[A] DCCE2004/4389/F AND [B] DCCE2004/4390/L - ABBEY GRANGE, 47 VENNS LANE, HEREFORD, HR1 1DT	27 - 32
	Proposed single storey extension to provide office and 8 no. bedrooms with en-suite wcs.	
	Ward: Aylestone	
7.	DCCE2005/0032/F - LEDBURY ROAD NURSERIES, LEDBURY ROAD, HEREFORD	33 - 34
	Retirement village/independent living scheme with village hall and restaurant, welfare and recreational facilities, administrative and care facilities, self-contained accomodation units and car parking.	
	Ward: Aylestone	
8.	DCCW2005/0207/F - UNIT 2, POMONA WORKS, ATTWOOD LANE, HEREFORD	35 - 40
	Continued use for distribution of sand and aggregates including retail for two years.	
	Ward: Burghill, Holmer & Lyde	
9.	DCCE2005/0206/F - 3 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY	41 - 46
	Erection of detached annexe.	
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10.	DCCE2005/0405/F - PLOT IN GARDEN OF LAVENDA COURT GARDENS, FOWNHOPE, HR1 4PB	47 - 52
	Erection of detached bungalow.	
	Ward: Backbury	
11.	DCCE2005/0248/F - 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ	53 - 56
	Two storey extension to provide double garage and study with two bedrooms over. Pitched roof over existing kitchen.	
	Ward: Aylestone	
12.	DCCE2005/0278/F - 53 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ	57 - 62
	Erection of house, garage and annex and improvements to access drive.	
	Ward: Tupsley	
13.	[A] DCCE2005/0436/F AND [B] DCCE2005/0440/L - WYE STREET STORE, WYE STREET, HEREFORD, HR2 7RB	63 - 70
	Studio/exhibition space.	
	Ward: St. Martins & Hinton	

14. DCCW2005/0393/F - 31 HOLMER ROAD, HEREFORD, HR4 9RX

Two storey and single storey rear extensions.

Ward: **Three Elms**

15. DATE OF NEXT MEETING

The next scheduled meeting is Wednesday 4th May, 2005.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 9th March, 2005 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, 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 R.M. Wilson

In attendance: Councillor J.B. Williams.

CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that Mr. Alan Poole, the Development Control Manager, would be retiring at the end of March and he thanked him for his long and dedicated service to the people of Herefordshire.

He also said the Asda store scheme at Causeway Farm, Hereford had received all the necessary consents to proceed.

119. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. E.M. Bew, T.W. Hunt (ex-officio), R.I. Matthews, R. Preece, D.B. Wilcox and A.L. Williams.

120. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
Mrs. P.A. Andrews	Item 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: TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS	Declared a prejudicial interest and left the meeting for the duration of this item.
Mrs. S.P.A. Daniels Mrs. A.M. Toon	Item 6 - DCCW2004/3917/F – Change of use to small school for pupils 11-16 years at: TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 0NU	Declared personal interests.

Mrs. M.D. Lloyd - Hayes	<p>Item 13 - DCCE2004/0292/F – Change of use from residential C3 to residential C2 care home for adults with learning disabilities, including two storey rear extension at: 48 HAFOD ROAD, HEREFORD, HR1 1SQ & Item 15 - DCCE2004/0320/F – Proposed erection of single storey dwelling with accommodation in roof space and ancillary two bay garage and formation of new vehicular access at: LAND ADJACENT TO PINE VIEW, FOWNHOPE COURT DRIVE, FOWNHOPE HEREFORDSHIRE</p>	Declared a personal interest.
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121. MINUTES

That the Minutes of the meeting held on 9th February, 2005 be approved as a correct record and signed by the Chairman.

122. 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.

123. DCCW2004/3707/F - & - DCCW2004/3708/C - 12-13 BRIDGE STREET & GWYNNE ST, HEREFORD (AGENDA ITEM 5)

The Principal Planning Officer reported the receipt of a letter from the Applicant in respect of the stained glass window. The Applicant had advised that this was of poor quality and that it would not be retained in the scheme but would be dismantled and re-used in another scheme. He also intended to re-cycle brickwork from demolition to help the new development to blend into the area. The Principal Planning Officer advised that car parking would be provided at one space per dwelling and that the applicant would re-surface part of Gwynne Street.

In accordance with the criteria for public speaking Mr. Downes and Mr. Arrol spoke in favour of the application.

RESOLVED: That**In respect of DCCW2004/3707/F:**

That planning permission be granted subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country

Planning Act 1990.

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of local residents.

- 7. F17 (Scheme of foul drainage disposal).**

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

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

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

- 9. G13 (Landscape design proposals).**

Reason: In the interests of visual amenity.

- 10. G15 (Landscaping implementation).**

Reason: To ensure the site is satisfactorily landscaped.

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

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

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

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

- 13. H27 (Parking for site operatives).**

Reason: To prevent indiscriminate parking in the interests of highway

safety.

14. H29 (Secure cycle parking provision).

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

15. C12 (Repairs to match existing).

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

16. C11 (Specification of guttering and downpipes).

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

17. C05 (Details of external joinery finishes).

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

18. C02 (Approval of details).

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

19. H17 (Design of Streetlighting for Section 278)

Reason: In order to comply with an agreement under Section 278 of the Highways Act 1980

Informative:

1. N15 - Reason(s) for the Grant of PP/LBC/CAC.
2. Stained glass window to be retained for future use.

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.

124. DCCW2004/3917/F - TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 0NU (AGENDA ITEM 6)

RESOLVED: That consideration of the application be deferred at the request of the Applicant.

125. DCCW2004/4212/F - LAND ADJACENT TO BRICK HOUSE, BUSH BANK, HEREFORD, HR4 8PH (AGENDA ITEM 7)

The Principal Planning Officer reported that the applicant was prepared to remove the two polytunnels from the eastern boundary before October, 2005. The local Ward Member expressed his appreciation for the work undertaken by The Principal Planning Officer in achieving such a successful outcome.

RESOLVED 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 October 2005 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.

The local Ward Member, Councillor JC Mayson thanked the Principal Planning Officer for his hard work in achieving such a satisfactory solution.

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.

[Note: Councillor Mrs. M.D. Lloyd-Hayes abstained from voting on this item.]

126. DCCW2005/0034/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS (AGENDA ITEM 8)

In accordance with the criteria for public speaking, Mrs. Robinson of Belmont Rural Parish Council spoke against the application and Miss Attwell spoke in favour.

Councillor P.J. Edwards, a Local Ward Member, expressed his opposition to the application on the grounds that the amenity of adjoining residents would be compromised if deliveries were permitted on Sundays. He considered that there was ample scope for the company to ensure that deliveries were made so that there was no danger of the petrol station running out of fuel during Bank Holidays. He was also

concerned that the company had failed to adhere to condition number 17 of their original planning application not to deliver on Sundays. The Principal Planning Officer said that he was investigating this point. The Sub-Committee concurred with the views of the Local Ward Member and felt that the application should be refused.

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. to protect the amenity of the adjoining residents.

(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.]

127. DCCE2004/4378/RM - DENCO HOLDINGS LTD, HEREFORD, HEREFORDSHIRE, HR4 9SJ (AGENDA ITEM 9)

RESOLVED: 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

128. DCCE2004/4338/F - LAND ADJACENT TO JOHN VENN BUILDING, GAOL STREET, HEREFORD (AGENDA ITEM 10)

The Principal Planning Officer advised that the Hereford Conservation Area Advisory Committee had requested that the car parking be provided underground but he pointed out that this would not be acceptable because it would destroy the archaeology of the area. He also advised that the Applicants would be providing an archaeological interpretations board on the site.

Councillor Ms A.M. Toon had some concerns about the colour that the proposed building would be painted in and suggested that this be first agreed by the Chairman. It was noted that although proposals had been formulated by the previous highway authority for a future road widening scheme of Bath Street but had not been included in any Herefordshire Council policies. The Chairman requested that the dormant proposals be reviewed with a view to them being deleted.

RESOLVED: That planning permission be granted subject to the following

conditions, and subject to the Chairman first being consulted on the colour scheme of the exterior of the building:

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 the 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

129. DCCE2004/4262/F - THE THRESHING BARN, EASTWOOD, TARRINGTON. HEREFORD (AGENDA ITEM 11)

RESOLVED: 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****130. DCCE2004/3862/F - 249 ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RS (AGENDA ITEM 12)**

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 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****131. DCCE2005/0292/F - 48 HAFOD ROAD, HEREFORD, HR1 1SQ (AGENDA ITEM 13)**

The receipt of five further letters of objection was reported, together with a letter from the Agent of the Applicant giving further information about car parking proposals for the site. The Principal Planning Officer said that the proposals for visitor and staff car parking were acceptable on planning grounds.

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

application.

Councillor Mrs. M.D. Lloyd-Hayes, one of the Local Ward Members, expressed her support for the application, pointing out that there were similar care homes elsewhere in Tupsley which operated without causing car parking or loss of amenity problems for adjoining local residents. She felt that although objectors had raised objections about car parking, the explanation given by the officers about shift arrangements, some of the staff not having cars and car parking provision, that all requirements would be met. Similar large dwellings had been purchased for conversion to flats and no problems had been encountered regarding traffic generation and on-street parking from these.

