

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 4th May, 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

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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 - 12
To approve and sign the Minutes of the meeting held on 6th April, 2005.	
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To note the Council's current position in respect of planning appeals for the central area of Herefordshire.	
5. TREE PRESERVATION ORDER 518 - THE BURCOTT ADJACENT BURCOTT FARM, ROMAN ROAD, BURCOTT, HEREFORD, HR1 1JL	15 - 18
To consider the representation made in relation to three groups of trees, one individual tree and one woodland.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the central area 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 items 6,7,8 and 9 are applications that were deferred at the last meeting for site inspections and the remainder are new applications.	
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7.	DCCE2005/0278/F - 53 HAMPTON PARK ROAD, HEREFORD, HR1 1TJ	25 - 30
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8.	DCCE2005/0248/F - 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ	31 - 34
	Two storey extension to provide double garage and study with two bedrooms over. Pitched roof over existing kitchen.	
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19. DCCW2005/0698/F - BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET	99 - 100
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Variation of existing condition 4 of CW03/0620/F to allow a variation in noise levels.	
21. DATE OF NEXT MEETING	
The date of the next scheduled meeting is Wednesday 1st June, 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, 6th April, 2005 at 2.00 p.m.

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

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

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

134. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.J. Edwards, G.V. Hyde, J.C. Mayson, Miss F. Short and A.L. Williams.

135. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
R.I. Matthews, Mrs. S.P.A. Daniels and Ms. A.M. Toon	Item 5 - DCCW2004/3917/F – Change of use to small school for pupils 11-16 years at: TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 0NU	R.I. Matthews declared a prejudicial interest and left the meeting for the duration of this item. Mrs. S.P.A. Daniels and Ms. A.M. Toon declared personal interests.
Ms. G.A. Powell	Item 7 - DCCE2005/0032/F – Retirement village / independent living scheme with village hall and restaurant, welfare and recreational facilities, administrative and care facilities, self- contained accommodation units and car parking at: LEDBURY ROAD NURSERIES, LEDBURY ROAD, HEREFORD	Declared a prejudicial interest and left the meeting for the duration of this item.

Ms. A.M. Toon	Item 9 - DCCE2005/0206/F – Erection of detached annexe at: 3 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY	Declared a personal interest.
Mrs. S.P.A. Daniels	Item 11 - DCCE2005/0248/F – Two storey extension to provide double garage and study with two bedrooms over. Pitched roof over existing kitchen at: 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ	Declared a personal interest.

Mr. K. Bishop, Principal Planning Officer, declared a personal interest in respect of item 12 (DCCE2005/0278/F - Erection of house, garage and annex and improvements to access drive at 53 Hampton Park Road, Hereford, Herefordshire, HR1 1TJ), but had left the meeting following item 5.

136. MINUTES

The Committee Officer circulated an amendment to Minute 126, page 7, of the Minutes relating to application DCCW2005/0034/F – Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, HR2 7XS. The amended sentence read 'He was also concerned that the company had failed to adhere to condition ~~number 17~~ 10 of their original planning application not to deliver on Sundays *and condition 17 regarding the permanent removal of signage from the original Fuel Filling Station site*'.

RESOLVED:

Subject to the above amendment, the Minutes of the meeting held on 9th March, 2005 be approved as a correct record and signed by the Chairman.

137. 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.

138. DCCW2004/3917/F - TRINITY HOUSE, 31 BARRICOMBE DRIVE, HEREFORD, HR4 ONU

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

In accordance with the criteria for public speaking, Mrs. Mower spoke against the application and Mr. Starkey spoke in support of the application.

Councillor Mrs. P.A. Andrews, a Local Member, noted that consideration of this application had been deferred at the last meeting to enable further discussions to take place with local residents. Councillor Andrews noted that, whilst meetings had taken place, there did not appear to be a meeting of minds and that local residents remained very concerned about the impact of this application on the locality. Councillor Mrs. Andrews felt that the proposed use was inappropriate in this location,

particularly given highway safety concerns, fears about the potential for increased tensions and disturbances in the area, and the lack of recreation space for the pupils. For these reasons, she proposed that the application be refused as she felt it conflicted with policy H12 (Established Residential Areas – Character and Amenity) of the Hereford Local Plan.

Councillor Ms. A.M. Toon, a Local Member, also spoke about the misgivings of local residents.

The Legal Practice Manager clarified that fear or apprehension of wrongdoing was not a material planning consideration but impact on residential amenity was a potential reason for refusal.

Councillor W.J.S. Thomas questioned the suitability of the site for this use and felt that it would not offer the opportunities for development that the pupils deserved.

Councillor A.C.R. Chappell felt that there were no planning grounds to warrant refusal, noted the good reputation of Clifford House and expressed his regret that some representations had been negative about the vulnerable people that would benefit from this proposal. He did not accept that public order would be significantly affected by the proposal, particularly given the applicant's assertions about the teaching ratio and transportation arrangements. Councillor Chappell noted the problems being experienced in the community but stressed that it had nothing to do with these pupils.

Councillor Mrs. J.E. Pemberton felt it vitally important that all points of view were considered and felt it unfortunate that more Members had not taken up the invitation to visit the applicant's school in Leominster.

Councillor Mrs. S.P.A. Daniels, a Local Member, expressed concern that the proposed school might not follow state school term dates and, therefore, there was potential for traffic congestion over longer periods than usual.

In response to a question, the Principal Planning Officer advised that there was no indication of the start and end times of the educational day but this could be controlled through a condition.

Councillor Mrs. E.M. Bew commented that she had professional experience of children with learning difficulties and that, whilst residents often had very strong reservations at first, the perceptions of people often changed once such schools had become established.

Councillor Mrs. W.U. Attfield felt that there were no good planning reasons for refusal. Councillor Mrs. Attfield noted concerns about traffic problems in the area and questioned whether the start and end times of the educational day could be staggered to avoid disruption and congestion with other schools in the area; she added that there were significant vehicular movements associated with the previous uses of the site. Councillor Mrs. Attfield noted the community problems that needed to be addressed but felt that these would not go away if the school did not open and were unlikely to be exacerbated if it did.

Councillor D.B. Wilcox noted that many of the concerns centred around issues related to congestion at opening and closing times and proposed that Officers be authorised to negotiate times with Clifford House which would both take into account the operation of the school and the fears and concerns of local residents.

The Principal Planning Officer advised that the Traffic Manager had commented that

the extant use for offices was likely to be a higher overall generation of traffic over a working day than the proposed use. The Principal Planning Officer also advised the Sub-Committee of the risk of costs being awarded against the Authority if the application was refused and an appeal by the applicant was successful.

In order to take local residents' and Members' concerns into account, the Principal Planning Officer suggested that Officers be authorised to approve the application, in consultation with the Local Members and the Chairman, to approve the application subject to: a temporary two-year period to assess the impact of the use; a travel plan being required; a condition to be placed on usage times; and a condition to stagger opening and closing times to minimise disruption.

A motion to refuse the application was lost and the following resolution was then approved.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers, in consultation with the Local Members and the Chairman, be authorised to approve the application subject to the following conditions and any further conditions or agreements felt to be necessary by Officers.

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

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

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

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

3. 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.

139. [A] DCCE2004/4389/F AND [B] DCCE2004/4390/L - ABBEY GRANGE, 47 VENNS LANE, HEREFORD, HR1 1DT

Proposed single storey extension to provide office and 8 no. bedrooms with en-suite wcs.

The Team Leader Central advised that the applicant had clarified that the maximum staff numbers per shift.

In accordance with the criteria for public speaking, Mr. Ubhee spoke in support of the application.

Councillor D.B. Wilcox, a Local Member, noted that a number of residential care homes had closed in recent years, often a result of being too small, and spoke in support of the application as he felt it would enhance the viability of this care home. Councillor Wilcox commented on local concerns about parking but also noted that

the Traffic Manager had confirmed that the parking provision accorded with the requirements of a care home.

In response to questions from Members, the Central Team Leader advised that the loss of a day room would still leave two day rooms for residents, as well as other public areas, and this level of provision satisfied the requirements of the professional organisation that the applicant was affiliated to.

RESOLVED:

DCCE2004/4389/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 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

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.**

140. DCCE2005/0032/F - LEDBURY ROAD NURSERIES, LEDBURY ROAD, HEREFORD

Retirement village/independent living scheme with village hall and restaurant, welfare and recreational facilities, administrative and care facilities, self-contained accommodation units and car parking.

The Central Team Leader advised that a site inspection was recommended given the local sensitivity of the proposal and its relative scale.

Councillor D.B. Wilcox, a Local Member, supported a site inspection and asked Officers to endeavour to address as many of the various concerns of residents as possible in the interim.

Councillor Mrs. P.A. Andrews felt that the original designs did not do justice to the area and hoped that discussions with the applicant would ensure that the designs were improved.

RESOLVED:

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).

141. DCCW2005/0207/F - UNIT 2, POMONA WORKS, ATTWOOD LANE, HEREFORD

Continued use for distribution of sand and aggregates including retail for two years.

The Senior Planning Officer reported the receipt of a further letter of objection.

In response to a question, the Senior Planning Officer advised that the Traffic Manager had noted the extensive areas of mud coverage, plus loose gravel on the carriageway near the site and, therefore, a condition requiring wheel-washing equipment was recommended.

Councillor Mrs. S.J. Robertson, the Local Member, commented on the local concerns about mud and debris on the road and expressed surprise that the Environmental Health Manager had not received more complaints since 2002. Councillor Mrs. Robertson outlined ongoing discussions with Holmer Parish Council, the Police and the Highways Department regarding the condition of the road and anticipated that, with the recommended conditions and commitment from all parties, the situation could be resolved.

Councillor R.I. Matthews noted the importance of this employment site but felt that more should be done to enhance landscaping, surfacing and road condition. Therefore, it was proposed that Officers be authorised to approve the application, in consultation with the Local Member and the Chairman, subject to any conditions considered necessary.

In response to a question, the Senior Planning Officer advised that a further temporary permission might not provide the necessary incentive for the applicant to make the improvements being sought by Members.

Councillor D.B. Wilcox also felt that the surface of the yard and the condition of the road should be improved in order to safeguard the amenities of the area.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers, in consultation with the Local Member and the Chairman, be authorised to approve the application subject to the following conditions and any further conditions felt to be necessary by Officers.

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

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

2. 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.

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

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

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

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

- 8. Within 6 months of the date of this permission hardstanding around the access area shall be provided on site in accordance with details to be submitted to, and agreed in writing by, the local planning authority. This area shall be laid out, consolidated, surfaced, drained and otherwise constructed in accordance with the approved details.**

Reason: In the interests of highway safety

Informatives:

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

142. DCCE2005/0206/F - 3 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY

Erection of detached annexe.

The Senior Planning Officer advised the Sub-Committee of amendments to recommended conditions 4 and 6.

Councillor D.B. Wilcox, a Local Member, commented that he had misgivings about the proposal, particularly given the planning history of this site. However, he was grateful for the amended conditions to ensure that the annexe was tied to the associated dwelling and to ensure that the privacy of the adjacent dwelling was not compromised.

Councillor W.J. Walling felt that this area was becoming increasingly crowded to the detriment of the amenities of the area.

Councillor Mrs. M.D. Lloyd-Hayes noted that Officers had addressed the principal concerns.

In response to a question, the Senior Planning Officer advised that a Section 106

Agreement should only be pursued when conditions cannot address the matters of concern and, in this instance, conditions 3 and 4 would ensure the continued association of the annexe to the associated dwelling.

RESOLVED:

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. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 3 Folly Lane. The use of this annexe specifically precludes its use for purposes associated with the care home utilisation of the main dwelling house.

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. Prior to the use or occupation of the annexe hereby permitted, and at all times thereafter, the windows marked "X" on the approved plans shall be glazed with obscure glass only with opening restricted in accordance with details to be submitted to and agreed in writing by the local planning authority prior to the occupation of the annexe hereby authorised.

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

Informative:

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

143. DCCE2005/0405/F - PLOT IN GARDEN OF LAVENDA COURT GARDENS, FOWNHOPE, HR1 4PB

Erection of detached bungalow.

The Senior Planning Officer advised that the reason for the removal of permitted development rights was due to the restricted nature of site and in the interests of the control of the site. The Senior Planning Officer reported the receipt of the comments of Fownhope Parish Council.