Councillor G.V. Hyde, one of the other Local Ward Members, was opposed to the application, feeling that it was the wrong use in the wrong place. He was concerned about the problems that could be created by visitors or staff parking in Hafod Road, which had become extremely busy as a short cut since the installation of traffic lights in Ledbury Road. Councillor W.J. Walling had similar concerns and did not feel that such a business use was compatible in a conservation area. Councillor WJ Newman had concerns that, despite assurances, car parking could be a problem due to delivery vans, visitors, staff and medical/health service visitors. Councillors A.C.R. Chappell and Mrs. W.U. Attfield were in favour of the application and felt that the car parking provision would be satisfactory, given that residential staff were on site 24 hours per day. They felt that the residential accommodation was essential for the use proposed, which would otherwise be difficult to locate at an alternative site within the city. They did not feel that the conservation area would be compromised by the proposals.

The Principal Planning Officer provided the Sub-Committee with further details about the application, including the provision for car parking and the shift working pattern of residential care workers. He said that there would be no windows overlooking adjoining properties from the proposed extension and that the size of the extension had been judged on the grounds of a planning application for a residential extension.

A motion that the Sub-Committee was mindful to refuse the application was lost.

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

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

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

2 A07 (Development in accordance with approved plans)

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

3 B01 (Samples of external 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

132. DCCE2004/4168/F - 139 QUARRY ROAD, HEREFORD (AGENDA ITEM 14)

The receipt of a letter from the Applicant's Agent was reported. The Development Control Manager said that the Head of Environmental Health and Trading Standards was satisfied with the arrangements for noise attenuation which could be dealt with by appropriate planning conditions.

In accordance with the criteria for public speaking, Mr. Lloyd and Mr. Harbour spoke against the application and Mrs. Humphries and Mr. Watkinson spoke in favour.

The Sub-Committee considered the application in detail, and was mindful of the points that had been made in favour and those against. Councillor G.V. Hyde, one of the Local Ward Members, felt that the application was a reasonable and would provide a good amenity for the local community. He also felt that its location in a row of shops would not make it out of place, there were similar outlets in other residential areas within Hereford which operated successfully without problems and he saw no

reason why this one should not be the same. Councillor W.J. Walling was against the application and supported the recommendation of the officers. Having considered all the facts the Sub-Committee felt that there was sufficient grounds to approve the application, subject to appropriate conditions regarding control of litter, noise and odour.

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. noise attenuation;
2. control of odour emissions; and
3. control of litter.

(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.]

133. DCCE2005/0320/F - LAND ADJACENT TO PINE VIEW, FOWNHOPE COURT DRIVE, FOWNHOPE, HEREFORDSHIRE (AGENDA ITEM 15)

The Principal Planning Officer reported that a letter had been received from a local resident asking for it to be ensured that the disposal of surface water was adequately dealt with on site. He said that this could be controlled by condition No. 9 set out below.

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: 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 and surface water 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**

The meeting ended at 4.15 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2004/3827/T**

- The appeal was received on 14th 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 O2 UK Ltd.
- The site is located at Land adjacent to Unit 2, Wyese Eign, Eign Road, Hereford, HR1 2RQ.
- The development proposed is Telecommunications installation 15 metre flexi cell pole & 3 GSM antennas within shroud, 1 cabinet and ancillary development.
- The appeal is to be heard by Written Representations.

Case Officer: Simon Withers on 01432 261957

APPEALS DETERMINED**Application No. DCCE2003/2992/F**

- The appeal was received on 14th June, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by St. Mary's PCC.
- The site is located at St. Mary's Church Fownhope Herefordshire.
- The application, dated 2nd October, 2003, was refused on 31st March, 2004.
- The development proposed was Provision of new W.C alterations to porch and associated site works.
- The main issue is the effect of the proposal on St Mary's Church as a building of outstanding architectural and historic interest and the effect on the character and appearance of the Fownhope Conservation Area.

Decision: The appeal was ALLOWED on 15th December, 2004

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCCW2004/1158/O

- The appeal was received on 12th August, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. R. Meadows.
- The site is located at 6 Fayre Oaks Green, Hereford, Herefordshire, HR4 0QT.
- The application, dated 29th March, 2004, was refused on 25th May, 2004.
- The development proposed was Site for proposed dwelling.
- The main issue is that the proposal would be an intrusive element within the local area, and have an adverse effect on it's character and attractiveness.

Decision: The appeal was DISMISSED on 24th February, 2005

Case Officer: Dave Dugdale on 01432 261566

Application No. DCCW2004/0364/F

- The appeal was received on 21st June, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. & Mrs. Hind.
- The site is located at 3A, Station Road, Credenhill, Hereford, Herefordshire, HR4 7EY.
- The application, dated 27th January, 2004, was refused on 29th March, 2004.
- The development proposed was First floor extension and porch.
- The main issue is the effect of the proposed development on the living conditions of occupiers of neighbouring properties, particularly in relation to outlook.

Decision: The appeal was UPHeld on 18th February, 2005

Case Officer: Kevin Bishop on 01432 261946

Application No. DCCE2003/3896/O

- The appeal was received on 30th March, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. B. Green
- The site is located at La Marana, Lugwardine, Hereford, Herefordshire, HR1 4DS.
- The application, dated 30th December, 2003, was refused on 4th February, 2004.
- The development proposed was Site for proposed dwelling.
- The main issues are the effect of the proposal on the character and appearance of the surrounding area, whether the proposal would have an adverse effect on highway safety on the A438, whether the proposal would have an adverse impact on the living conditions of the surrounding population in respect of flooding, and the effect of the proposal on the living conditions of the occupiers of adjoining properties in relation to noise, disturbance and privacy.

Decision: The appeal was DISMISSED on 16th February, 2005

Case Officer: Andrew Guest on 01432 261957

Application No. DCCE2003/2843/F

- The appeal was received on 27th April, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by R. White.
- The site is located at 85 Tower Hill, Dormington, Hereford.
- The application, dated 30th September, 2003, was refused on 20th November, 2003.
- The development proposed was Proposed renovation and re-use as holiday cottage, with two storey extension and dormer window.
- The main issue is the effect of the proposal on the character and appearance of the site and the surrounding countryside, which is an Area of Great Landscape Value (AGLV).

Decision: The appeal was DISMISSED on 27th January, 2005

Case Officer: Simon Withers on 01432 261957

Application No. DCCW2003/2106/F

- The appeal was received on 4th February, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by T. Grayburn.
- The site is located at The Craft, Westhope, Canon Pyon, Herefordshire, HR4 OBU.
- The application, dated 11th July, 2003, was refused on 4th September, 2003.
- The development proposed was Retrospective application to continue siting of temporary caravan for agricultural purposes.
- The main issue is the visual impact that the development would have on the attractive, rural appearance and character of the locality.

Decision: The appeal was DISMISSED on 8th December, 2004.

Case Officer: Kevin Bishop on 01432 261946

Application No.

- The appeal was received on 12th February, 2004.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. T. Grayburn.
- The site is located at Land at The Craft, Westhope, Herefordshire, HR7 0AB.
- The breach of planning control alleged in this notice is without planning permission, change of use of the land from that of agriculture to mixed-use of agriculture and the siting of a caravan for residential purposes.
- The requirement of the notice is to remove the caravan from the land.
- The main issue is the visual impact that the development has on the attractive, rural appearance and character of the locality and, if harmful, whether the personal status and circumstances of the appellant outweigh that harm.

Decision: The appeal was DISMISSED and the enforcement notice UPHELD with variation on 8th December, 2004

Case Officer: Kevin Bishop on 01432 261946

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

5 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 application was deferred at the last meeting at the request of the applicant to enable further discussions to take place with local residents. A verbal update report will be given at the meeting.

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.

6A DCCE2004/4389/F - PROPOSED SINGLE STOREY EXTENSION TO PROVIDE OFFICE AND 8 NO. BEDROOMS WITH EN-SUITE WCS. ABBEY GRANGE, 47 VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DT

For: Mr. B. Ubhee, per Mr. Scriven, Long Orchard, 5 Overbury Road, Hereford, HR1 1JE

6B DCCE2004/4390/L - PROPOSED SINGLE STOREY EXTENSION TO PROVIDE OFFICE AND 8 NO. BEDROOMS WITH EN-SUITE WCS. ABBEY GRANGE, 47 VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DT

For: Mr. B. Ubhee, per Mr. Scriven, Long Orchard, 5 Overbury Road, Hereford, HR1 1JE

Date Received: 29th December, 2004 Ward: Aylestone Grid Ref: 51779, 41177
Expiry Date: 23rd February, 2005

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

1. Site Description and Proposal

- 1.1 The Abbey Grange Residential Care Home is located in a prominent roadside position on the south side of Venns Lane at its junction with St Barnabas Close. To the south of the site is the St Barnabas Church and Church Centre with its associated vicarage to the west. The surrounding area is predominantly residential with a cul-de-sac of properties (Helensdale Close) to the north.
- 1.2 The property is Grade II Listed and has been substantially extended in relatively recent times. Most notable is a large single storey extension that projects in a south westerly direction and at a lower level to the historic part of the building.
- 1.3 The care home currently provides a total of 18 bedrooms and is served by an existing hardstanding area with 7 parking spaces which is accessed directly from St Barnabas Close.
- 1.4 Planning permission and listed building consent is sought for a further single storey extension to the premises. The proposed extension would accommodate a further 8 bedrooms with en-suite facilities within another single storey addition projecting in a southerly direction from the previous modern extension. The proposal is a revised scheme from one approved pursuant to application no. CE1999/2967/F.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
ENV15	-	Access for All
H12	-	Established Residential Areas – character and amenity
H13	-	Established Residential Areas – site factors
H21	-	Compatibility of Non-Residential Uses
H22	-	Existing Non-Residential Uses
CON1	-	Protection of buildings of architectural and historic interest
CON2	-	Listed Buildings – development proposals
CON3	-	Listed Buildings – criteria for proposals
CON21	-	Protection of Trees
SC1	-	Health Care

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
HBA1	-	Alterations and Extensions to Listed Buildings
HBA4	-	Setting of Listed Buildings

3. Planning History

- 3.1 CE1999/2967/F - Renewal of approval for the erection of and extension to form additional bedrooms and dayroom. Approved 23rd December, 1999.
- 3.2 CE1999/1639/F - External fire escape door and staircase and additional velux rooflights to bedroom. Approved 21st July, 1999.
- 3.3 HC940451PF - Extension to form additional bedrooms and dayroom. Approved 28th November, 1994.
- 3.4 HC940272PF - Proposed first floor extension to provide six bedrooms, bathroom and dayroom. Refused 20th July, 1994.
- 3.5 P/25500 - Extensions and alterations to existing elderly persons rest home. Change of use of front portion (ground and first floors) to elderly persons rest home. Approved 16th December, 1982.
- 3.6 P/24230 - Use of part of dwellinghouse for elderly persons home to include commercial dining and lounge facilities. Approved 10th September, 1981.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raised no objections.