In accordance with the criteria for public speaking, Mrs. Cooper spoke against the application and Mr. Prosser spoke in support of the application.

Councillor Mrs. J.E. Pemberton, the Local Member, felt that the Sub-Committee would benefit from a site inspection given the nature of the objections received.

Councillor R.M. Wilson asked Officers to investigate the impact of the proposal on an adjacent public right of way.

In response to a question, the Senior Planning Officer clarified the situation in respect of the trees on the site.

RESOLVED:

That a site inspection be held on the following ground:

- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

144. DCCE2005/0248/F - 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

Two storey extension to provide double garage and study with two bedrooms over. Pitched roof over existing kitchen.

In accordance with the criteria for public speaking, Mr. Jenkins spoke against the application and Mr. Quine spoke in support of the application.

The Legal Practice Manager clarified the legal principles regarding access via a neighbouring property and the operation of businesses from residential properties.

Councillor D.B. Wilcox, a Local Member, felt that a site inspection would assist Members given that a judgement was required on visual impact and the potential impact of the proposal on the amenities of a neighbouring property.

RESOLVED:

That a site inspection be held on the following grounds:

- **A judgement is required on visual impact.**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

145. DCCE2005/0278/F - 53 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ

Erection of house, garage and annex and improvements to access drive.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, proposed that a site inspection be held given some local residents' concerns about the potential impact of the proposal.

RESOLVED:

That a site inspection be held on the following grounds:

- The character or appearance of the development itself is a fundamental consideration.
- The setting and surroundings are fundamental to the determination or to the conditions being considered.

146. [A] DCCE2005/0436/F AND [B] DCCE2005/0440/L - WYE STREET STORE, WYE STREET, HEREFORD, HR2 7RB

Studio/exhibition space.

The Principal Planning Officer reported the receipt of correspondence in support of the application from Mr. Watkins, a member of the St. Martins Residents' and Traders' Association.

In accordance with the criteria for public speaking, Mr. Thomas spoke in support of the application. Mr. Kelly reserved the opportunity to speak against the application until the matter was brought back to the Sub-Committee following the site inspection.

Councillor A.C.R. Chappell, a Local Member, felt that a site inspection would assist Members given the concerns about the potential impact of the proposal on an adjacent dwelling and the sensitivity of the area.

RESOLVED:

That a site inspection be held on the following grounds:

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

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

Two storey and single storey rear extensions.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: To ensure the external materials harmonise with the existing

building.

Informatives:

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

148. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 4th May, 2005.

The meeting ended at 3.45 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCW2004/3835/O**

- The appeal was received on 14th March, 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 Stroudwater Redevelopment Ptnrship.
- The site is located at Land to the South of A480, Credenhill Hereford.
- The development proposed is Residential development incorporating new primary school, care home, extra care housing and village store.
- The appeal is to be heard by Inquiry.

Case Officer: Kevin Bishop on 01432 261946

APPEALS DETERMINED**Application No. DCCE2004/0353/F**

- The appeal was received on 20th April, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Miss V. Hanham-Gross.
- The site is located at Worlds End Cottage, Tarrington Common, Herefordshire, HR1 4HR.
- The application, dated 14th January, 2004, was refused on 26th March, 2004.
- The development proposed was Restoration of dwelling.
- The main issues are whether the proposed restoration is acceptable in principle having regard to development plan policy which seeks to resist new dwellings in the countryside, and the effect of the proposal on the character and appearance of the countryside which is located within an Area of Great Landscape Value (AGLV).

Decision: The appeal was **DISMISSED** on 17th March, 2005.

Case Officer: Russell Pryce

Application No. DCCE2004/2865/F

- The appeal was received on 29th December, 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. Elland.
- The site is located at Land adjoining 61 College Road, Hereford.
- The application, dated 30th July, 2004, was refused on 27th September, 2004.
- The development proposed was New dwelling.
- The main issue is that the proposed development would have an adverse effect on the living conditions of the occupier of 59 College Road.

Decision: The appeal was **DISMISSED** on 7th April, 2005.

Case Officer: Sarah Hanson on 01432 261566

Application No. DCCW2004/1673/F

- The appeal was received on 22nd October, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. V. Venables.
- The site is located at 253 Grandstand Road, Hereford, Herefordshire, HR4 9NR.
- The application, dated 21st April, 2004, was refused on 19th July, 2004.
- The development proposed was New vehicular access and hardstanding.
- The main issue is that the proposal would endanger highway safety, contrary to the requirements of the primary legislation set out in the Highways Act 1980.

Decision: The appeal was **DISMISSED** on 7th April, 2005.

Case Officer: Kevin Bishop on 01432 261803

Application No. DCCE2004/2003/F

- The appeal was received on 3rd December, 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. Taylor.
- The site is located at Land adjacent to Mortimer Road and Burcott Road, Hereford.
- The application, dated 1st June, 2004, was allowed on 27th September, 2004.
- The development proposed was Storage compounds (7) together with perimeter fence.
- The main issue is whether Conditions 3 & 5 meet the tests for conditions set out in Circular 11/95, and whether they should be retained, removed or varied.

Decision: The appeal was **DISMISSED** on 7th April, 2005.

Case Officer: Miss Kelly Gibbons on 01432 261781

Application No. DCCW2004/1548/O

- The appeal was received on 12th October, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. S. Simpkins.
- The site is located at Myrtle Cottage, Wellington, Hereford, Herefordshire, HR4 8DT.
- The application, dated 17th April, 2004, was refused on 14th July, 2004.
- The development proposed was Site for detached house and garage.
- The main issues are whether the proposed development would conflict with national and local policies relating to housing development in the countryside, and whether the proposed dwelling would unacceptably affect the character and appearance of the surrounding area.

Decision: The appeal was **ALLOWED WITH CONDITIONS** on 18th April, 2005.

Case Officer: Steve MacPherson on 01432 261946

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

5 TREE PRESERVATION ORDER 518 – THE BURCOTT ADJACENT BURCOTT FARM, ROMAN ROAD, BURCOTT, HEREFORD, HR1 1JL

Report By: Head of Planning Services

Wards Affected

Burghill, Holmer & Lyde ward

1 Purpose

- 1.1 To consider the representation made in relation to three groups of trees, one individual tree and one woodland in The Burcott, adjacent Burcott Farm, Roman Road, Burcott, Hereford, HR1 1JL and determine whether to confirm the Order.

2 Order description and details

- 2.1 This order concerns:

- 4 individual trees (T1 to T4), comprising 2 cedars and 2 yew trees;
- 3 groups of trees (G1 to G3), comprising of 72 trees in total including holly, yew, hawthorn, plum, hazel, Douglas fir, elm, oak and sycamore; and
- 1 native woodland copse (W1), containing oak, hornbeam, hawthorn, hazel, sycamore, elm, holly and ash.

- 2.2 The area they cover is within a small-hedged field to the east of Burcott Farm which itself is located in open countryside approximately 200metres to the north of Roman Road. The trees generally surround an area called 'The Burcott'. Planning permission was granted for four dwellings, treatment plant and reed bed (DCCW/2004/4081/F) within this area on the 10th January, 2005.

- 2.3 The two large fully mature cedars (T1 and T2) lie in the southeast of the site, adjacent to a large linear feature (G1) of mainly hollies partially along the north and east boundaries. There are also two yews (T3 and T4) and a group of mainly hawthorn (G2) along the western boundary, a small group (G3) of hedgerow trees along the southern boundary. A small oak copse (W1) lies further south still, in the southwest corner of the site. The trees are of various sizes from small immature trees to very large, fully mature specimens. Collectively the trees have an anticipated life expectancy of between 5 and 100yrs (i.e. elms and early mature oaks respectively).

- 2.3 The trees have been awarded an amenity rating of between 17 and 26 using the amenity evaluation rating system (benchmark rating for inclusion within TPO is 15). Being visible from the Roman road the trees have a moderately high amenity value screening unpleasant views and should soften the proposed housing against the backdrop of open countryside. The trees are importance in their large composition

3 Policies

3.1 South Herefordshire District Local Plan Policy C.17 (Trees/management) states:-

“PARTICULARLY WITHIN SETTLEMENTS AND WHERE PROPOSALS FOR DEVELOPMENT ARE ADVANCED, THE COUNCIL WILL SUPPORT THE INCREASE AND PROTECTION OF THE STOCK OF TREES IN THE PLAN AREA IN THE INTEREST OF AMENITY BY:

(i) CONTINUING TO SERVE TREE OPRESERVATION ORDERS IN APPROPRIATE CIRCUMSTANCES, WHERE THERE IS A DANGER TO AMENITY OF THE AREA BY THE LOSS OF TREES;

(ii)”

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

4 Representations

4.1 One letter of objection containing three principal concerns has been received from Mr. W. H. D. Hartland, Burcott Farm, Burcott, Hereford, Herefordshire, HR1 1JL.

1. An agreement was made in 2004 with the developer of the site (K W Bell) that a replacement boundary fence of ranch style fencing, including pig netting, would be installed along the entire eastern boundary adjoining the pastureland. This is to prevent livestock entering the development site which happened in July 2004 during a storm when a dead elm fell onto protective fence, and cattle strayed onto the site containing yew (poisonous to livestock if eaten) and one bullock valued at £700 died. Mr Hartland requests an adjustment of the two Groups (G1 and G3) and the Woodland (W1) to allow the fence replacement works.

2. The fence along the western edge must be stock proof. The developer has agreed that the yearly trimmed stock proof fence on the western boundary would be reduced and maintained them at a height of 7ft from the base of the ‘hedge’. The trimming of the side of the ‘hedge’ is of particular importance for access along the narrow lane, which is used by Hereford & Worcester Fire services for training purposes and to allow access for the Rail services to repair signals along the railway track and in emergencies. The request is that an adjustment of one Group (G2) and woodland (W1) on safety grounds.

3. There has been no consultation with him.

4.2 A copy of the representation can be viewed at the Town Hall, Hereford or immediately prior to the Planning Committee

5. Officers Appraisal

- 5.1 A further inspection of the tree has been made in the light of the representations made. It should be possible to ensure proper fencing and boundary treatment is undertaken which is stock proof without detrimentally affecting the trees concerned. In fact it will be essential given the juxtaposition of the farming and residential use. Similarly there is a need to manage the trees properly to avoid danger to occupants. However, whether ranch style fencing is appropriate is another matter and there is no need to remove trees prematurely.
- 5.2 The use of the area will change as a consequence of the development permitted by the planning permission. The Council, as Local Planning Authority, has a duty to ensure that new development is accommodated properly in a way that protects amenity. Many of the trees covered by the order have been present on the edge of or within the site for quite some time, and their presence accepted or they would have been removed earlier. Their value is now more important in view of the need for the proposed housing to fit satisfactorily into this area of countryside. Any agreement between Mr Hartland and the developer should not have any major bearing on what the Local Planning Authority considers necessary to accommodate the development in a satisfactory manner, particularly if such agreement runs contrary to the proper planning of the site and its surroundings. The implications for the farm of developing the site for housing should have been properly assessed at the outset when it was decided to release the land.
- 5.3 Although it is accepted that trees within G2 and part of the woodland copse were once managed as a hedgerow, their lack of management has allowed them to develop into linear feature of trees. These trees screen and soften the proposed development and demarcate the boundary between residential land and a working farm. Reduction of the trees would greatly reduce their use for screening.
- 5.4 The planning permission contains a conditions requiring prior approval to be given to a landscape scheme and the retention of trees and hedgerows, unless specifically shown to be removed on the approved drawings. Hence the use of the Tree Preservation Order facilitates the long-term intention to maintain trees within the site that are considered important to the site's development and use.
- 5.5 The natural growth of the trees along the western boundary may become a minor nuisance and restrict access to the narrow lane if left un-managed. Similarly there will remain a need to manage the trees along the eastern and northern boundaries. The imposition of a Tree Preservation Order is not intended to indicate no works should be carried out to the trees concerned. The Council would not withhold consent for appropriate works, in particular to remove low side branches in order to maintain access. The developer/owner(s) of the trees is/are encouraged to submit a management scheme that should ideally be for a 5 year repeat programme of works.
- 5.6 The Council has a duty to consider the amenity value of trees when considering whether or not to grant planning permission for development. The Council follows guidance in the document "Tree Preservation Orders- A Guide to the Law and Good Practice" by DETR, when considering and serving a TPO. The guidance recognises that the process of making TPOs is a precautionary one, particularly where development pressures are acknowledged. In view of the fact that the site was being advanced for development it was considered that the TPO should be brought into immediate effect in order to avoid the premature loss of any important trees.

Consultation with landowners or developers prior to serving a TPO can sometimes result in the removal of trees before they can be properly assessed and therefore the accepted approach is to make provisional orders that subsequently require confirmation after further investigations and receipt of representations.

RECOMMENDATION

THAT:

- (a) The Tree Preservation Order no. 518 be confirmed without modification.**

Decision:

Notes:

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6 DCCE2005/0405/F - ERECTION OF DETACHED BUNGALOW AT 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

Introduction

Members will recall this application from the Central Area Planning Sub-Committee (6th April, 2005) and the subsequent site inspection on the 18th April, 2005.

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. 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: *'This application is not opposed but, whilst the position of the proposed bungalow is acceptable and doesn't cause too much invasion of privacy, the access is narrow, already serves 2 dwellings and would need a visibility splay, up to highway standard, to be acceptable'*
- 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 a 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 TPOs 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: Due to the restricted nature of the application site.
- 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.

7 DCCE2005/0278/F - ERECTION OF HOUSE, GARAGE AND ANNEX AND IMPROVEMENTS TO ACCESS DRIVE AT 53 HAMPTON PARK ROAD, HEREFORD, 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

Introduction

Members will recall this application from the Central Area Planning Sub-Committee (6th April, 2005) and the subsequent site inspection on the 18th April, 2005.

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 by approximately 1.5 metres to the west. 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 due to the annexe design, site constraints, and the relationship of the annexe to the neighbouring properties.

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.

8 DCCE2005/0248/F - TWO STOREY EXTENSION TO PROVIDE DOUBLE GARAGE AND STUDY WITH TWO BEDROOMS OVER. PITCHED ROOF OVER EXISTING KITCHEN AT 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

Introduction

Members will recall this application from the Central Area Planning Sub-Committee (6th April, 2005) and the subsequent site inspection on 18th April, 2005. There is no further information to report and as such the attached report and recommendation remains unchanged.

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.

9A DCCE2005/0436/F - STUDIO/EXHIBITION SPACE AT WYE STREET STORE, WYE STREET, HEREFORD, HR2 7RB

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

9B DCCE2005/0440/L - STUDIO/EXHIBITION SPACE AT 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

Introduction

Members will recall these applications from the Central Area Planning Sub-Committee (6th April 2005) and the subsequent site inspection on 18th April 2005. There is no further information to report and as such the attached report and recommendation remains unchanged.

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 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

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 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 the adjoining properties amenity.

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.

10 DCCE2003/3716/F - TWO STOREY BUILDING TO FORM OFFICES. EXISTING BUILDING TO BE DEMOLISHED AT 97-98 EAST STREET, HEREFORD

For: Trustees of the Old Herefordian Fund per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 10th December 2003 Ward: Central Grid Ref: 51049, 39941
Expiry Date: 4th February 2004
 Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 Numbers 97/98 East Street are located on the southern side of East Street opposite the rear of the Booth Hall Public House. The existing building is of brick construction with two large openings on the ground floor which did have full height timber doors. One set of these has recently been removed to create a temporary access whilst works were being undertaken to buildings on St. John Street. There are two windows above these openings. The roof line of the property is consistent with the adjoining restaurant. To the rear of the building there is a gable with an open former wagon way with a window to both first and ground floors. Due to the configuration of boundaries and buildings the rear elevation has a reduced width. The site lies within the Central Conservation Area.
- 1.2 The proposal seeks to demolish the existing building and erect a new two storey building with the same ridge height as to the previous. The front elevation of the building has three openings at ground floor level with high level windows just below eaves level at first floor. A 2 metre wide pedestrian only walkway is proposed leading to the site to the rear of the building. This entrance would be gated.
- 1.3 The proposed use of the building would offer office space to both ground and first floor.
- 1.4 Initially the proposed plans showed a vehicular access to the rear of the site with car parking to eight parking spaces in the garden to the rear of 6 St. Johns Street. Due to a fundamental objection to the use of this access for vehicles due to highway safety implications, amended plans were submitted on the 31st March 2005. These omitted the vehicular access and parking from the scheme.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy S1	-	Role of the Central Shopping Area
Policy E9	-	Office Development in the City Centre
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON19	-	Townscape

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft);

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR10	-	Office Development
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 CE1999/1153/C Demolition of existing building. Approved 14th March, 2003.
- 3.2 CE1999/1154/F Demolition of existing building and erection of new two storey building to form nursery for Cathedral Junior School. Approved 14th March, 2003.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water recommends conditions relating to foul and surface water drainage.

Internal Council Advice

- 4.2 The Transportation Manager has no comment to make on this application (amended plans).
- 4.3 The Conservation Manager makes the following comments:
- (Archaeology) raises the issue of the site being a sensitive site archaeologically. It lies within the Area of Archaeological Importance and possibly over the location of former Saxon defences. Further exploration is required and foundation design details may be required.
- (Historic Building Conservation) - the principle of demolition has been established under a previous application. Given the neutral contribution of the existing building to the Conservation Area it is questionable whether there are sufficient grounds for refusal of the application solely on the grounds that it fails to preserve or enhance.
- 4.4 The Forward Planning Manager makes the following comments:

The principle of demolishing this building and replacing it has been established by a previous application in 1999 for a nursery and education building in connection with the Cathedral School. The proposed office use in this location would conform to Policy ED9 of the Hereford Local Plan. Therefore there is no objection to the principle of this application.

5. Representations

5.1 Hereford City Council raises no objection to the proposal.

5.2 Letters of objection have been received from Malcolm Harrison (on behalf of Mr. and Mrs. Eddy, Orchid House, East Street) and from Hereford and City and County Conservative Club. These letters raised the following concerns:

- Lack of party wall agreement and discussion with neighbours.
- Objection to detailed design of proposal and impact on the character of the adjoining properties.
- Question need for further office accommodation in East Street.
- Impact of works on trade.
- Concern over roof materials to be used and impact on adjoining building.

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 issues for consideration in the appraisal of this proposal are:

- The principle of development.
- The impact of the development on the character and appearance of the Conservation Area.

6.2 The application site lies within the Central Shopping Area of Hereford City and within the Central Conservation Area. In 2003, applications for the demolition of the existing building and erection of an extremely similar building to be used as a nursery and education centre were approved with conditions. As such the principle of demolishing the existing building and replacing it with that now proposed has been established. The use of the building for office accommodation is also acceptable and clearly conforms with Policy ED9 of the Hereford Local Plan.

6.3 During this lengthy application process, careful consideration was given to the acceptability of a vehicular access through this site. This has now been omitted from the scheme and a 2 metre wide pedestrian access retained leading to the proposed residential development to the rear of the site. A condition to ensure this is retained for pedestrian use only is recommended. There is no objection to the use of the proposed building as an office development within the city centre, without off road parking. This conforms with the guidance and principles of PPG13 and concepts of sustainable

development. It is recommended that cycle racks be provided to the rear of the building to encourage the use of alternative methods of transport.

- 6.4 In terms of impact the style and design are considered to preserve the character and appearance of the Conservation Area and it is felt that a refusal on design grounds could not be sustained especially as the design and style of the building is extremely similar to that previously approved. In light of this it is considered that the proposed development would accord with the policies of the Local Plan and guidance contained within PPG15.
- 6.5 In respect of the objections received, whilst the comments make valid points in respect of the design and impact on the adjoining buildings, conditions are recommended to ensure that the roof materials harmonise with those on the adjoining building. Concerns regarding impact on the Conservation Area have been addressed above. Highway issues have been overcome by the removal of vehicular access. A condition relating to hours of construction is also recommended in the interests of the neighbouring properties. The onus is placed upon the applicant to arrange any party wall agreements and an Informative Note can be included, but this is not a planning matter that can be considered as part of the application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. A09 (Amended plans) (31st March 2005).**

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. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-**

(a) Details of gates, including design, materials and finish.

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

- 5. C04 (Details of window sections, eaves, verges and barge boards).**

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

6. C05 (Details of external joinery finishes).

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

7. The access way shown on the amended plans shall be used for pedestrian use only and at no time shall be used for vehicular traffic.

Reason: For the purposes of clarification and in the interests of highway safety.

8. 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.

9. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

10. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

11. H05 (Access Gates).

Reason: In the interests of highway safety.

12. 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.

13. D01 (Site investigation – archaeology).

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

14. 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

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.

11A DCCE2004/4132/F - PROPOSED TWO STOREY THREE BEDROOM DWELLING AT GARDEN TO THE REAR OF 5 ST. JOHN STREET, HEREFORD

For: Mr. P. Williams per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

11B DCCE2004/4136/L - PROPOSED TWO STOREY THREE BEDROOM DWELLING AT GARDEN TO THE REAR OF 5 ST. JOHN STREET, HEREFORD

For: Mr. P. Williams per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 2nd December, 2004

Ward: Central

Grid Ref: 51046, 39928

Expiry Date: 27th January, 2005

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a two storey three bedroom detached dwelling house. The site is located to the south of East Street and the west of St. John Street. The site is currently part of the rear garden area of 5 St. John Street. The site is located within the Central Conservation Area.
- 1.2 The proposal seeks to erect a detached dwelling with a contemporary design concept. The dwelling will abut the existing rear boundary walls of 5 St. John Street. Three bedrooms are proposed on the ground floor with a kitchen/living/dining room on the first floor. The first floor sits across the ground floor with an overhang of approximately 3.5 metres to the east. The first floor is intended to have a timber finish with the ground floor formed by the three boundary walls and a glazed east facing elevation. The first floor is effectively 'half width' and is located over the northern half of the ground floor. A roof terrace is proposed on the remainder of the first floor. The site is accessed via a former wagon way in 97-98 East Street, currently itself the subject of an application for re-development (see DCCE2003/3716/F).
- 1.3 The application as originally submitted sought vehicular access and parking on site. The access was to be provided via 97-98 East Street. This was viewed as unacceptable due to the access arrangements, which were detrimental to highway safety. A revised plan was requested and received omitting the access and parking, making the development car free.
- 1.4 This is a joint report, which considers both the full planning, and Listed Building Consent applications.

2. Policies

2.1 National:

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy H6	-	Amenity Open Space Provision in Smaller Schemes
Policy CON1	-	preservation of Buildings of Architectural and Historic Interest
Policy CON2	-	Listed Buildings – Development Proposals
Policy CON3	-	Listed Buildings – Criteria for Proposals
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON19	-	Townscape

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy TCR1	-	Central Shopping and Commercial Areas
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking
Policy HBA1	-	Alterations and extensions to Listed Buildings
Policy HBA6	-	New Development within Conservation Areas
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH2	-	Foundation Design and Mitigation for Urban Sites
Policy ARCH5	-	Sites of Regional or Local Importance
Policy ARCH6	-	Recording of Archaeological Remains
Policy ARCH7	-	Hereford AAI
Policy ARCH8	-	Enhancement and Improved Access to Archaeological Sites

3. Planning History

- 3.1 SC99/0357/LD Minor internal alterations (Nos. 5 & 6 St. John Street). Approved 19th June, 2001.
- 3.2 CE1999/1153/C Demolition of existing building (97-98 East Street). Approved 14th March, 2003.
- 3.3 CE1999/11154/F Demolition of existing building and erection of new two storey building to form nursery for Cathedral Junior School (97-98 East Street). Approved 14th March, 2003.

- 3.4 CE2003/0872/F Change of use from general education to residential to form 4 x 1 bed flats and 2 x 2 bed flats (Nos. 5 and 6 St. John Street). Approved 30th June, 2003.
- 3.5 CE2003/0873/L Change of use from general education to residential to form 4 x 1 bed flats and 2 x 2 bed flats (nos. 5 and 6 St. John Street). Approved 30th June, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - no objection.
- 4.2 English Heritage - no response received.

Internal Council Advice

- 4.3 Traffic Manager - objected to the original proposal as submitted, required development to be car free.
- 4.4 Conservation Manager -

Archaeology - advises that the site is in a very sensitive area and is relatively undisturbed. Requires a site investigation prior to the formal determination of the application with conditions dependent upon the inspection findings.