Internal Council Advice

- 4.2 Traffic Manager raises no objection.
- 4.3 Conservation Manager raises no objection.
- 4.4 Head of Environmental Health and Trading Standards raises no objection.

5. Representations

- 5.1 Hereford City Council recommends refusal on grounds of over intensive development and lack of off-street parking plus potential conflict with traffic serving adjoining premises.
- 5.2 Two letters have been received from the St Barnabas Church Centre and Hook Mason (on behalf of the occupiers of The Vicarage). The concerns raised can be summarised as follows:
- most concerned about traffic during construction of the extension, access to surrounding properties must be kept clear;
 - no details in respect of boundary treatments;
 - potential for overlooking.
- 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 considerations in the determination of these applications are as follows:
- (a) Impact on the character and setting of the listed building;
 - (b) Access and parking issues; and
 - (c) Impact upon the amenities of adjacent properties.

Character and Setting of Listed Building

- 6.2 The Grade II Listed property comprises an early 19th Century former dwelling characterised primarily by its substantial dressed stone construction and hipped slate roof. The recent history of the building since its change of use to a care home in the early 1980's has resulted in significant alterations and a large single storey extension to the rear. Planning permission and listed building consent (CE1999/2967/F) was also granted for a further extension to the property on a similar footprint to that which is now being proposed. These permissions have not been implemented and have recently lapsed although it is clear that a principle of additional accommodation has been established and this represents a material consideration in the determination of this application.
- 6.3 The proposed extension would occupy a larger footprint than the previously approved scheme with a floor area of some 12.5 metres by 13.5 metres. Its positioning and orientation is identical to the approved scheme and as such the extension would project in a southerly direction across the existing garden area to within approximately 1.7 metres of the boundary with St Barnabas Close.

- 6.4 The site is relatively open to view from St Barnabas Close which swings around the southern and western boundary but in longer distance views from Venns Lane to the east, the extension would not be readily visible due to its single storey nature and the lower ground level in relation to the principal building. The height of the proposed extension has been reduced and in its revised form would have a ridge height lower than the older extension to which it would be attached. The result is a generally subservient form of development that would satisfactorily preserve the character and setting of the listed building with no significant impact on the appearance of the wider locality.
- 6.5 The Conservation Manager comments that the scheme is an acceptable one when related to the recently approved but unimplemented proposal and as such subject to control over materials, no objection is raised. No trees of any amenity value would be affected by the proposals.

Access and Parking

- 6.6 Some local concern has been expressed in relation to parking provision. Although primarily directed towards construction vehicles, it is worth noting that the 7 parking spaces provided on site would satisfy the parking requirements of the extended care home and as such subject to a condition requiring the designation of parking spaces as identified on the submitted plans it is not considered that there would be sustainable grounds for refusing permission on the grounds of inadequate parking. The concerns about the parking of construction vehicles are noted and it is proposed to address this issue through the imposition of a condition requiring details of parking provision for construction vehicles to be submitted.
- 6.7 The Traffic Manager has confirmed that the parking provision accords with the requirements of a care home and as such on the basis of the submitted plans raises no objection.

Residential Amenity

- 6.8 A total of 3 windows serving bedrooms are proposed in the south west elevation which face towards The Vicarage. The concerns regarding the potential for overlooking are acknowledged but in view of the 20 metre distance between the extension and the property, it is not considered that there would be a serious loss of privacy such that the refusal of permission would be warranted.
- 6.9 Furthermore a fenced boundary treatment is proposed on the submitted plans and landscaping proposals are identified and it is suggested that suitable combinations of fencing and planting could be agreed by way of a condition that would filter views from these bedrooms towards The Vicarage and the Church.
- 6.10 In the light of the above and notwithstanding the concerns identified it is advised that the scheme as proposed is not significantly different from that recently approved and subject to appropriate conditions would satisfy all policy requirements.

DCCE2004/4389/F

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 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 F20 (Scheme of surface water drainage)

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

6 G01 (Details of boundary treatments)

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

7 G04 (Landscaping scheme (general))

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

8 G05 (Implementation of landscaping scheme (general))

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

9 H13 (Access, turning area and parking)

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

10 H27 (Parking for site operatives)

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

INFORMATIVES:

1 HN10 - No drainage to discharge to highway

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

DCCE2004/4390/L

RECOMMENDATION

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

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

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

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.

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 DCCE2005/0032/F - RETIREMENT VILLAGE/
INDEPENDENT LIVING SCHEME WITH VILLAGE HALL
AND RESTAURANT, WELFARE AND RECREATIONAL
FACILITIES, ADMINISTRATIVE AND CARE FACILITIES,
SELF-CONTAINED ACCOMODATION UNITS AND CAR
PARKING. LEDBURY ROAD NURSERIES, LEDBURY
ROAD, HEREFORD**

**For: Elgar Housing Association Ltd, Hulme Upright
Manning, Highpoint Festival Park, Stoke On Trent,
Staffs, ST1 5SH**

Date Received: 7th January, 2005 Ward: Aylestone Grid Ref: 51997, 39932

Expiry Date: 4th March, 2005

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

1. Site Description and Proposal

- 1.1 The application site comprises a substantial roughly rectangular plot located in a set back position to the north of Ledbury Road. The site known as Unity Gardens was formerly occupied on a temporary basis as a community garden but is now disused, being characterised by a range of vacant buildings previously used in connection with its historic use as a nursery. A large area of land to the west of the complex of the buildings is laid to grass and whilst the site is predominantly undeveloped the buildings are visible from public vantage points around the site. It is however relatively well screened from the surrounding area by mature trees and coniferous hedgerows.
- 1.2 The site lies within the settlement boundary of Hereford and is designated as an Established Residential Area. Its residential context is principally defined by the properties forming Highgrove Bank and Bladon Crescent which occupy an elevated position to the east and north of the site respectively and provide a backdrop in views across the site from the south and west. In views from Ledbury Road, a landscaped context is provided by Unity Garden, which is designated as Public Open Space. The western boundary is defined by the Eign Brook and as such a proportion of the site lies within an area at risk of flooding. The Eign Brook is also designated as a Site of Importance for Nature Conservation (SINC).
- 1.3 Detailed planning permission is sought for the redevelopment of the nursery site in order to create an 'extra care village'. The scheme as proposed incorporates a total of 102 units (predominantly 2 bed apartments) to provide accommodation for elderly residents. The proposal takes the form of a roughly H-shaped block comprising a range of single, three and four storey elements utilising brick render and glazed elevation under a concrete tiled roof.
- 1.4 In addition to the residential element, the accommodation will incorporate a restaurant/bar and lounge, a communal hall space, a shop, health and fitness facilities,

a craft/hobby room, greenhouse, beauty salon, jacuzzi and sauna, IT suite, an assisted bathroom, library and reading room, woodwork room and an on site laundry.

- 1.5 The village facilities would be made available to non-residents living in the local community through a membership scheme and the supporting information provided with the application identifies that the accommodation within this scheme would be made available through a range of tenure options including long lease and affordable rent arrangements.
- 1.6 Access would be derived via the existing service road, which would be widened and provide an enhanced entrance to the proposed parking area. The scheme would retain public access routes through the site serving Bladon Crescent. A service road would be constructed along the north boundary of the site providing access for refuse and possibly emergency vehicles. The parking area which offers provision for a total of 45 cars would be located on the eastern side of the 3 storey accommodation block.
- 1.7 The scheme has been the subject of a number of objections from local residents, the City Council and Unity Gardens (the former occupiers of the site) and it is advised that at the time of writing there are a number of outstanding issues including submissions in respect of flood risk and nature conservation interest. However in view of the local sensitivity of this proposal and its relative scale, it is considered that Members of the Central Area Planning Committee would benefit from a site visit.
- 1.8 It is therefore recommended that the site viewing Sub-Committee visit the site during its next round of visit(s) in April/May 2005.
- 1.9 It is not at present clear when the full report and recommendation will be before the Central Area Planning Sub-Committee but it is anticipated that this would be at its meeting on 4th May, 2005.