Conservation - the development is considered acceptable due to the very specific circumstances of this location and the high standard of design of the dwelling.

5. Representations

- 5.1 Hereford City Council - recommend refusal due to the incompatibility with the surroundings. A site visit is recommended.
- 5.2 Hereford Conservation Area Advisory Committee – Did not feel able to comment on the original plans due to the lack of 'sufficient information'.
- 5.3 Local residents - five letters of objection have been received from the following sources:

- P. Taylor & M. Knight, Flat 2, 5 St. John Street;
- Hereford City and County Conservative Club, 102 East Street;
- The Abbeyfield/SSAFA Hereford Society, 4 St. John Street;
- The Very Rev. & Mrs. P. Haynes, 5 St. John Street;
- R. Woore, 20 Church Street, Hereford.

The objections raised can be summarised as follow:

1. Properties to the east are in residential use;
2. Loss of privacy;
3. Noise disturbance;
4. Light pollution;

5. Access by emergency vehicles;
6. Inappropriate design;
7. Impact upon adjacent historic structures;
8. Access is unacceptable;
9. Precedent set.

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 key issues for consideration in this instance are as follows:

- Principle of Development;
- Impact upon Conservation Area and Adjacent Listed Buildings;
- Design;
- Residential Amenities;
- Highway Issues.

Principle of Development

6.2 The application site is located within the identified Central Conservation Area and Central Shopping Area. The surrounding area is characterised by a mix of land uses including both commercial and residential. No commercial premise is affected by this development; rather it is a new build 'backland' scheme. There is no policy objection to such a proposal in this location. From a policy perspective there are no concerns in principle to the proposed use. The acceptability or otherwise of this proposal will relate to the specifics of the development in this particular context.

Impact upon Conservation Area and Adjacent Listed Buildings

6.3 To the north of the site is the Conservative Club, a Grade II* Listed Building. To the east, nos. 5 and 6 St John Street are Grade II Listed. The Grade II* status of the Conservative Club to the north, and the potential impact upon its setting caused by the proposal, necessitates the notification of the Office of the Deputy Prime Minister. This location is unusual in that it is a central city location characterised by large private garden areas. It is stressed that it is recognised that breaking this up in an unplanned manner with infill could be inappropriate and undesirable. That said, this particular location has site specific characteristics that offer potential for this development proposal. The development of the Conservative Club to the north has impacted upon the character of the area with a mix of building styles, heights, qualities and conditions found. The siting of this building is not unusual in this context and will relate to the buildings to the north effectively. This development offers the potential to provide a high quality termination to this group of buildings and it is considered that it would improve the character and appearance of the Conservation Area. The Conservation Manager has stressed that this is an exceptional case and any further developments in this location would be strongly resisted. It is not therefore considered that a precedent would be set by this development. This particular proposal is justifiable due to the very specific characteristics of the site and its setting. The Conservation Manager also noted the particularly high quality design of the dwelling proposed. There are no concerns raised with regards to the impact upon the Listed Buildings in the area.

Design

- 6.4 This proposal is of particular note due to the design concept of the dwelling. The dwelling proposed is very contemporary in its appearance and it is considered that this is an appropriate approach in this instance. The building will integrate well with the boundary walling to the north, west and south providing a contrast between the old and new in a positive and desirable manner, complementing the traditional character with sensitive and modern new development. The use of glazing in the east facing elevation, the screening of the addition with the existing boundary walling, together with the timber finish for the modest first floor element, allows for a lightweight character and appearance that does not visually compete with the adjacent properties. The building is considered to offer visual interest and inspiration and it is considered that the proposal is a statement in high quality modern architecture that should be embraced, particularly in this traditional location where the design characteristics of the dwelling complement the historic architecture of the area.

Residential Amenities

- 6.5 The relationship to the neighbouring properties is clearly a significant factor in this development and there are privacy implications to the east, south and west. To the west and south, existing and proposed boundary enclosures and screening mitigate against any loss of privacy. The existing boundary wall to the west offers an effective screen, while to the south, the existing boundary wall, together with a first floor planted screen, provide protection against overlooking. To the east a 2 metre high boundary enclosure is to be provided, this will offer a privacy screen to the properties to the east. At first floor level the primary opening is to the south. The only overlooking at first floor level will be from the roof terrace. Approximately 25 metres would be maintained between the proposed dwelling and the properties to the east. Clearly the overlooking of the garden areas to the east will be of greater significance but it is not considered that the relationship between these sites is an undue cause for concern. On balance it is considered that though the impact of this upon privacy to the east is of note, the distance and relationship of the sites will ensure an impact within acceptable limits. It is not considered that the proposed dwelling will cause undue harm with respect of noise and light pollution.

Highway Issues

- 6.6 The proposal is now proposed to be car free. Only a 2 metre wide pedestrian access is to be retained and a condition will be imposed stressing the car free nature of this site. The location of this site is appropriate for a car free development and it is considered that the removal of the parking enhances the site appearance.

RECOMMENDATION

In respect of DCCE2004/4132/F:

That subject to the completion of initial archaeological investigations and submissions, and there being no objections from English Heritage:

- i) The application is notified to the Office of the Deputy Prime Minister.**
- ii) Subject to the Secretary of State confirming he does not intend to call it in, planning permission be granted subject to the following conditions and any additional conditions considered necessary by Officers:**

1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **A09 (Amended plans) (30th March 2005).**
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. **E16 (Removal of Permitted Development Rights)**
Reason: Due to the particular characteristics and architectural merits of the dwelling and the confined and sensitive nature of the site.
5. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
6. **F39 (Scheme of refuse storage).**
Reason: In the interests of amenity.
7. **Upon occupation of the dwelling hereby authorised, the site shall at no time be accessed by vehicular traffic. The site shall remain free of vehicles at all times.**
Reason: For the clarification and in the interests of highway safety.
8. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
9. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
10. **G33 (Details of walls)**
Reason: In the interests of the residential and visual amenities of the locality.
11. **A landscape management plan shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling hereby authorised. The landscape management plan shall be carried out as approved.**
Reason: To ensure the retention of effective landscape screening to the south of the application site.

Informatives:

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

In respect of DCCE2004/4136/L:

- 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.

Informatives:

- 1. N03 – Adjoining property rights.
- 2. NC1 – Alterations to submitted/approved plans.
- 3. ND3 – Contact Address
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCCE2005/0540/F - CONVERSION AND EXTENSION OF EXISTING HOUSE INTO FIVE NO. SELF-CONTAINED FLATS AT 1A LICHFIELD AVENUE, HEREFORD, HR1 2RH

**For: Festival Housing Group per Singleton Architects,
The Studio, 59A Church Street, Malvern,
Worcestershire, WR14 2AA**

Date Received: 17th February, 2005 Ward: Tupsley Grid Ref: 52239, 39862

Expiry Date: 14th April, 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 conversion of an existing dwelling house into five self-contained flats. The proposal also involves the erection of two storey front and rear extensions and a ground floor single storey front addition to the existing garage.
- 1.2 The existing property is a large detached dwelling house located within an established residential area of Hereford. The site is located at the northern end of Lichfield Avenue, close to the junction with Ledbury Road. The adjacent site to the north is utilised by Herefordshire MIND for accommodation purposes. The wider area is characterised by residential development and a petrol station/Tesco Express located on the western corner of Lichfield Avenue and Ledbury Road.
- 1.3 The proposal involves the creation of two ground floor one bedroom flats and one bedsit and two first floor one bedroom flats. Extensions to the front and rear to provide additional access and accommodation areas. A Cedar tree is growing in the north-west corner of the site, close to the frontage. This tree is protected by TPO 134 (HCTPO 38) - Hafod Road (N), Ledbury Road (1979). The original proposal sought four parking space to serve five properties, however objections from the Conservation Manager and Traffic Manager led to a revision providing five spaces, none of which impact upon the Cedar tree. The revision also involves a new access arrangement with the creation of a new access in a position broadly central to the front of the site.

2. Policies

2.1 National:

PPS1 - Delivering Sustainable Development
PPG3 - Housing

2.2 Hereford Local Plan:

Policy ENV14 - Design
Policy ENV15 - Access for All
Policy ENV16 - Landscaping

Policy H8	-	Affordable Housing
Policy H9	-	Mobility Housing
Policy H12	-	Established Residential Areas - Character and Amenity
Policy H13	-	Established Residential Areas - Loss of Features
Policy H14	-	Established Residential Areas - Site Factors
Policy H16	-	Alterations and Extensions
Policy H17	-	Conversion of Houses into Flats
Policy T5	-	Car Parking Designated Areas

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H17	-	Sub-division of Existing Housing
Policy H18	-	Alterations and Extensions

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Conservation Manager objected to the original parking layout due to the impact upon the TPO protected Cedar tree. No other objections raised.

4.3 Traffic Manager objected to the original parking provision and layout but confirmed acceptability of revised option.

5. Representations

5.1 Hereford City Council raise no objections providing five spaces are secured on site.

5.2 Neighbours - four letters of objection have been received from the following sources:

- Mr. and Mrs. D. & A.L. Payne, 2 Lichfield Avenue;
- Mr. A.J. Griffiths, 1 Lichfield Avenue;
- M.S. & P.J. Lodge, 2A Hafod Road;
- J. Tupper, 2A Lichfield Avenue.

The points raised can be summarised as follows:

1. Adjacent property is occupied by Herefordshire MIND. One house in Multiple Occupation (sic) is enough in a residential area characterised by houses and bungalows.
2. Inappropriateness of use in a residential area.
3. Inadequate parking.
4. Impact upon property values.
5. Loss of front garden area for parking area undesirable.
6. Communal garden area unlikely to be maintained to the same standard as existing.
7. Light, noise and anti-social behaviour associated with 'overcrowded development'.
8. Pedestrian safety.
9. Visual impact.
10. Loss of privacy.

In relation to the above issues it is advised that point 4 is not a material planning consideration.

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 key issues in this instance are:

1. Principle;
2. Design and Visual Amenity Impact;
3. Residential Amenity Impact;
4. Parking Provision and Highway Safety.

Principle

6.2 It is stressed that this application does not seek the conversion of the existing dwelling into a House in Multiple Occupation rather this is a conversion into five independent dwellings. The application is made on behalf of Festival Housing, a Housing Association and provider of affordable housing. The properties are intended for general rent with one flat adapted for wheelchair access. From a planning policy perspective, the subdivision of dwellings into smaller units is supported where the site specific circumstances are suitable. Affordable accommodation and accommodation with enhanced mobility access is encouraged. It is therefore considered that the principle of this proposal is acceptable.

Design and Visual Amenity Issues

6.3 The existing property is a relatively modern detached dwelling with a Georgian appearance. The proposed extensions to the front and rear are appropriate in their appearance in the context of the existing dwelling house and the wider locality. The additions are subservient and with matching materials will integrate into the main dwelling house effectively. The design concept is considered effective and acceptable. The parking provision to the front will result in the loss of garden area but the Cedar tree will remain together with some landscaping. The site is not within a Conservation Area and it is of note that if the property were remaining a dwelling the creation of

hardstanding would constitute Permitted Development. It is considered that the proposal will not prove detrimental to the visual amenities of the locality.

Residential Amenity Impact

- 6.4 Anti-social behaviour has been raised as an issue. Two relatively recent court cases (*West Midlands Probation Committee v S.O.S. and 7/11/97. R v Broadland D.C. ex parte Dove, Harpley and Wright 26/1/98*) consider anti-social behaviour and in these instances it was accepted that such an issue could be considered as a material consideration. Typically such a risk will relate to hazards to health or public safety where a genuine risk can be factually demonstrated and supported by evidence. In this instance it is considered that it is a purely subjective suggestion that the conversion of this property into five units would result in anti-social behaviour and an associated risk to public health and/or safety. The proposed conversion is for affordable units but it cannot be suggested that a conversion for such a use would lead to anti-social behaviour. It is considered that the issue in this instance is the potential impact upon residential amenity resulting from an increased intensity of use, together with the impact of the physical alterations proposed. A condition is proposed to minimise disturbance during the construction phase. It is considered that the property in question is undoubtedly suitable for conversion with the extensions allowing for the creation of five units offering an acceptable standard of accommodation. The site is of a suitable size for the proposal allowing for adequate shared amenity space provision. The siting of the property, together with its relationship with the adjoining sites, ensures an acceptable impact upon the surrounding area. It is therefore concluded that the impact upon residential amenities will be within acceptable limits.