RECOMMENDATION

That a site inspection be held on the following grounds:

- **The character or appearance of the development itself is a fundamental consideration (encompassing scale and design issues)**
- **A judgement is required on visual impact**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered (impact on neighbouring amenity in particular)**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCW2005/0207/F - CONTINUED USE FOR DISTRIBUTION OF SAND AND AGGREGATES INCLUDING RETAIL FOR TWO YEARS AT UNIT 2, POMONA WORKS, ATTWOOD LANE, HEREFORD

For: T.W. Jones per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 24th January, 2005

**Ward: Burghill,
Holmer & Lyde**

Grid Ref: 51066, 42402

Expiry Date: 21st March, 2005

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 This application seeks permission for the continued use of Unit 2, Pomona Works, Attwood Lane, Holmer for the distribution of sand and aggregates, including retail.
- 1.2 The site was previously used as a landscaping depot base for Landscaping Services storing various supplies. Application CW2002/1758/F sought the change of use of this yard for retail use to allow for the use of the site as a sand and aggregates business. A personal consent was approved for two years so as to allow for a review of the situation. Permission is now sought for the continuation of this use.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy ED2	-	Employment Land
Policy ED3	-	Employment Proposals Within/Adjacent to Settlements
Policy ED4	-	Safeguarding Existing Employment Premises
Policy T3	-	Highway Safety Requirements

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy E5	-	Safeguarding Employment Land and Buildings

3. Planning History

- 3.1 CW2002/1738/F Change of use to storage yard for retail use (retrospective application). Approved (2 year temporary permission) 31st July 2002.
- 3.2 DCCW2004/1182/F Construction of 32 dwellings and associated works. Withdrawn 9th September 2004.
- 3.3 DCCW2004/3085/F Construction of 32 dwellings and associated works. Refused 9th February 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Herefordshire Police - No response received.

Internal Council Advice

- 4.2 The Traffic Manager - Extensive areas of mud coverage, plus loose gravel on the carriageway at the bend have been noted. This presents a significant and unnecessary hazard to other road users. Wheel washing equipment is therefore required and should be conditioned.

Traffic generation is not considered a problem. Attwood Lane is very lightly trafficked outside the peaks. Furthermore, it is very evident from muddy tracks on the road that most, if not all site traffic assigned to the south which does not have any residential frontages. The Lane also widens out significantly south of the residential access, and visibility at the junction with Roman Road is excellent.

It should be noted that were the present use to cease it is likely that it would be replaced with a similar use, generating similar traffic levels.

- 4.3 Environmental Health Manager - The Environmental Health Department has received two complaints from differing complainants regarding T. Jones Landscaping in the past week. The first was received on the 10th March 2005 and detailed a variety of issues including lorry noise, lorry speeds, dust from site, opening hours and the condition of the road (potholed and gravel covered). This was passed to Transportation to investigate. The second was received on the 14th March 2005 and detailed noise both from lorry movements past the complainant's house as well as noise from within the site. This includes noise from diggers, revving of engines, reversing beepers and general loading/unloading noise. The complainant also commented on the opening hours of the site and the erosion of the grass verges down the road. Previous to this, complaints have been recorded regarding noise and dust but all are previous to September 2002 and therefore would not be relevant to the current application site.

The amount of dust and site associated material on the road and in the surrounding area is unacceptable and is likely to give rise to further complaints with regards to nuisance. Wheel cleaning apparatus should therefore be provided with details submitted to and approved by the Planning Authority, and which shall be retained and operated for the duration of the use.

A restriction on the hours of operation is also recommended. No work activities or deliveries should be permitted before 8.00am nor after 6.00pm weekdays, before 8.00am nor after 1.00pm on Saturdays nor at any other time on Sundays, Bank or Public Holidays.

4.4 Forward Planning Manager -

South Herefordshire District Local Plan:

There is no specific policy relating to the site at Attwood lane, which is located adjacent to the settlement boundary of Hereford City. Policy ED.2 states that sensitive small scale employment proposals will be encouraged mainly within or adjacent to settlements. Policy ED.4 seeks to safeguard existing employment premises and considers that existing businesses need to be encouraged to continue trading.

Unitary Development Plan Revised Deposit Draft:

The boundary at Attwood Lane has been redefined in the UDP revised deposit draft to include the relevant site within safeguarded employment land under Policy E.5. E.5 stipulates the importance of protecting existing land and buildings used for employment purposes and seeks to retain such uses. The Plan states that retail uses on such land will only be acceptable where they are ancillary to a principal employment related use, which appears to be the case in this application. Objections have been received in respect of Policy E.5, which will be heard during the Public Inquiry.

4.5 Economic Development - No response received.

5. Representations

5.1 Holmer Parish Council - "No objection to the continued use but we would ask that wheel cleaning apparatus be installed or regular sweeping done to keep the road clear of mud and debris."

5.2 Local Residents - Seven letters of objection have been received from the following sources:

- B. & J. Jeffery, 1 Turnberry Drive, Holmer
- R. Rossi, West Court, Holmer
- R. Holland, Vice-Chairman, Holmer and District Residents Association, St. Andrews, Munstone Road, Holmer
- C. & C. Moore, 4 Belfry Close, Holmer
- J. Cheetham, Holmer Court Residential Care Home, Attwood Lane, Holmer (x 3).

The comments raised can be summarised as follows:

1. Gravel and mud dragged onto the road causes a hazard (wet - mud, dry - dust).
2. Excessive vehicular use of Attwood Lane.
3. Disturbance to nearby residences caused by operations and security alarm.
4. Access should be via A4103.
5. Attwood Lane should be one-way due to the level of use.
6. Attwood Lane should have a weight restriction placed upon it.

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 site falls outside of the Hereford City settlement boundary but the application relates to a site adjacent to the boundary and is for the continuation of an existing business use. The proposal is therefore acceptable in principle in the context of the South Herefordshire District Plan. Turning to the Herefordshire Unitary Development Plan (Revised Deposit Draft), the site is currently included as safeguarded employment land. Though objections have been received to the relevant policy (E.5), the current policy position for such areas is that existing employment land and buildings should be protected and the use retained. To that end, the proposal is also considered acceptable in principle in relation to the emerging development plan.
- 6.2 It is of note that this site has a historical business operation associated with it. The issue therefore is the specific nature of this particular use. It is considered that two key issues are fundamental to the acceptability of this use, namely vehicular movement and operational disturbances.
- 6.3 The vehicle movements relating to this use are not considered problematic in themselves. They are not considered particularly high and the Traffic Manager advises that a similar use would likely generate similar levels of traffic. The principal concern is the site associated material that is spread onto the highway during use. This is recognised as an issue of concern and for this reason a condition requiring wheel washing facilities is proposed.
- 6.4 Turning to residential amenity issues, the site is within close proximity of residential uses and the impact of a use such as this is recognised. That said, it is not considered that the use is particularly problematic in itself and it is noted that the Environmental Health Team have received little objection to this use prior to the submission of this application. It is therefore considered appropriate to support this use, but also to restrict its hours of operation.
- 6.5 No time limit is proposed in this instance. The previous application (DCCW2002/1738/F) was permitted for a two year period but it is now considered that the impact of the use can be effectively assessed. The conditions required in association with the use have been identified and as such it is considered unreasonable to impose a limitation on the duration of any permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. E01 (Restriction on hours of working).**

Reason: To safeguard the amenities of the locality.

3. E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

4. The premises shall be used for the distribution of sand and aggregates, including retail associated with the approved use and for no other purpose.

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to control the use of the site.

5. Within six months of the date of this permission wheel washing apparatus shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated in accordance with terms to be agreed in writing with the local planning authority within three months of the date of this permission.

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

Informatives:

- 1. HN01 - Mud on highway.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**9 DCCE2005/0206/F - ERECTION OF DETACHED ANNEXE
3 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1
1LY**

**For: Mr. & Mrs. R. Woolf, Axys Design, 30 Grove Road,
Hereford, HR1 2QP**

Date Received: 24th January, 2005 Ward: Aylestone Grid Ref: 52588, 40264

Expiry Date: 21st March, 2005

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

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a detached annexe to be associated with No. 3 Folly Lane, Hereford. The existing property is an attractive semi-detached property on the southern side of Folly Lane, adjacent to the junction with Ledbury Road. The existing property is a registered care home.
- 1.2 The proposal involves the erection of a two storey detached annexe to the south west of the property. The annexe is to be sited in the same location and would have the same dimensions as a garage with play room approved pursuant to planning application SC980201PF. The annexe is intended to provide additional accommodation for the applicants, Mr. and Mrs. Woolf, as the dwelling, which provides accommodation for 5 adults, offers insufficient accommodation for the visits of their family and friends.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H12	-	Established Residential Areas – character and amenity
H13	-	Established Residential Areas – loss of features
H14	-	Established Residential Areas – site factors
H16	-	Alterations and extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H18	-	Alterations and extensions

3. Planning History

- 3.1 HC970256PF - Removal of existing garage, new garage with games room over. Refused 21st January, 1998.
- 3.2 SC980201PF - Removal of existing garage, new garage with games room over. Refused 14th July, 1998. Appeal allowed 4th February, 1999.
- 3.3 DCCE2004/0442/F - Detached dwelling house. Refused 30th March, 2004. Appeal dismissed 12th January, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 Traffic Manager: No objections.
- 4.3 Occupational Therapy: No response received.

5. Representations

- 5.1 Hereford City Council: No objection providing condition and Section 106 Agreement to tie annexe to dwelling.
- 5.2 Two letters of objection have been received from the following sources:
 - D.G. Boardman, 3b Folly Lane, Hereford
 - G. Forbes, 157 Ledbury Road, Hereford

The objections raised can be summarised as follows:

- Loss of privacy caused by new openings;
 - Proposal is still for a dwelling, which has already been refused.
- 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 following issues are of note in the assessment of the application.
 - (a) Principle of development;
 - (b) Residential amenities;
 - (c) Design and scale; and
 - (d) Transportation.

Principle of Development

- 6.2 From a planning policy perspective this proposal represents a residential development within an Established Residential Area. The proposal is therefore considered acceptable in principle in relation to both the adopted and emerging development plans.