Parking Provision and Highway Safety

- 6.5 The Traffic Manager raised objections to the original proposal for four off street spaces. Options on the site have been explored and a revised scheme has been accepted with five spaces together with cycle parking to be agreed. The Traffic Manager is now satisfied that the proposal provides adequate off street parking provision and is acceptable in relation to highway safety issues.

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

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

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

Reason: To protect the amenity of local residents.

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

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

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

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

- 8. G16 (Protection of trees covered by a Tree Preservation Order).**

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

- 9. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 10. H08 (Access closure).**

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

- 11. H09 (Driveway gradient).**

Reason: In the interests of highway safety.

- 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. H29 (Secure cycle parking provision).**

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

Informatives:

- 1. HN01 - Mud on highway.**
- 2. HN03 - Access via public right of way.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCCE2004/4218/F - NEW AGRICULTURAL BUILDINGS AND IRRIGATION POOL. NEW ACCESS AND DRIVE AT UFTON COURT, HOLME LACY, HEREFORD, HR2 6PH

For: F.I. Watkins & Sons per David Edwards Associates, Station Approach, Barrs Court, Hereford, HR1 1BB

Date Received: 6th December, 2004

Ward: Hollington

Grid Ref: 54071, 35265

Expiry Date: 31st January, 2005

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The application site comprises undeveloped agricultural land located on the north side of an unclassified road (UC72006) between Holme Lacy, located some 1.3 kilometres to the east and Little Dewchurch, approximately 3 kilometres to the south. The site occupies a relatively low lying position within the surrounding countryside which is designated as an Area of Great Landscape Value.
- 1.2 The locality is predominantly agricultural with scattered woodland and small clusters of properties. There are dwellings to the south of the site positioned on either side of the unclassified road, including Ufton Court Farmhouse and its associated historic farm buildings that benefit from planning permission for conversion to residential use. To the north and at a distance of some 330 metres is an established group of properties with Mitchmore House and Redbrook being closest to the application site itself.
- 1.3 The site is set back from the highway behind two established hedgerows and a wood (Widows Wood) that forms part of the south eastern boundary. Public footpaths run along the southern boundary and to the east of the site.
- 1.4 Planning permission is sought to establish a new complex of agricultural buildings including livestock buildings and a combined grain/cold and general store. The new accommodation would comprise three separate buildings, the largest being the combined grain/cold and general storage building measuring some 58 metres by 30 metres on the ground with a maximum ridge height of 8.5 metres. In addition to the new buildings a new access and track is proposed. The new access would be located immediately to the east of an existing bungalow that is owned by the applicant and occupied by a farmworker. A series of irrigation pools is also proposed. The design of these has been revised in order to reduce their impact and improve nature conservation value. Comprehensive landscaping is also proposed around the embankment that would be created to enclose the building.
- 1.5 The application is accompanied by a statement of justification and information relating to the traffic generation associated with the new complex.

2. Policies

- 2.1 Government Guidance:

PPS7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan:

Policy CTC2 - Areas of Great Landscape Value
 Policy CTC6 - Landscape Features
 Policy CTC9 - Development Requirements
 Policy CTC11 - Trees and Woodland
 Policy CTC12 - Improving Wildlife Value
 Policy A1 - Development on Agricultural Land
 Policy A3 - Agricultural Buildings

2.3 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria
 Policy C1 - Development Within Open Countryside
 Policy C8 - Development Within AGLV
 Policy C9 - Landscape Features
 Policy C11 - Protection of Best Agricultural Land
 Policy C17 - Trees/Management
 Policy C18 - New Tree Planting
 Policy ED9 - New Agricultural Buildings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy S7 - Natural and Historic Heritage
 Policy DR1 - Design
 Policy DR2 - Land Use and Activity
 Policy DR4 - Environment
 Policy E13 - Agricultural and Forestry Development
 Policy LA2 - Landscape Character and Areas Lease Resilient to Change
 Policy LA5 - Protection of Trees, Woodlands and Hedgerows
 Policy LA6 - Landscaping Schemes
 Policy NC8 - Habitat Creation, Restoration and Enhancement

3. Planning History

3.1 None relevant to application site.

3.2 A series of permissions have been granted permitting the conversion of traditional barns associated within Ufton Court Farmhouse into dwellings:-

CE2002/2500/F	Conversion of farm buildings into 5 dwellings.	Approved 6th November, 2002.
CE2002/2501/F	Conversion of farm building into single dwelling.	Approved 6th November, 2002.
CE2004/1961/F	Conversion of farm building into single dwelling.	Approved 7th January, 2005.

CE2004/2784/F Conversion of barn to create 3 dwellings. Approved 21st December, 2004.

3.3 A total of 8 dwellings have been approved excluding the existing farmhouse.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency raise no objections.

4.2 Forestry Commission raise no objections.

4.3 The Ramblers' Association raise concerns in relation to the impact of the development on the public rights of way along the boundary with Widows Wood and raise issues relating to the accuracy of the plans.

Internal Council Advice

4.4 Traffic Manager raises no objection subject to conditions relating to visibility splays, the setting back of any gates and the provision of adequate parking and turning space within the farm complex.

4.5 Head of Environmental Health and Trading Standards raises no objection.

4.6 Conservation Manager raises no objection subject to the appropriate conditioning of woodland planting and a well designed series of "conservation pools". A standard archaeological watching brief condition is recommended.

4.7 Public Rights of Way Manager raises no objection subject to clarification in relation to the positioning of the embanked areas and their proximity to the public footpath network.

4.8 Team Leader - Minerals and Waste raises no objection subject to clarification of the treatment of excavated materials.

5. Representations

5.1 A total of four letters have been received from the following persons:-

- Terry Watts, Little Bogmarsh, Holme Lacy
- Jackie Grant, Mears Croft, Holme Lacy
- Professor A.D. Valentine, Wood Meadows, Holme Lacy
- Vanessa Cluett and Ray Blackshaw, Jade House, Holme Lacy

5.2 A further anonymous letter was received.

5.3 The concerns raised can be summarised as follows:-

- highway safety concerns due to increased use of existing road network by larger volumes of HGV traffic
- visual impact of new access road across open countryside
- impact of additional traffic movements on quiet enjoyment of the area

- impact on landscape
- noise due to animals and machinery
- noise and disturbance will render our garden unusable in the summer months
- development should be located closer to existing farm buildings

- 5.4 Holme Lacy Parish Council raise concerns about the access from Bogmarsh Lane and request careful screening of the development.

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 this application are as follows:-

- (a) the justification for the new farm complex;
- (b) the visual impact upon the character and appearance of the Area of Great Landscape Value;
- (c) the impact upon residential amenity and;
- (d) highway safety.

Agricultural Justification

- 6.2 Policy C1 of the South Herefordshire District Local Plan establishes that the principle of agricultural development in the countryside is acceptable subject to consideration of its impact upon the natural beauty and amenity of the locality. Furthermore Policy A3 of the Hereford and Worcester County Structure Plan determines that applications for the construction of agricultural buildings will be treated sympathetically where a need can be shown and where the siting harmonises with the surrounding rural area. Issues relating to landscape impact are set out in the next section but as a starting point it is necessary to consider the nature of the enterprise and its requirements.
- 6.3 The farm is run over two principal holdings which are geographically remote. The main holding is located at Stonehouse Farm, Much Marcle some 12 miles away and this runs to approximately 460 acres and is well served by an appropriate range of modern and traditional buildings (including grain and cold storage). These adequately serve the needs of this part of the enterprise. Ufton Farm comprises approximately 375 acres of farmland. This element of the enterprise currently has no buildings. This is in part due to the residential development of the traditional buildings and the associated removal of other modern buildings. The plan to redevelop the existing buildings and relocate to a new site was precipitated by a fire which virtually destroyed the existing grain store and a recognition of the general unsuitability of the established cattle housing for modern farming practices.
- 6.4 The application is principally submitted in order for the applicants to re-establish their livestock enterprise and support the cereal and potato production which remains the main thrust of the business. Prior to the damage/removal of the existing buildings at Ufton Court it is advised that around 350 breeding ewes (producing some 600 lambs) and 280 beef cattle were kept with further store cattle purchased to fill the available sheds between autumn and spring. It is intended that similar levels of stock would be kept at the proposed complex.

- 6.5 The cold store building (capable of storing 1000 tonnes of potatoes) would serve the needs of the 100 acres of potatoes grown at Ufton Court whilst the canopy building would provide for undercover storage of fertilizer, sugar beet and machinery.
- 6.6 On the basis of the size of the holding and the requirements associated with the mixed livestock and potato production enterprise proposed, it is considered that buildings of the scale proposed are justified. It has been acknowledged through the granting of permission for conversion of the traditional buildings adjacent to Ufton Court Farmhouse that these were no longer viable for modern farming and furthermore the generally poor condition of the remaining modern buildings is recognised as a basis for considering the redevelopment of the buildings associated with Ufton Court Farm.
- 6.7 In the light of this the supporting justification is accepted as is the principle of the redevelopment on the scale proposed in accordance with Policy A3 of the Hereford and Worcester Country Structure Plan. The remaining policy tests essentially focus on the acceptability of the location in landscape amenity and highway safety terms.

Impact on the Area of Great Landscape Value

- 6.8 It is a well established principle that isolated developments of any form should generally be avoided in the open countryside and especially those that are specifically protected by landscape designations. In this case having established the principle of a farmstead of this size, it is not considered that any alternative appropriate location exists. The option of siting the buildings immediately to the west of the existing Ufton Court complex or opposite have been considered but the result would be potential conflict with properties not associated with the farm. In seeking to secure a compromise between landscape protection and residential amenity the proposed site makes use of the screening qualities of existing hedgerows defining field boundaries and established woodland. The result is a siting that would be largely screened from Bogmarsh Lane to the south and east and would otherwise be seen against the backdrop of woodland in longer distance views from the north. A comprehensive woodland planting scheme is proposed, the full details of which would be secured by condition.
- 6.9 The Conservation Manager is satisfied with the chosen siting for the buildings and through his input the irrigation pond will now take the form of a more aesthetically pleasing series of ponds that will serve to provide a potential habitat for wildlife. The formation of the access will inevitably require the loss of some hedgerow but the Traffic Manager has advised that the required visibility splays can be achieved within the existing carriageway and as such there will be no requirement to remove significant amounts of hedgerow. The driveway itself would skirt along the edge of another existing hedgerow and as such would not result in any significant harm to the landscape.
- 6.10 It is acknowledged that the ideal solution would be a proposal more closely related to established buildings but in a landscape characterised by scattered farmsteads and dwellings and in view of the other residential amenity constraints it is considered that as proposed the development will not appear out of place or detrimental to the character and appearance of the surrounding countryside.

Residential Amenity

- 6.11 A number of concerns have been raised in relation to the impact of the proposed development on residential amenity. These are acknowledged but in the first instance it

is advised that the Head of Environmental Health and Trading Standards raises no objection to the proposals. It should be noted that the activities associated with the proposed new buildings are broadly comparable with those associated with the former buildings and as such it is not considered that the intensity of the use will result in measurable harm to the established level of amenity in the surrounding area. It is clearly recognised that the proposed buildings will be somewhat closer to the cluster of properties to the north but at a distance of some 330 metres it is not considered that undue harm will be caused.

- 6.12 In the light of the above whilst the concerns of local residents are recognised it is advised that there would be insufficient grounds upon which to refuse this application in terms of its impact on residential amenity. It should be noted that the existing farm buildings have not been in use for some 2-3 years and as such local residents may have become used to a level of activity below that which would have been the case but it should be recognised that a need for buildings has been identified and as such the potential use of the existing buildings is a material consideration in the determination of this application. This applies similarly to the highway related issues raised.

Highway Safety

- 6.13 In response to concerns relating to the potential impact of additional HGV traffic on the local road network, comparative figures have been sought and provided by the applicant. These include details of vehicular traffic from the original working farm, activity during the period when Ufton Farm was without farm buildings and served from Stonehouse Farm and a projected level of traffic for the proposed buildings.
- 6.14 It is not considered necessary to provide a full breakdown of the figures in relation to each aspect of the enterprise (although these figures are available for inspection) but in the light of the figures provided there would be a net decrease in vehicle use from around 393 trips per annum at the original farm to approximately 278 trips relating to the proposed development. It appears that this is largely as a result of a reduction in the number of sheep associated with the new enterprise. In the three years that Ufton Court was serviced from Stonehouse Farm the average number of trips generated was 342 per annum.
- 6.15 It is obviously acknowledged that the nature of the enterprise can and inevitably will change and this would have a bearing on vehicular activity but it is generally recognised that the projected level of traffic equates favourably to the established level and as such it is not considered that the refusal of permission in respect of the amenity and highway safety implications of traffic generation is warranted.
- 6.16 A safe access can be created and subject to conditions the Traffic Manager has raised no objection. Furthermore the Public Rights of Way Manager is satisfied that the embanked enclosure of the farm buildings can be accommodated without detriment to the safe use of the public footpath network, although a condition is proposed to ensure that its alignment is preserved.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. The development shall be carried out in all respects strictly in accordance with the approved plans (site plan and elevations received 3rd December 2004 and drawing no. 2893 and revised pond layout received 1st April 2005), except where otherwise stipulated by conditions attached to this permission.**

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

- 3. B10 (Details of cladding (agricultural and industrial buildings)).**

Reason: To minimise the visual impact of the development.

- 4. D03 (Site observation – archaeology).**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 5. F18 (Scheme of foul drainage disposal).**

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

- 6. F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

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

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

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

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

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

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

- 10. G06 (Scope of landscaping scheme).**

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

- 11. G07 (Details of earth works).**

Reason: In the interests of visual amenity and to ensure the preservation of the public footpath network in an acceptable manner.

12. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

13. G22 (Tree planting).

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

14. G23 (Replacement of dead trees).

Reason: To safeguard the amenity of the area.

15. G26 (Landscaping management plan).

Reason: In the interests of visual and residential amenity.

16. H03 (Visibility splays).

Reason: In the interests of highway safety.

17. H05 (Access gates).

Reason: In the interests of highway safety.

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

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

Informatives:

- 1. HN01 - Mud on highway.
- 2. HN05 - Works within the highway.
- 3. HN10 - No drainage to discharge to highway.
- 4. ND3 – Contact Address.
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCCW2005/0566/F - NEW PORTAL FRAME BUILDING FOR AGRICULTURAL USE AT MARDEN COURT FARM, MARDEN, HEREFORD, HR1 3EN

For: Paul Dawes Esq. per J.E. Smith, Parkwest, Longworth, Bartestree, Hereford, HR1 ADF

Date Received: 21st February, 2005 Ward: Sutton Walls Grid Ref: 51397, 47131

Expiry Date: 18th April, 2005

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The application site is comprised of a large agricultural holding, located to the south of the main settlement of Marden, access is derived along an unclassified no through road that accesses Marden Parish Church to the west.
- 1.2 The application seeks consent to erect a portal frame livestock building, which measures 40m x 30m x 9.5m.

2. Policies

2.1 Government Guidance:

PPS7 – Sustainable development in rural areas

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development within the open countryside
Policy C29	-	Setting of a listed building
Policy C34	-	Preservation and excavation of important archaeological sites
Policy ED9	-	New Agricultural Buildings
Policy ED10	-	Siting and Design of Intensive Livestock Units and Associated Structures/Facilities
Policy ED11	-	The Siting of Intensive Livestock Units from Protected Buildings

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable development
Policy S2	-	Development requirements
Policy S7	-	Natural and historic heritage
Policy DR1	-	Design
Policy E13	-	Agricultural and Forestry Development
Policy LA2	-	Landscape character and areas least resilient to change
Policy HBA4	-	Setting of listed buildings
Policy ARCH1	-	Archaeological assessments and field evaluations
Policy ARCH6	-	Recording of archaeological remains

3. Planning History

- 3.1 CW2002/1794/F Extension to agricultural building. Approved 13th August 2002.
- 3.2 CW2002/2467/F Replacement of two existing agricultural buildings with new portal frame agricultural building. Approved 9th October 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager has no objection.
- 4.3 Conservation Manager no objection
Setting of a Listed building - the additional building is not considered to have a major impact on the character and appearance of the adjoining listed building.
Archaeology - recommends the imposition of a condition requiring archaeological monitoring during the construction phase.
- 4.4 Environmental Health Manager, has no objection as the development is situated within an existing operation agricultural enterprise

5. Representations

- 5.1 Marden Parish Council oppose application on the grounds of overdevelopment of site, loss of ancient orchard, concerns about whether the site is of archaeological importance and mud on the highway.
- 5.2 Four objection letters have been received from The vicarage, Church House, Paradise House and The Diocese of Hereford, summarised as follows
- Impact on the setting of the church
 - Poor design
 - Loss of views
 - Intensification of activity
 - Exacerbation of existing smell and noise disturbance
 - Mud on the highway
- 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 PPS7 recognises the important and varied role of agriculture, and indicates that planning policies should support development proposals that will enable farmers to become more competitive and sustainable.

- 6.2 In this case the application seeks consent to improve the existing facilities, which are nearing, or past the end of their operational lives, measured against modern practice and future operational requirements.
- 6.3 The primary consideration in determining this application is whether or not the presence of an additional building would demonstrably decrease the amenity of the locality, as measured against the pre-existing impact of the agricultural operations.
- 6.4 Representations have been received from the Parish Council and adjoining properties, indicating a concern about the visual impact of the building within the landscape, the effect on amenity of an additional livestock building and the pre-existing problem of mud on the highway which presents access problems for the church. The Parish Council also referred to the loss of historical orchards, and the archaeological importance of the area around the church. Therefore, the primary areas of deliberation are design and residential/visual amenity.

Design

- 6.5 The Parish Council have commented that they feel that the proposed building will give rise to an overdevelopment of the site, and other representations have suggested that the building will dominate the Church, and be visually dominate in the landscape.
- 6.6 Policy ED.9 of the South Herefordshire District Local Plan makes provision for new agricultural buildings, subject to them being sited adjacent to existing buildings, and being in keeping in terms of scale, and design.
- 6.7 In this case, the proposed building measures 48m x 30m with a ridge height of 9.5m, and will be sited in close relation to the existing complex of buildings. It is of a similar scale and design to an agricultural building which was erected in replacement for two existing buildings the east.
- 6.8 In a supporting letter the applicant's agent, has stated that the building has been sited to try and consolidate operations to the north side of the complex, reducing the need to constantly move stock across the intersecting highway. The present effect of which is to leave mud and slurry across the highway, which is referred to in several of the letters of representation.
- 6.9 Overall it is considered that the design and siting of the building is proportionate and reasonable when measured against its purpose, and therefore complies with the generality of Policy ED.9. Furthermore it is not considered to be overly dominant within the locality, or have a demonstrable impact on the setting of the Church or adjacent listed buildings given it's close proximity to the established buildings.

Residential Amenity

- 6.10 The application seeks consent for an additional building therefore the impact of the new building has to be measured against the existing amenity of the locality which is defined by the presence of the agricultural operation.
- 6.11 Church House to the east and The Vicarage to the west of the application site both lay within a radius of 100 metres of the application site, whilst Marden Court lays approximately 175 meters the east, to the northwest an additional two dwellings just fall within the specified 400 metres, therefore all these dwellings are classed as

protected buildings for the purpose of determining agricultural applications for livestock buildings.

- 6.12 The Vicarage is the closest dwelling; being situated approximately 100 metres west of the existing complex of buildings. The western corner of the proposed building would be located approximately 60 metres away from The Vicarage. It is acknowledged that the building will be close to The Vicarage, but due to the moderate decrease in distance it is not considered that there will be a demonstrable loss of amenity beyond that already existing.
- 6.13 To the east Church House lays approximately 50 metres from the nearest existing building, and would be approximately 140 metres from the proposed building, which is sited on the opposite side of the existing buildings. Therefore it is not considered that there will be any significant loss of amenity beyond the existing situation.
- 6.14 Further east Marden Court lays approximately 150 metres from the nearest existing building, and would be approximately 250 metres from the proposed building, again it is not considered that there will be any loss of amenity beyond that existing.
- 6.15 With regard to the dwellings to the northwest, they are situated approximately 260 metres from the nearest existing building, and would be more than 360 metres from the proposed building, therefore it is considered that there would be little discernable impact on their existing amenity.
- 6.16 Notwithstanding the above and to ensure that the proposal does not give rise to any loss of amenity to these protected dwellings it is considered appropriate to impose a condition controlling the disposal and storage of slurry.

General Amenity and associated issues

- 6.17 The Council's Archaeological Advisor has stated that in principle he has no objection to the proposed development. However the application site is within a locality known to have revealed medieval antiquities, therefore it has been suggested that a condition requiring archaeological mitigation be considered. The imposition of such a condition is considered to be reasonable, and has been included in the recommendation.
- 6.18 The majority of representations made reference to the fact that the highway, which dissects the complex, is frequently covered in mud, which can during inclement weather result in parishioners having an unpleasant route to access the Church, as well as the residents and visitors to the Vicarage.
- 6.19 Although the problem of the poor condition of the highway is not directly a planning issue, the applicants agent in a supporting statement, has indicated that the proposed building will help to reduce the need to transfer stock and feed across the road.
- 6.20 Furthermore to address concerns about possible overdevelopment of the property, the applicant has agreed to the imposition of a condition removing the right to implement an extant planning permission granted in 2002, for the extension of the existing agricultural building to the south of highway. The removal of this planning permission may also help to reduce the need to transfer stock, equipment and materials across the highway.
- 6.21 Overall, it is considered that 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. **This permission shall be implemented only in lieu of, and not in addition to, the planning permission CW2002/1794/F dated 13th August, 2002.**

Reason: To prevent over development of the site.

- 3. **A08 (Development in accordance with approved plans and materials).**

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

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

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

- 5. **B08 (Dark roof colouring (agricultural buildings)).**

Reason: To protect the visual amenities of the area.

- 6. **F30 (Restriction on storage of organic wastes or silage) (50 metres).**

Reason: To safeguard residential amenity.

- 7. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

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.

15 DCCE2005/0350/F - CONSTRUCTION OF A FARM TRACK AT LAND AT CAREY, NEAR HOARWITHTY, HEREFORDSHIRE, HR2 6NG

For: Mr. M. Soble per Paul Smith Associates, 19 St. Martins Street, Hereford, HR2 7RD

Date Received: 3rd February, 2005

Ward: Hollington

Grid Ref: 56067, 31004

Expiry Date: 31st March, 2005

Local Member: Councillor W.J.S.Thomas

1. Site Description and Proposal

- 1.1 The site is located north of unclassified road 72001 west of the hamlet of Carey. Ground levels fall steeply from the road northwards into the site and also from west to east surrounding the site. Immediately south is a small deciduous woodland known as White Thorn Wood and around 80 metres north of the site are three detached dwellings located on the northern side of unclassified road 72003.
- 1.2 The application is retrospective and is for the retention of an agricultural track running westwards from an existing field access for a distance of 150 metres. When first submitted, the application also included the erection of an agricultural building but this has now been deleted from this application.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy C1	-	Development within the Open Countryside
Policy C4	-	AONB Landscape Protection
Policy C5	-	Development within AONB
Policy C6	-	Landscape and ANOB
Policy C8	-	Development within AGLV
Policy ED6	-	Employment in the Countryside
Policy ED9	-	New Agricultural Buildings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft);

Policy S7	-	Natural and Historic Heritage
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA6	-	Landscaping Schemes
Policy E13	-	Agricultural and Forestry Development

2.3 Planning Policy Statement 7 – Sustainable Development in Rural Areas

3. Planning History

- 3.1 DCCE2004/4258/S Agricultural building and construction of farm track. Double decision - Prior Approval Required and Prior Approval Refused 6th January 2005. Reasons were unacceptable landscape impact and concern over whether the building was necessary within the holding
- 3.2 DCCE2005/0093/S Double Decision - Prior Approval Required and Prior Approval Refused 2nd February 2005. Reason was unacceptable landscape impact.
- 3.3 DCCE2005/0484/F Farm track, level of ground for first 10 metres to lessen gradients. Full planning permission is required as works have already been undertaken. Decision dated 10th March 2005.
- 3.4 DCCE2005/1124/S Proposed erection of agricultural building. Currently undetermined.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager - no objection.
- 4.3 Public Rights of Way Manager - the proposed development would not appear to affect Public Footpath LD2A which crosses the access track.