Residential Amenities

- 6.3 The previous planning application on this site (DCCE2004/0442/F) sought permission for a dwelling. As with this application, the intention was to construct a dwelling in the same location and with the same dimensions as the previously approved garage (SC980201PF). The previous application was refused due to the limited size of the plot and its relationship with No. 3 Folly Lane. It is of particular note that it was the impact on 3 Folly Lane that was the cause for concern.

- 6.4 The Planning Inspector for the dwelling application dismissed the appeal stating that:

“Whilst a building of the general size and in the location proposed may be suitable as a garage/playroom I consider that it is unacceptable as a dwelling. Its lack of bulk, its position on this site, the small area of garden and shared access and parking are alien to the surrounding area, especially the south side of Folly Lane, and as such the character and appearance of the area would be unacceptably compromised. The shared access and parking would also be a cause of conflict between the occupants of the proposed dwelling and the existing dwelling, to the detriment of the amenities of the residents.”

It is clear from the above conclusions of the Inspector that as an independent dwelling, the building proposed would be unacceptable due to its position on site and its size and relationship with No. 3 Folly Lane. Principal concerns relate to access and parking conflicts, and the limited amenity space to be attributed to the dwelling.

- 6.5 In the case of this application it is considered that the situation is different. It is advised that a garage of identical dimensions has been approved on this site, in the same location as the annexe now proposed. No objections can therefore be substantiated in relation to the physical location and dimension of the actual building. Rather the issue is the relationship with neighbouring properties and the use of the building. It is considered that the access and parking conflicts, together with the garden area issue, cease to be an issue in this application as the proposal seeks permission for an annexe. The building will therefore not be occupied as an independent unit of accommodation, rather it will be directly related to the main dwelling house. The amenity conflict between No. 3 Folly Lane and the use of this building therefore also ceases to be an issue.
- 6.6 The remaining concern, though not one raised as a reason for refusal in the previous application (DCCE2004/0442/F), is the relationship with the adjoining properties to the south and west. To the west, a new dwelling is under construction. The sole opening in this elevation is a bathroom window, which will be conditioned with obscure glazing. Privacy is therefore not a concern in this instance. Turning to the south, greater concern exists but it is considered that the impact on the site to the rear will remain within acceptable limits. At first floor level a single window serves a kitchen and again this is to be obscure glazed. At ground floor level, a large opening is proposed to serve a bedroom. This is the key window in the deliberations over residential amenity

impact and clearly a degree of overlooking to the rear will be possible. However, the siting and orientation of the building is such that a limited impact will result to the dwelling itself to the rear. The rear garden area will be overlooked to a greater extent but it is not considered that the degree of overlooking will be unreasonable or unacceptable. The remainder of the openings look onto No. 3, the dwelling with which the annexe is to be associated. The impact upon residential amenities is therefore considered acceptable.

Design and Scale

- 6.7 As noted above, the scale of this building is as per the garage previously approved in this location. The issue is therefore one of design. On submission the design was considered excessively flamboyant resulting in a building that would compete visually with the adjacent dwellings. As an ancillary residential building it is considered essential that this building is modest in its character allowing for a minimised impact upon the character and appearance of the street scene. A 'toned down' proposal was requested and received and the result is a modest design concept that is simple in appearance and appropriate in the context of the associated dwelling house. It is considered that the visual impact of this annexe will be little different to that of the garage already approved.

Transportation

- 6.8 The access and parking provision on site remains unchanged. An annexe, by virtue of its association with a principal building, is not considered to be traffic generating in itself, though an adequate level of vehicular parking accommodation to serve the site is nevertheless required. This is the case in this instance and as such no objections are raised to the parking provision proposed. The proposal is acceptable in relation to highway safety issues.

Other Issues

- 6.9 The City Council have requested both a Condition and a Section 106 Agreement to tie the annexe to the associated dwelling house. A condition and Section 106 Agreement is considered excessive, unreasonable, and inappropriate. That said, a condition in this instance is considered wholly appropriate and will ensure the continued association of the annexe to the associated dwelling.

Conclusion

- 6.10 Though it is recognised that the garage approved on this site was granted on appeal, it is nevertheless the case that the garage was ultimately approved. This proposal is for a building of the same dimensions on the same site. Indeed, the physical appearance of the revised proposal is not significantly different to that of the approved garage. It is of note that the principle concerns resulting in the refusal of the dwelling application related to the conflicts between the proposed dwelling and No. 3. It is recognised that a dwelling in this location is wholly unacceptable but as an annexe the areas of conflict are removed. The impact upon the neighbouring sites to the south and west has been commented upon and is considered to be within acceptable limits. Appropriate conditions will ensure that this remains the case.

RECOMMENDATION

That planning permission be approved 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 E15 (Restriction on separate sale)

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

- 4 E29 (Occupation ancillary to existing dwelling only (granny annexes))

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

- 5 E18 (No new windows in specified elevation)

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

- 6 E19 (Obscure glazing to windows)

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

INFORMATIVE:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCCE2005/0405/F - ERECTION OF DETACHED BUNGALOW. PLOT IN GARDEN OF LAVENDA COURT GARDENS, FOWNHOPE, HR1 4PB

For: Mr. A. Prosser, per Mr. C. Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW

Date Received: 8th February, 2005

Ward: Backbury

Grid Ref: 57989, 34613

Expiry Date: 5th April, 2005

Local Member: Councillor Mrs. J.E. Pemberton

1. Site Description and Proposal

1.1 This application seeks permission for the erection of a detached bungalow in the garden of Lavenda Court Gardens, Fownhope. Lavenda itself falls within the Fownhope Conservation Area. The application site falls outside of the Fownhope Conservation Area and is accessed via a track running off Court Orchard. This track currently provides access to two bungalows permitted by virtue of planning application SH881680PM. The site falls within the settlement boundary of Fownhope and is within an area designated as an Area of Outstanding Natural Beauty.

1.2 The proposal involves the erection of a single storey dwelling house and associated parking facilities.

2. Policies

2.1 South Herefordshire District Local Plan:

GD1	-	General development criteria
C5	-	Development within AONB
C8	-	Development within AGLV
C9	-	Landscape features
C17	-	Trees/management
SH6	-	Housing development in larger villages
SH8	-	New housing development criteria in larger villages

2.2 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
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: settlement boundaries
LA1	-	Areas of Outstanding Natural Beauty
LA5	-	Protection of trees, woodlands and hedgerows

LA6 - Landscaping schemes

3. Planning History

3.1 DCCE2004/3231/F - Erection of bungalow. Withdrawn 21st March, 2005.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water Authority: No response received.

Internal Council Advice

4.2 Drainage Engineer: No objections.

4.3 Traffic Manager: No objections subject to conditions.

4.4 Conservation Manager: No objections from a Conservation Area perspective, however, the potential impact upon the Beech trees on the south eastern boundary is a concern.

5. Representations

5.1 Fownhope Parish Council: No response received.

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

- J.K. Cooper, 30 Court Orchard, Fownhope
- C. & J. Flather, 15 Noverwood Drive, Fownhope
- Mr & Mrs Addis, 14 Noverwood Drive, Fownhope
- E. Jones & R. Hawkins, 16 Noverwood Drive, Fownhope.

The objections raised can be summarised as follows:

- 1 Loss of privacy and natural light;
- 2 Loss of property value;
- 3 Poor condition of existing site;
- 4 Applicants unwillingness to trim trees and hedges on site;
- 5 Unacceptable access arrangements;
- 6 Increased noise levels;
- 7 Overcrowding;
- 8 Increased traffic;
- 9 Inadequate access track (weight/number of movements/subsidence);
- 10 Previous application was refused on the grounds of access.

It is advised that points 2 and 4 are not material planning considerations in this instance. Additionally, the previous application was not refused, rather it was withdrawn. The principal reason for this being the cramped nature of the site.

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 From a planning policy perspective this application seeks permission for a residential development within the settlement boundary of Fownhope. To this end the proposal is considered acceptable in principle in the context of both the adopted and emerging local development plans.
- 6.2 The application represents an amended scheme based upon the advice offered on the previous, now withdrawn, application. The principal alteration is the plot size, this has been increased to allow for the adequate provision of amenity space and to attempt to overcome concerns in relation to its cramped appearance.
- 6.3 The access to the property is via an private track that has substandard visibility splays. However, the Traffic Manager advises that the vehicle movements associated with the proposed single dwelling will be minimal in relation to the movements associated with the existing two dwellings. The Traffic Manager further commented that the standard of track is reasonably good with no evidence of subsidence identified. That said, issues relating to subsidence and the potential impact upon utilities would not in this case represent material planning considerations warranting the refusal of planning permission.
- 6.4 The potential impact upon the Beech trees on the boundary of the site is of note, particularly having regard to the AONB status of this area. Whilst the trees are not protected by TPO's and no consent would be required for their removal their value is recognised and as such landscaping conditions will be attached to require their protection or replacement in the event of their unavoidable loss.
- 6.5 Turning to the building itself, the design and scale of the proposed dwelling are considered acceptable in the context of the locality. The site is of sufficient size to accommodate the dwelling proposed and the bungalow will preserve the character and appearance of the local area. Permitted Development Rights would be removed in recognition of the relatively confined nature of this site. With regards to residential amenity, the dwelling is single storey and as such will not result in an overbearing impact to the neighbouring dwellings to the east. The impact upon privacy will also be limited due to the single storey nature of the property.
- 6.6 On balance it is considered that the proposal represents an acceptable form of residential development. The limitations of the access arrangements are recognised but it is concluded that the impact of this dwelling alone would not justify the refusal of this application. The potential loss of the existing trees on site is unfortunate but the lack of protection afforded to them suggests that their replacement if lost during development would represent an appropriate level of compensation.