5. Representations

- 5.1 Little Dewchurch Parish Council - no objections to the application.
- 5.2 Twelve letters of objection have been received. The main points raised are:
1. The farm track is now largely complete which has included considerable excavation and importation of rubble. This is a cynical pre-emption of a planning application.
 2. The track is an eyesore and has entailed the cutting down of various trees from the woodland.
 3. More appropriate locations exist for the track which should be out of the direct view of several neighbouring properties, closer to the road and nestled behind trees.
 4. The applicant is proposing an intensive organic farming of strawberries and soft fruit. This is likely to be the first step towards polytunnel farming which would be devastating to this part of the AONB.
 5. The development will lead to an increase in heavy lorries transporting produce and what are very narrow lanes and unsuitable for heavy commercial traffic.
 6. The excavations have taken place adjoining a Bluebell wood which may be lost regardless of the fact that they are a protected wildflower.
 7. The track will devalue our property and effect our holiday cottage business.

- 5.3 A letter of support has been submitted by the applicants. The main points raised are:

The proposed location uses the most suitable entrance served by the best road available with the minimal length of track. The track will be adjacent to existing woods and new woodland will be planted above and below to further reduce the impact. Other locations were considered but they did not meet the objectives, particularly for access or long term assimilation into the landscape. Within a very few years the new woodland will be established and the track will be fully assimilated into the landscape.

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 application when first submitted also included the construction of an agricultural building. This has now been deleted from this application and is considered under separate and independent agricultural notification application reference DCCE2005/1124/S. Therefore the only matter for consideration under this application are the acceptability or otherwise of the track.
- 6.2 The application is now retrospective, as the track has been constructed. The track would ordinarily be permitted development under class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. However as the track is now in place the development cannot be considered under the agricultural notification procedure and therefore full planning permission is required.
- 6.2 The applicants have submitted a brief report produced by ADAS to demonstrate the agricultural need for the track (and a building). Guidance concerning the processing of permitted development applications suggests that where an agricultural need can be demonstrated, the principle of whether the development should be permitted is not for consideration. Therefore, the agricultural need and consequently the principle of constructing a track within the holding (comprising 18 hectares) is accepted.
- 6.3 The track is to be constructed off an existing field access, which provides a satisfactory level of visibility. This view is supported by the Traffic Manager who raises no objection. Due to the difference in ground levels, excavation works have been undertaken to create a level area for the track, which is around 4.5 metres in width for its full length. These excavation works do impact upon the landscape, which is designated as an Area of Great Landscape Value and Area of Outstanding Natural Beauty. However, the selected site for the track is considered to be the most appropriate location within the holding and has minimal impact on the AONB. This is principally due to the existence of mature woodland immediately south of the site and the relatively low-lying position within the holding in relation to the surrounding topography. Furthermore, additional native planting is proposed along the full length of the track, which will, in time, largely screen the development from public view.
- 6.4 Objectors' concerns are noted. However, the impact of the development on the view enjoyed by properties in the locality is not a material planning consideration. It has already been concluded that the selected site is the most appropriate site in both planning, and more particularly landscape terms. Other sites have been investigated, including sites suggested by objectors. However, it is considered that these are generally more elevated, provide less natural screening and consequently do not offer the same opportunities for the track to be assimilated into its environment. There are

no residential amenity issues with the track and the fact the application is retrospective should not cloud Members assessment of the proposal.

6.5 The track has minimal impact on the AONB and is considered acceptable in accordance with Policies C1 and C6 of the South Herefordshire District Local Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. Within one month of the date of this permission a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall clearly describe the species, sizes and planting numbers and location of the planting.**

Reason: In order to protect the visual amenities of the Area of Outstanding Natural Beauty.

- 2. All planting, seeding and turfing comprised in the approved details of landscape shall be carried out in the first available planting season following approval of the details. Any trees or plants which within a period of five years from completion of the planting, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five year defects period.**

Reason: In order to protect the visual amenities of the Area of Outstanding Natural Beauty.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCCE2005/0507/F - REDEVELOPMENT OF LEARNING RESOURCE BLOCK WITH A NEW WORKSHOP BUILDING AND SEMINAR BLOCK WITH ASSOCIATED LANDSCAPING AND CAR PARKING AT HEREFORDSHIRE COLLEGE OF TECHNOLOGY, FOLLY LANE, HEREFORD, HR1 1LS

For: Herefordshire College of Technology per Stubbs Rich Architects, 1a Riverside Business Park, Bath, BA2 3DW

Date Received: 15th February, 2005 Ward: Aylestone Grid Ref: 52284, 40594

Expiry Date: 12th April, 2005

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

1. Site Description and Proposal

- 1.1 The site is located on the eastern side of Folly Lane near the junction with Aylestone Hill in Hereford City. The site is occupied by Herefordshire College of Technology and comprises buildings of predominantly four storeys in height and of varying ages and designs. Immediately to the north is Hereford Sixth Form College and south is Herefordshire College of Art and Design. To the east is an area of informal open space which is protected within both the Local Plan and Unitary Development Plan and on the western side of Folly Lane is an established residential area.
- 1.2 Ground levels fall away from Folly Lane eastwards within the site and to a lesser extent from north to south. The principal access to the site is currently off Folly Lane onto Whittern Way with 3 other secondary access points directly off Folly Lane.
- 1.3 The site is designated as white land in the Hereford Local Plan and Unitary Development Plan and the Aylestone Hill Conservation Area runs along (but beyond) the northern boundary of the site.
- 1.4 The application is a full application for Phase 1 of the redevelopment of the Hereford College of Technology. This Phase proposes the redevelopment of the eastern part of the site and will entail the demolition of 3 existing buildings to free up space for the construction of a new workshop block, new seminar block and redeveloped learning resource centre. The eastern boundary of the existing site will be redeveloped to provide new staff and student parking and secure cycle storage totaling around 600 new car parking spaces, 100 cycle spaces, 24 disability spaces and 5 goods vehicle spaces.

2. Policies

2.1 Government Guidance:

PPG17 – Planning for Open Space, Sport and recreation

2.2 Hereford Local Plan:

ENV14	-	Design
ENV16	-	Landscaping
ENV17	-	Safety and Security
H12	-	Established Residential Areas
CON12	-	Conservation Areas
T2	-	Highway and Junction Improvements
T3	-	Traffic Calming
T11	-	Pedestrian Provision
T12	-	Cyclist Provision
SC6	-	Permanent Educational Accommodation
SC9	-	Retention of Local Facilities

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligation
T1	-	Public Transport Facilities
T6	-	Walking
T7	-	Cycling
T11	-	Parking Provision
T12	-	Existing Parking Areas
T13	-	Traffic Management Scheme
T16	-	Access for All
CF5	-	New Community Facilities
CF6	-	Retention of Existing Facilities

3. Planning History

- 3.1 Extensive planning history exists for the college campus as a whole but the most relevant application is:

CE2004/0475/O - partial re-development of college campus to provide new learning village (application for outline permission including master plan).

- 3.2 This application was approved by the Central Area Planning Sub-Committee on 7th April 2004 subject to the preparation and completion of a Section 106 Legal Agreement to cover the cost of implementing a residents only on-street parking scheme. This agreement has not yet been completed and therefore the permission has not yet been issued. It is envisaged that the agreement will be completed within the next month.

4. Consultation SummaryStatutory Consultations

- 4.1 Commission for Architecture in Built Environment - no comments.

- 4.2 Sport England - A sizeable area of the existing playing fields will be lost to car parking and landscaping if the proposal were to proceed. Playing Fields Policy outlined in Planning Policy Guidance Note 17 identifies that 5 exceptions to the normal position of opposing development which may result in the loss of playing fields. Sport England considers that none of the exceptions identified in these policies have been addressed and satisfied and therefore Sport England objects to the planning application on the grounds that there will be loss of playing fields of value as local amenity land and to the interest of sport.

Internal Council Advice

- 4.3 Traffic Manager - currently recommends refusal due to lack of information. The applicants have now provided additional information requested by the Traffic Manager but formal comments are yet to be received.
- 4.4 Education - There are no objections to this application from an education perspective.
- 4.5 Landscape Officer - no comments.
- 4.6 Conservation Officer – ‘In terms of layout, the return of a grid like street scape would hopefully improve circulation interaction and the general internal flows through the site and reflects the traditional street pattern of the area. The landscaping ideas mentioned in the design statement would appear to enhance the street scape. Proposed buildings appear to be of the time, and designs would appear to enhance the built architecture of Hereford. The scale and massing of the blocks appear to be compatible with the existing buildings within the site. It is therefore acceptable. The facades of the Learning Resource Centre and HCT Workshop within the street interact well with each other and there appears to be variations and changes in materials to break up this facade which is welcomed’.
- 4.7 Forward Planning Manager - The college serves a wide community attracting students from across the county. The scale of development for the needs of the local community would appear to be appropriate. The current site has buildings that extend to three storeys similar to that of the proposed development. It is therefore considered that the development would reflect the current character of the location. Although established residential areas surround the site, it is not considered that the development of the college would affect residential amenity in any other way than it may at present. The proposal is unlikely to generate extra traffic as the project is a redevelopment rather than an extension, thus an increase in student intake is not the intention. There also appear to be no privacy issues raised. The site benefits from excellent pedestrian access together with good public transport links, the application also intends to extend the provision of cycle parking spaces which is encouraged by the plan.

5. Representations

- 5.1 Hereford City Council. The City Council considers the design modular and boring and inappropriate in a Conservation Area.
- 5.2 The applicants have also provided detailed information in support of the application including a design statement and updated transportation assessment information. This information will be referred to in the officer’s appraisal.

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

6. Officers Appraisal

6.1 Outline Planning Permission for the re-development of the whole college campus was approved at the Central Area Planning Sub-Committee on 7th April 2004 subject to the completion of a legal agreement requiring the applicant to make a final financial contribution to cover the costs of implementing a residents only parking scheme. Due to complications in securing the agreement between the colleges, the agreement has not yet been signed but it is anticipated that the Agreement will be signed within the next month, which will therefore allow the outline planning permission to be released. This outline application included a master plan for the site indicating the parking provision now proposed under this application along with a detailed transportation assessment. As such the principle of redeveloping the site along with the rationalisation of the parking provision and the consequential impact of the whole development, in principle, have been accepted by Council.

6.2 The existing buildings to be demolished along with other buildings within the site are of no architectural or historic merit and some are in a poor state of repair. The college undertook a structural, mechanical and electrical survey in 2002 which revealed concrete carbonation in a number of the teaching blocks, the electrical and mechanical infrastructure is antiquated and in need of substantial capital investment, many health and safety related concerns associated with the buildings and facilities and the traffic management situation has reached crisis point. As such all of these factors are sufficient to enable the principle of demolishing existing campus buildings to be accepted.

6.3 The development will comprise a new seminar block, new workshop/skill centre and refurbishment of the resource centre/library. The re-development proposals have been formulated around 10 principal issues with the end result aimed at achieving a first rate campus with modern, fit for purpose buildings, rationalised patterns of movement and high quality public space. These are:

1. Sustainability - All new structures both new and refurbished are to be built and operated to minimise the environmental impact.
2. Site Environment - High quality infrastructure will provide much needed social and break out space for students.
3. Built Environment - Modern, fit for purpose buildings will be capable of efficient and economic delivery of curriculum.
4. Car Parking - Centrally managed visitor and staff student car parks providing approximately 200 additional spaces.
5. Traffic Safety - Reduced level of vehicular penetration across the campus with provision of traffic calming and drop off points on Folly Lane.
6. Public Transport - Additional bus lay-by support and enhanced transport links to the City Centre.

7. Disabled Access - Rationalised patterns of movement to improve experience for disabled users and ensure compliance with the DDA.
 8. Security - Controlled site access and enhanced surveillance and lighting strategy.
 9. Business Development - Increased interaction with commerce through dedicated state of the art facilities.
 10. Community Use - Resident access to be provided to learning resource centre and event meeting space.
- 6.4 With the above principles in mind, it is considered there are three main issues relevant to the consideration of this application. These being:
1. Scale, design and materials,
 2. Highways
 3. Loss of open space.