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 E16 (Removal of permitted development rights)

Reason: [Special Reason].

4 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 G04 (Landscaping scheme (general))

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

6 G05 (Implementation of landscaping scheme (general))

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

7 G06 (Scope of landscaping scheme)

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

8 G10 (Retention of trees)

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

9 G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

10 G20 (Remedial work)

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.

11 G33 (Details of walls/fences (outline permission))

Reason: In the interests of residential and visual amenity.

12 H14 (Turning and parking: change of use - domestic)

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

INFORMATIVES:

1 N03 - Adjoining property rights

2 HN01 - Mud on highway

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCCE2005/0248/F - TWO STOREY EXTENSION TO PROVIDE DOUBLE GARAGE AND STUDY WITH TWO BEDROOMS OVER. PITCHED ROOF OVER EXISTING KITCHEN 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

For: Ms J Brown, 175 Aylestone Hill, Hereford, HR1 1JJ

Date Received: 25th January, 2005 Ward: Aylestone Grid Ref:52375, 41751

Expiry Date: 22nd March, 2005

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

1. Site Description and Proposal

- 1.1 The site is located on the western side of the A465 (known as Aylestone Hill) on the north eastern fringes of Hereford City. Occupying the site is a detached two storey dwelling with a rendered finish under a natural slated roof with brick quoin detailing. Immediately north is a detached bungalow with a further detached dwelling to the south. The site lies within the Settlement Boundary as identified in the Hereford Local Plan and also falls within a Conservation Area.
- 1.2 The applicants propose the construction of a two storey side extension with double garage and utility room at ground floor with two additional bedrooms, one of which would be en-suite at first floor. Also proposed is the enlargement of the existing single storey rear extension along with the construction of a pitched roof in place of the existing flat roof.

2. Policies

2.1 Hereford Local Plan:

H16	-	Alterations and extensions
CON12	-	Conservation areas
CON13	-	Conservation areas – development proposals

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

H18	-	Alterations and extensions
HBA6	-	New development within conservation areas

3. Planning History

- 3.1 CE2004/2489/F - Single storey and two storey extension, new pitched roof over existing extension. Application withdrawn 4th October, 2004.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No objections subject to conditions concerning the provision of off-street parking and vehicle manoeuvring area.

4.3 Conservation Manager: In general the proposal is an improvement on the previous proposal and is therefore acceptable. Slates, bricks and render should match existing. We would also recommend using timber windows rather than Upvc.

5. Representations

5.1 Hereford City Council: No objection.

5.2 One letter of objection has been received from Mr. J.R. and Mrs. M.O. Jenkins, 177a Aylestone Hill, Hereford. The main points raised are:

- The proposed extension would have a detrimental effect on our property;
- The proposal would cause a significant loss of light to our living room;
- The proposed windows at first floor serving bedroom are to be obscure glazed, if these windows were of the opening kind or plain glazing inserted in the future our living area would be constantly open to view from this proposed upstairs room;
- A window is proposed in the side elevation of the garage which would directly overlook our driveway and garden thus reducing our privacy even further.
- The extension is to be built very close to our boundary and builders are likely to require constant access from our property to erect scaffolding. This permission would not be given;
- We would have no objection if an extension were proposed on the other side of the house between 173 and 175 Aylestone Hill, where it would not effect any neighbouring properties;
- If planning permission is approved we request than a restriction be imposed preventing the property from being used for any commercial purpose.

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 This application has been submitted following the withdrawal of a similar proposal in October last year. Plans have been amended to address concerns expressed by your Officers and the objector. The amendments being:

- a) reduction in width of the extension by 0.56 metres
- b) use of obscure glazing for the two windows serving the bedroom at first floor of the rear elevation;
- c) introduction of a hipped roof on the rear of the extension facing the objectors property;
- d) continuation of the brick quoin detailing on the front elevation down to ground floor;

- e) construction of a window at ground floor on the side elevation serving the garage.
- 6.2 The scale of the extension is now considered to be in keeping with the character of the existing dwelling. The recessing of the front wall of the extension behind the face of the existing property and the lower eaves and ridgeline also ensures that the extension is visually and architecturally subservient to the original dwelling. The scale and design will also have minimal impact on the character and appearance of the Conservation Area subject to the use of natural materials to match the existing dwelling.
- 6.3 The proposed siting of the extension being the nearest point to the objectors property and the juxtaposition of the two properties will mean that the proposed extension will have an impact on the amenity of the objectors property. However, the amendments undertaken are now considered sufficient to ensure that any impact is not so significant as to be unacceptable both in terms of any overlooking or loss of daylight/sunlight. A condition is recommended should permission be approved to restrict the first floor openings to obscure glazed and non-opening windows. There is currently insufficient off-street parking and manoeuvring space and therefore a condition is also recommended to ensure that appropriate parking/manoeuvring area is provided. A concern expressed by the objector regarding the need for builders to gain access via his property is a civil matter.
- 6.4 Finally, the applicant does buy and sell cars from the property, which are purchased and sold on the internet. However, the scale of the business (an average of one vehicle per week) is not presently considered sufficient to require formal planning permission. Nevertheless, this activity shall be monitored to ensure that the turnover of vehicles does not significantly increase.
- 6.5 The proposal is considered acceptable in accordance with Policies H16 of the Local Plan and H18 of the Unitary Development 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 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 E19 (Obscure glazing to windows)

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

5 E18 (No new windows in specified elevation)

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

6 H05 (Access gates)

Reason: In the interests of highway safety.

7 H12 (Parking and turning - single house)

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

INFORMATIVES:

1 N03 - Adjoining property rights

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**12 DCCE2005/0278/F - ERECTION OF HOUSE, GARAGE AND ANNEX AND IMPROVEMENTS TO ACCESS DRIVE
53 HAMPTON PARK ROAD, HEREFORD,
HEREFORDSHIRE, HR1 1TJ**

**For: Mr. & Mrs. D. Shaw, per John Phipps, Bank Lodge,
Coldwells Road, Holmer, Hereford, HR1 1LH**

Date Received: 28th January, 2005 Ward: Tupsley Grid Ref: 52972, 39259

Expiry Date: 25th March, 2005

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

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a single dwelling house on land currently associated with 53 Hampton Park Road, Hereford. The existing property on site is a detached two storey dwelling house. This dwelling is located to the rear of Nos. 51 and 55 and is accessed via an access road from Hampton Park Road. The site is broadly 'T' shaped. The existing dwelling house is located in the western portion of the main site. The proposed dwelling is intended to be located on the eastern portion of the site. The site is located within the Hampton Park Conservation Area.
- 1.2 The proposal involves the erection of a detached dwelling house with an attached single storey annexe and double garage. The main dwelling is proposed to have an east-west orientation with the annexe running across the northern boundary, forming a 'T' shape. The garage element is intended to be attached to the western end of the annexe.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H12	-	Established residential areas - character and amenity
H13	-	Established residential areas - loss of features
H14	-	Established residential areas - site factors
CON12	-	Conservation areas
CON13	-	Conservation areas - development proposals
CON14	-	Planning applications in conservation areas
T5	-	Car parking - designated areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement

DR4	-	Environment
H1	-	Hereford and the market towns; settlement boundaries and established residential areas
HBA6	-	New development within conservation areas

3. Planning History

- 3.1 DCCE2005/0415/F - Demolition of existing house (No. 53) and erection of three houses. Current.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water Authority: No objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objections.
- 4.3 Conservation Manager: The proposed house is of a scale which is in keeping with the area. The design is in keeping with the area.

5. Representations

- 5.1 Hereford City Council: Recommends refusal as it is backland development and will put additional pressures on the road access.

- 5.2 Six letters of objection have been received from five sources raising the following points:

- Inappropriate design and scale;
- Proposal is not infilling;
- Loss of trees;
- Impact of driveway alterations and use on services and neighbouring properties;
- Inadequate access arrangements;
- Garage identified in situ is not found on site;
- Density is inappropriate;
- Inappropriate development in the Conservation Area;
- Inadequate sewerage facilities;
- Loss of privacy;
- Victorian greenhouse should be retained;
- Loss of light.

- 5.3 A further letter has been received from No. 51 Hampton Park Road offering support for this development.

- 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 From a planning policy perspective this application seeks permission for a residential development within an established residential area. No objections are therefore raised to the principle of development. The key issues are considered to be:
- a) Conservation Area Impact;
 - b) Design scale;
 - c) Residential amenities;
 - d) Highways issues; and
 - e) The relevance of the other current application – DCCE2005/0415/F.

Conservation Area Impact

- 6.2 It is recognised that this proposal constitutes backland development in the sense that the site is found to the rear of the dwellings fronting onto Hampton Park Road. In sensitive locations such as conservation areas such development can prove problematic. That said, it is of course important to consider the site-specific circumstances and in this case it is advised that No. 53 is already in situ and represents an historical backland development. The nature of this site is that it is effectively split by the access road with the existing dwelling falling to the west. The proposed dwelling would be to the east of the access road. It is considered that the identified site area lends itself to the creation of a new plot and the proposed dwelling will relate satisfactorily to the existing property. Though the intensive redevelopment of this land is not considered appropriate due to the potential for a significant impact upon the character of the area, a new single dwelling would integrate into the existing pattern mirroring the presence of the existing dwelling (No. 53). A condition will ensure that the landscaping of the area is preserved and where possible enhanced. To that end it is considered that this application will preserve the character and appearance of the conservation area and thereby satisfy the requirements of adopted plan policy.

Design and Scale

- 6.3 The proposed dwelling is relatively substantial in scale. The size is not, however, considered excessive, particularly in the context of the large dwellings on the frontage of Hampton Park Road. The design is not of any particular architectural merit but it is nevertheless considered appropriate in its general characteristics in relation to the local area. The design and scale are therefore considered acceptable.

Residential Amenities

- 6.4 The neighbouring properties to the east are of a sufficient distance away to ensure that the impact upon residential amenities is within acceptable limits. To the south, the sole concern rests with the first floor openings allowing overlooking of the private amenity space of No. 55. Landscaping is currently found on this boundary however a condition requiring these windows to be of obscure glass is still considered appropriate. To the north the neighbouring properties are closer but no first floor habitable openings are proposed. The distance is sufficient to ensure that no unacceptable light loss or overbearing impact will result. A condition will ensure control over this situation in the longer term. The property likely to be most significantly effected by this proposal is No. 53 itself. The relationship of these properties is not particularly concerning as No. 53 is orientated north-south although a degree of privacy will be lost and the garden area will be overlooked. On balance however, and in, consideration of the available private

amenity space to the west and south of No. 53, it is considered that the impact upon the residential amenities of the proposal will be within acceptable limits. The vehicular activity associated with two dwellings as would be the case if this application were approved would not result in any significant adverse impact on the amenities of residents living in the properties alongside the access road.

Highway Issues

- 6.5 The proposal involves the widening of the access road. The revised access is in accordance with policy requirements. The site includes the required turning and parking facilities. The proposal is considered acceptable in relation to highway safety.

Current Application – DCCE2005/0415/F

- 6.6 Many of the objections raised have taken into account the application for the redevelopment of the site in which No. 53 sits. Application DCCE2005/0415/F seeks permission for the demolition of the existing dwelling and its replacement with three detached dwellings. This application has yet to be determined. It is stressed that this application must be considered on its own merits and assessed on the basis of the development proposed in this application alone. Application DCCE2005/0415/F will be considered separately and considered on its own merits.

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 E08 (Domestic use only of garage)**

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

- 4 E09 (No conversion of garage to habitable accommodation)**

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

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

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

- 6 E19 (Obscure glazing to windows)**

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

7 E29 (Occupation ancillary to existing dwelling only (granny annexes))

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

8 E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

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 G06 (Scope of landscaping scheme)

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

12 G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

13 G17 (Protection of trees in a Conservation Area)

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

14 G33 (Details of walls/fences (outline permission))

Reason: In the interests of residential and visual amenity.

15 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 HN01 - Mud on highway

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**13A DCCE2005/0436/F - STUDIO/EXHIBITION SPACE,
WYE STREET STORE, WYE STREET, HEREFORD
HR2 7RB**

**For: RRA Architects Ltd, Packers House, 25 West
Street, Hereford, HR4 0BX**

**13B DCCE2005/0440/L - STUDIO/EXHIBITION SPACE,
WYE STREET STORE, WYE STREET, HEREFORD
HR2 7RB**

**For: RRA Architects Ltd, Packers House, 25 West
Street, Hereford, HR4 0BX**

**Date Received: 10th February, 2005 Ward: St. Martins & Grid Ref: 50927, 39563
Hinton**

Expiry Date: 7th April, 2005

Local Members: Councillors Mrs W.U. Atfield, A.C.R. Chappell and R. Preece

1. Site Description and Proposal

1.1 The site is located at the eastern end of Wye Street bordering Bishop's Meadows Playing Fields to the east and the River Wye to the north. Immediately to the west is a three storey Grade II Listed Georgian townhouse which fronts on to Wye Street, attached to which is the former warehouse building most recently used as offices/design studio. The building the subject of this application is of single storey stone construction with slated pitched roof and weatherboarded gables. The building is orientated north to south with double garage doors opening on to Wye Street and pedestrian access via the river footpath. The building is Grade II Listed forming part of the group listing in association with the adjoining two buildings. The site also falls within a Conservation Area and is designated as an Established Residential Area in the Hereford Local Plan and Herefordshire Unitary Development Plan.

1.2 The applications propose the partial demolition/conversion of the single storey warehouse building to provide a studio/exhibition gallery and a venue for arts and crafts. The proposal will entail the removal of the roof structure and provision of a new fully glazed first floor with timber louvres and new slate roof incorporating a central glazed strip running along the ridge.

2. Policies

2.1 Planning Policy Guidance Note 15 - Planning and the Historic Environment

2.2 Hereford Local Plan:

ENV1 - Land liable to flood

ENV2	-	Flood storage areas
ENV14	-	Design
H12	-	Established residential areas – character and amenity
H21	-	Compatibility of non-residential uses
E7	-	Development proposals for employment purposes
CON1	-	Preservation of buildings of architectural and historic interest
CON2	-	Listed buildings – development proposals
CON3	-	Listed buildings – criteria for proposals
CON4	-	Listed buildings – change of use
CON12	-	Conservation areas
CON13	-	Conservation areas – development proposals
CON19	-	Townscape

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S2	-	Development requirements
S7	-	Natural and historic heritage
DR1	-	Design
DR7	-	Flood risk
E7	-	Other employment proposals within an around Hereford and the market towns
HBA1	-	Alterations and extensions to listed buildings
HBA3	-	Change of use of listed buildings
HBA4	-	Setting of listed buildings
HBA6	-	New development in conservation areas

3. Planning History

- 3.1 HC970264LD & HC970263PF - Conversion of the stores into Rural Media Centre. Planning and Listed Building Consent approved 5th November, 1997.
- 3.2 DCCE2004/3847/F & DCCE2004/3848/L - Proposed studio/exhibition space. Planning and Listed Building Consent refused 29th December, 2004. The two refusal reasons are as follows:

DCCE2004/3847/F

- The listed store building together with the adjacent listed buildings that combine to form this attractive group (formerly occupied by the Dorset Ale Company) occupy a very prominent location within the conservation area. The proposed adaptations would by reason of their scale and appearance result in an overly dominant form of development that would detract from the established hierarchical character and setting of the listed buildings and would therefore fail to preserve or enhance the character and appearance of the conservation area. Accordingly the proposal would be contrary to Policies ENV14, CON2, CON3, CON4 and CON13 of the Hereford Local Plan.

The proposed adaptation of the building would by reason of the increased height associated with the introduction of a new first floor result in significant harm to the amenities of neighbouring occupiers and as such the proposal is considered to be contrary to Policies ENV14, H12 and H21 of the Hereford Local Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The site is located within the Flood Zone 3 (which identifies a 1% annual probability of flooding). The proposed change of use is not classed as a flood risk sensitive use and the Agency therefore has no objections to the proposed development.
- 4.2 English Nature: English Nature cannot see any particular impact arising from this development on the SSSI and SAC providing that no machinery or materials are stored by the riverbank during the construction phase.

Internal Council Advice

- 4.3 Traffic Manager: No objection.
- 4.4 Conservation Manager: Detailed comments provided which will be referred to in the Officer's appraisal. However the conclusion is as follows:

The applicant has consistently ignored the advice given by this department and in our view no improvement has been made to this proposal from the previous refusal. The proposal would alter the structure to such an extent that it would in effect lose the majority of its characteristics which make it worthy of listing and have a significant impact on the group value of the adjacent listed buildings. The proposal is therefore not acceptable as it is contrary to local plan policy and Government Guidance and should be rejected.

- 4.5 Public Rights of Way Manager: The proposed development will not appear to affect public bridleways HER32A and HER32B.
- 4.6 Archaeological Advisor: The application site is within the boundaries of the designated Hereford Area of Archaeological Importance although in this case there does not appear to be particular archaeological implications.

5. Representations

- 5.1 Hereford City Council: No objection to planning or Listed Building Consent.
- 5.2 One letter of objection has been received from Mrs E. Kelly, Tara, 14 Wye Street, Hereford, HR2 7RB. The main points raised are:
- One of the reasons for the refusal of the previous application was the introduction of a new first floor. These applications fail to address the previous refusal reasons.
 - We do not object to a studio/exhibition space and we did not object to the Media Centre approved in 1997 as this did not introduce a new first floor. The first floor is not necessary to save any artwork displayed from flooding as suggested by the architect as the artwork could be displayed above the flood risk height.
 - The public support for the existing studio relates to its renovation and use for the proposed purpose and not for the introduction of a first floor.
 - The sun loss analysis report submitted is incorrect.
 - Our land immediately west of the application building is private land and the ancient access land rights couldn't be enforced.

- 5.3 The applicants have also submitted a planning statement which incorporates reference to relevant development plan policies and government guidance a sun path analysis to demonstrate what impact the proposal is likely to have on the neighbouring amenity. This statement also includes 20 completed comment sheets from various interested parties such as Herefordshire College of Art and Design, Hereford City Partnership, Hereford Civic Society and local estate agents all providing support for the proposed use. A brief design statement has also been provided to explain and justify the proposals in more detail. Both of these documents will be referred to in the Officer's appraisal.
- 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 These applications have been submitted following refusal of similar proposals on 29th December, 2004. The amendments to the plans are as follows:
- Removal of lantern style light feature and lowering of the main ridge by 200mm resulting in a total height reduction of 1350mm;
 - Removal of the door and window at ground floor of the western elevation and construction of a new party wall at ground floor along with the provision of obscure glazing in the western elevation at first floor.
- 6.2 The application has also been brought to the Central Area Planning Sub-Committee as a result of a request from a Local Member due to concerns regarding parking, as Wye Street is shortly to become residents parking only. Secondly due to the fact that it is a listed building and to ensure that the proposals are compatible with other buildings in the area and thirdly due to the fact that the site is in a flood risk area and to therefore ensure this has been taken into account by the applicants.
- 6.3 It should firstly be clarified there is no objection to the re-use of this warehouse building (formerly used by the Dorset Ale Company) as a studio/exhibition gallery. There is also public support for the use of the building for this purpose and the objector raises no objection to the use.
- 6.4 There are two main issues relevant to the assessment of this application:
1. The impact of the alterations on the character and appearance of the listed building and conservation area;
 2. The impact of the alterations on the amenity of adjoining property

The impact of the alterations on the character and appearance of the listed building and conservation area

- 6.5 There is no objection in principle to adopting a modern approach to listed buildings or to development proposals in Conservation Areas. However, the introduction of an entirely new first floor will significantly alter the form and appearance of this single storey warehouse building. It is considered that this level of alteration would remove the historic and architectural qualities that contribute towards the listed status of the building. The use of glazing for the first floor does provide a more lightweight appearance to the alterations thereby assisting in softening the massing of the first floor. The removal of the lantern light also reduces the dominance of the roofscape.

However, the overall height reduction is marginal (200mm) and it is not considered that these amendments or the use of lightweight materials are sufficient to remove the negative impact referred to above or overcome the previous reason for refusal. Consequently, the impact on the listed building is unacceptable.

- 6.6 The proposed introduction of a first floor will also alter the group appearance particularly with regard to the hierarchical relationship between the building to be altered and the two adjoining listed buildings. They presently form an attractive group with the host building subservient in scale and design. Whilst this subservience will remain, the introduction of the first floor dilutes the existing clear hierarchical relationship as well as the quality of the vistas of the group of buildings from Wye Bridge and the facades.
- 6.7 The building also occupies a prominent position within the conservation area. The introduction of an entirely new first floor for the full length of the building with the change in material proposed will increase the dominance of the building within the conservation area. Consequently, it follows that due to the conclusion arrived above the proposal will also fail to preserve or enhance the character and appearance of the conservation area as it represents an unacceptable form of development.
- 6.8 The design and planning statements submitted by the applicants suggests that they have failed to recognise the architectural and historic merit of the warehouse both individually and in group value terms. Reference is made to the building as 'no more than a boundary wall in part roofed over' or 'a listed stone wall'. The building is clearly far more than a listed stone wall. Elsewhere, it is stated that 'the development is fully reversible and will not impact upon the listed building'. It is difficult to see how the provision of an entirely new first floor will not have an impact on the host listed building.
- 6.9 Conservation Policy 1 of the Hereford Local Plan requires full and beneficial use of all listed buildings be secured wherever possible. This can be achieved through the use of the existing building. Conservation Policies 2, 3 and 4 however, require that special regard is had to the desirability of preserving listed buildings or their settings and any features of architectural and historical interest and ensuring any new use is compatible with the buildings individual qualities. Conservation Policy 13 states that development, which does not preserve or enhance the Conservation Area, will not be permitted other than in exceptional circumstances. This policy advice is echoed in advice contained within Planning Policy Guidance Note 15. Therefore, given the above comments and the conflict with adopted planning policy, the proposal is unacceptable on both listed building and conservation area grounds.

The impact of the alterations on the amenities of adjoining property

- 6.10 The only private amenity space enjoyed by the occupants of the attached three storey Georgian house is the enclosed courtyard area immediately west of the application building. The present situation is such that the low form and height allows a reasonable amount of light to travel through to the garden area and provides some relief from the dominance of the other enclosing buildings forming the southern and western boundaries. The applicants have addressed the potential for loss of privacy through overlooking of this area by removing the openings at ground floor and proposing the solid party wall and proposing the use of some form of obscure glazing at first floor. These alterations are welcomed. However, they do not overcome the overbearing and somewhat oppressive impact that the introduction of a first floor would have on the use of this rear garden and to a lesser extent, the use and enjoyment of

rear habitable rooms. Furthermore, even though obscure glazing is proposed, any person using this rear garden area would have the perception of being overlooked. It is therefore considered that the proposal would adversely affect amenity of the adjoining property.

Conclusion

- 6.11 The principle of the use and conversion of the building is fully supported. However, the level of alteration proposed and particularly the introduction of a full first floor fail to safeguard the individual architectural and historic qualities of this warehouse building, its subservient relationship and group value with adjoining listed buildings or a satisfactory level of amenity for the occupiers of the adjoining property in terms of the use of the rear garden. As such the proposal is considered unacceptable and contrary to the relevant local plan and the Unitary Development Plan policies and guidance contained within Planning Policy Guidance Note 15.

RECOMMENDATION

DCCE2005/0436/F

That planning permission be refused for the following reasons:

- 1. The listed store building together with the adjacent listed buildings that combine to form this attractive group (formerly occupied by the Dorset Ale Company) occupy a very prominent location within the conservation area. The proposed adaptations would be reason of their scale and appearance result in an overly dominant form of development that would detract from the established heirarchical character, appearnace and setting of the listed buildings and would therefore fail to preserve or enhance the character and appearance of the conservation area. Accordingly the proposal would be contrary to Policies ENV14, CON2, CON3, CON4, CON12 and CON13 of the Hereford Local Plan, policies S7, DR1, HBA1, HBA3, HBA4 and HBA6 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and advice contained within Planning Policy Guidance Note 15 – Planning and The Historic Environment**

The proposed adaptation of the building would by reason of the increased height associated with the introduction of a new first floor result in harm to the amenities of neighbouring occupiers and as such the proposal is considered to be contrary to Policies ENV14, H12 and H21 of the Hereford Local Plan and policy E7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft)

DCCE2005/0440/L

That listed building consent be refused for the following reason:

- 1. The listed store building together with the adjacent listed buildings that combine to form this attractive group (formerly occupied by the Dorset Ale Company) occupy a very prominent location within the conservation area. The proposed adaptations would by reason of their scale and appearance result in an overly dominant form of development that would detract from the established heirarchical character, appearance and setting of the listed buildings and would therefore fail to preserve or enhance the character and appearance of the conservation area. Accordingly the proposal would be**

contrary to Policies ENV14, CON2, CON3, CON4, CON12 and CON13 of the Hereford Local Plan, policies S7, DR1, HBA1, HBA3, HBA4 and HBA6 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and advice contained within Planning Policy Guidance Note 15 - Planning and The Historic Environment.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCCW2005/0393/F - TWO STOREY AND SINGLE STOREY REAR EXTENSIONS AT 31 HOLMER ROAD, HEREFORD, HR4 9RX

For: Mr. & Mrs. J. Jenkins per Mr. N.J. Teale, Brambles Farm, Naunton, Upton-upon-Severn, Worcestershire, WR8 0PZ

Date Received: 7th February, 2005 Ward: Three Elms Grid Ref: 50575, 41202
Expiry Date: 4th April, 2005

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

1. Site Description and Proposal

- 1.1 The application site is comprised for a semi-detached two storey dwelling located to the western side of Holmer Road within an established residential area. Its attached neighbour, 29 Holmer Road, forms the southern boundary of the application site.
- 1.2 The application site is also within the northern boundary of Widemarsh Common Conservation Area.
- 1.3 This application seeks planning permission to erect a first floor extension to the rear of the dwelling, predominantly located above an existing ground floor extension.
- 1.4 The proposed extension will not provide any significant increase in habitable accommodation, but will facilitate a remodelling of the first floor to allow access to a bathroom without the need to pass through an existing bedroom.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H14	-	Established Residential Areas – Site Factors
Policy H16	-	Alterations and Extensions
Policy CON13	-	Conservation Areas – Development Proposals

3. Planning History

- 3.1 DCCW2004/3865/F Two storey rear extension. Refused 26th January, 2005. This application was refused as it was considered to be overly dominant by reasons of its scale, bulk and massing. The present application is a resubmission which seeks to address these objections.

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency - no objection.

Internal Council Advice

4.2 The Conservation Manager - the proposal would not have a major impact on the character and setting of the Conservation Area, and the proposed extension is in keeping with and subservient to the original dwelling.

5. Representations

5.1 Hereford City Council - no objection.

5.2 One letter of objection has been received from Mr. Peter Watkins, 29 Holmer Road that raises the following objections which are summarised as:

- Overdevelopment of the existing dwelling.
- Overbearing on the adjoining properties.
- Civil consent will not be granted for the works to the Party Wall.

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 principal considerations in determining this application are the impact of the proposed extension on the adjoining dwellings and the visual impact on the character and appearance of the Conservation Area.

6.2 Although the proposed extension will rise above part of the existing single storey rear extension of 29 Holmer Road, it is not considered that the proposal will give rise to a demonstrable loss of amenity.

6.3 Both properties already have two storey rear extensions immediately to the rear of the main dwelling which continue at ground floor into the rear garden area, therefore the bulk of the extension will be masked by the existing structure.

6.4 Furthermore, the design of the proposed extension has paid consideration to the placement of windows to minimise any issues of overlooking. The minimal impact of an additional first floor extension is evidenced by the presence of a similar extension which has previously been constructed to the rear of 33 Holmer Road.

6.5 The remaining issues referred to in the letter of objection from Mr. Watkins are civil matters and are therefore not material planning considerations.

6.6 The proposed extension is not considered to have an adverse impact on the visual amenity of the designated Conservation Area, and this is confirmed by the advice provided by the Conservation Manager.

6.7 Overall the proposal complies with the relevant policies in the Local Plan and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. **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.

Informatives:

- 1. **N03 - Adjoining property rights.**
- 2. **N14 - Party Wall Act 1996.**
- 3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