Scale, Design and Materials

- 6.5 The new buildings are to be of a similar 4-storey scale to existing buildings but occupying a smaller footprint. It will comprise 2 separate blocks with a central connecting event space and seminar room. A contemporary design has been selected with the mass being broken up with a palette of 8 different materials to add interest to the elevations. The eastern elevation is to be constructed principally from a translucent cladding system, which diffuses the penetration of daylight in order to avoid glare. Varying degrees of insulation within the translucent panelling also gives the illusion of different light colours emanating from the development, which will provide interest to the buildings when in use in the evenings. This translucent panelling will be broken up with areas of weathered steel cladding giving a warm orange appearance creating an interesting contrast.
- 6.6 The principal elevation (west) overlooking the central landscaped area is predominantly to be faced with curtain walling, which is essentially large glazed panels within a metal frame. This will be translucent at lower levels but more opaque on the upper floor in order to control admission of direct sunlight. Horizontal and vertical metal louvers will be used to break up the expanse of glazing and provide a visual contrast to the proportions. A further area of weathered steel will be used for the seminar block to provide a central focal point and break up the linear form of the buildings. Brushed stainless steel metal panel cladding will be used for the gable ends of both buildings along with sections of cream and red pre-cast masonry cladding, which has the appearance of natural stone. Finally, the double-decked parking area will be clad in galvanised metal mesh screen to provide support for climbing plants. Ground levels are to be raised on the eastern side of the parking area along with strategic tree planting to soften the impact of the development from an easterly perspective.
- 6.7 Whilst the form of the buildings are not necessarily architecturally interesting, the modern and technologically advanced palette of materials outlined above along with the design features incorporated will create a land mark development for the site reflective of its end use and internal function. As such the scale, design, materials, siting and landscaping proposed under this application are considered acceptable in accordance with the principles of policy SC6 of the Local Plan and CF5 and CF6 of the

Unitary Development Plan. The proposals also accord with the more specific design policies including ENV14 of the Local Plan and DR1 of the Unitary Development Plan in that they will enhance the quality of the built environment in the locality whilst also respecting the context of the site including longer distant views.

Highway issues

- 6.8 The Traffic Manager raises no objection to the proposed parking provision which will create a total of 600 staff and student car parking spaces and 24 disabled spaces for all 3 colleges. This represents an increase of around 200 spaces. It should be noted that the re-development proposal will not increase student capacity and therefore the additional 200 spaces will ease existing parking problems both within the site and in nearby residential areas. This still represents a shortfall on the local plan maximum parking standard, which is a figure of 900. However, this figure is based upon student numbers and does not necessarily take into account the sustainable location of the site and accessibility to public transport.
- 6.9 The overall re-development proposals will also encompass improvements to public transport, cycle and pedestrian facilities in order to discourage the use of cars. For example, the decked parking area will include covered secure cycle storage with a capacity of approximately 100 bicycles and the development as a whole will create a more permeable and legible pedestrian environment both through this application and particularly when complete. A Green Travel Plan is also to be formulated if permission is approved.
- 6.10 In order to further address the shortfall in parking provision, the previous application presented to Committee last year proposed a financial contribution to enable a residents parking scheme to be implemented. Part of this contribution is shortly to be provided by the Sixth Form College and the College of Technology have agreed to provide the outstanding contribution necessary to implement the residents parking scheme.
- 6.11 Whilst the Transport Manager currently objects, the objections relate to points of clarification concerning matters such as the circulation of vehicles within the site and proposed junction improvements to Whittern Way. These matters are currently being examined by the Transport Manager and an update on this matter will be reported to members at Committee.

Sport England's Objection

- 6.12 Sport England are presently objecting to the application as part of the car parking area and landscaping encroaches into the area of open space immediately to the east of the site. It should be noted that this situation has not changed from the application considered and approved last year by members. However, it has come to light that Sport England was not consulted on the previous application.
- 6.13 The applicant's have prepared a PPG17 Assessment (Planning for Open Space, Sport and Recreation) of the impact of this loss of informal recreation space. The encroachment is minimal and equates to less than a 1% reduction in the gross area of playing field. Based upon the information provided within the PPG17 report, it is considered that the loss will not adversely affect the usability of the existing open space. In fact, the existing recreational land is under used and of poor quality. This proposal seeks to promote the integration of the open space with the remainder of the

college through creating stronger pedestrian priority links encouraging the more beneficial use of this open space. Notwithstanding these points, the further information has been forwarded to Sport England for their comments.

Conclusion

- 6.14 The proposal will create an imaginative development, which through an innovative palette of non-traditional materials will be the first step towards meeting the applicant's primary objective. This being a first rate campus with modern fit for purpose buildings, rationalised patterns of movement and high quality public space. More importantly, the proposal accords with the relevant Development Plan Policies both in the Local Plan and the Deposit Unitary Development Plan. Therefore, subject to the highway concerns being addressed and the applicant providing the outstanding contribution to enable the residents parking scheme to be implemented, the proposals are considered acceptable.

RECOMMENDATION

Subject to there being no objection from the Traffic Manager by the end of the consultation period and the County Secretary and Solicitor be authorised to complete a planning obligation or unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 requiring the applicants to provide the outstanding financial contribution to enable the residents only parking scheme in the locality to be implemented, and that if deemed necessary:

- (i) the application is notified to the Office of the Deputy Prime Minister**
- (ii) subject to the Deputy Prime Minister confirming that he does not intend to call it in, planning permission be granted subject to the following conditions and any further conditions considered necessary by Officers:**
 - 1 A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 - 2 G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
 - 3 G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
 - 4 Prior to occupation of any part of the development hereby approved, a Green Travel Plan shall be submitted to the local planning authority for approval in writing and implemented as approved. The Green Travel Plan should also include details of all intended methods of managing the staff/student car parks and shall be made available for inspection by the local planning authority upon reasonable request so as to enable monitoring of the Plan to be routinely carried out.**

Reason: In the interests of highway safety and to ensure a sustainable form of development.

- 5 A08 (Development in accordance with approved plans and materials) (unless otherwise agreed in writing with the Local Planning Authority)**

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

- 6 H17 (Junction improvement/off site works) (Whittern Way junction)**

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

- 7 H27 (Parking for site operatives)**

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

- 8 Prior to the commencement of the development, details of the phasing of the development shall be submitted to an approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed phasing.**

Reason: To ensure the development is carried out with minimal disruption to the educational use of the existing site or adverse impact on highway safety.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

17 DCCW2004/3922/F – INTERNAL/EXTERNAL ALTERATIONS AND EXTENSIONS TO PROVIDE BOWLING ALLEY AND NEW W.C. FACILITIES AT COTTERELL ARMS, COTTERELL STREET, WHITECROSS, HEREFORD, HR4 0HH

For: Havana Taverns per Marshwall Design, Old Farm House, The Sytch, Dorrington, Shrewsbury, SY5 7LL

Date Received: 10th November, 2004 Ward: St. Nicholas Grid Ref: 49758, 40315

Expiry Date: 5th January, 2005

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

1. Site Description and Proposal

1.1 The Cotterell Arms Public House is located on the corner of Cotterell Street and Windsor Street, Whitecross, Hereford.

1.2 The proposal is to undertake some internal and external alterations and extensions to provide a bowling alley with new toilets. The bowling alley will be formed in essentially the former yard area which will be incorporated undercover within the accommodation to the Public House. The side wall of the alley will abut No. 1 Windsor Street.

2. Policies

2.1 Government Guidance:

PPG24 - Planning and Noise

2.2 Hereford and Worcester County Structure Plan:

Policy CTC9 - Development Requirements

2.3 Hereford Local Plan:

Policy H12 - Established Residential Areas – Character and Amenity

Policy H21 - Compatibility of Non-Residential Uses

Policy H22 - Existing Non-Residential Uses

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy E6 - Expansion of Existing Businesses

Policy CF5 - New Community Facilities

Policy S11 - Community Facilities and Services

3. Planning History

3.1 No recent history.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Transport Manager - no objection.

4.3 Head of Environmental Health and Trading Standards – no objection subject to the agreed noise insulation scheme being implemented.

5. Representations

5.1 Hereford City Council - no objection.

5.2 Three letters have been received from Mrs. S. Robinson, 71 Cotterell Street, Whitecross, Hereford; Mr. S. Sloan & Miss H. Perry, 1 Windsor Street and Mr. C. Rees, 5 Windsor Street, Hereford.

The main points raised:

1. The refurbishment will increase the amount of patrons wishing to use the premises and this will increase the levels of traffic and noise.
2. The streets around the premises are already densely populated where parking is often difficult, particularly in the evenings and weekends.
3. The nature of the area is residential with generally low background noise. Noise has previously been a problem when customers exit the public house.
4. The extended accommodation would provide the scope for holding private functions and possible late licence which would further impact upon the amenity of residents.
5. The bowling alley would be adjacent to party wall with the ball return running along the wall of the building.
6. The flat roof construction could impact upon security for adjacent dwellings.

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 Public House is located within an established residential area where policies seek to protect and enhance the character and amenity of the area.

6.2 The visual appearance of the alterations will enhance the character of the area by removing various pitched and flat roofs and replacement with one pitch roof, a parapet wall with one flat roof behind. These will provide a more balanced and clean appearance to the elevation onto Windsor Street.

6.3 The extension of the premises is not considered to be a concern provided the impact of particular noise can be controlled. In this respect extensive insulation along the adjoining wall and ball pit/impact area is proposed. These details have been assessed by the council's Environmental Health and Trading Standards Officer who raises no objections. The concerns identified by local residents is acknowledged but the established presence of the public house must form the basis of the consideration of the application and subject to a condition requiring appropriate insulation, it is not considered that there will be undue harm caused.

6.4 Members will also note that the Traffic Manager has raised no objections to the proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. **A09 (Amended plans) (2nd March, 2005).**

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

- 3. **The use of the skittle alley shall not be undertaken until the noise insulation details identified on Plan Revision 'A' Feb. 2005 and dated stamped 2nd March 2005 have been completed to the satisfaction of the local planning authority in conjunction with the Environmental Health and Trading Standards's Officer.**

Reason: In order to protect the amenity of nearby residential property.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

18 DCCW2005/0828/T - 15M HIGH REPLACEMENT TELECOMMUNICATIONS / LAMPOST MONO POLE WITH ANTENNA SHROUD AND 2 SMALL CABINETS WITH LIGHTING ARM ON TIP FLEXICELL OUTSIDE TESCO'S AT LAND ADJACENT TO ROUNDABOUT, A465 BELMONT ROAD, HEREFORD, HR2 7TZ

For: OR UK Ltd. per Stoppard Howes, 8 Windsor Court, Clarence Drive, Harrogate, North Yorkshire, HG1 2PE

Date Received: 15th March, 2005 Ward: Belmont Grid Ref: 49232, 38412

Expiry Date: 9th May, 2005

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

1. Site Description and Proposal

- 1.1 This site is located on the eastern side of the Tesco's roundabout at Belmont.
- 1.2 The proposal is to remove the existing street lamp and replace it with a 15 metre high telecommunications mast with a lamppost arm together with two small cabinets located at the entrance to the Tesco's car park immediately south of the mini roundabout on Abbotsmead Road.

2. Policies

2.1 Government Guidance:

PPG8 - Telecommunications

2.2 Hereford and Worcester County Structure Plan:

Policy CTC9 - Development Requirements

2.3 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria
 Policy C41 - Telecommunications Development
 Policy C42 - Criteria to Guide Telecommunications Development

3. Planning History

- 3.1 There is numerous history relating to the housing development, Tescos, filling station and adjacent telecommunication poles. The telecom history is as follows.

CW1999/3122/B Erection of a free standing lattice mast (overall height 11.5m) with three sector antennas under a shroud and equipment cabinet at the base of the post. Prior Approval Not Required 4/01/00.

- CW2002/3622/T Telecommunications base station comprising 12m 'streetwork' solution monopole, incorporating 3 antennae within a GPR shroud and cabinet equipment. Prior Approval Not Required. 10/02/03.
- DCCW2004/1735/T Installation of 10m high telecommunication parallel column with 3 no. shrouded antennas together with radio equipment housing. Prior Approval Not Required 14/06/04.
- DCCW2004/3675/T 15m high telecommunication monopole, 3 antenna within shroud, 2 no. outdoor cabinets and ancillary development thereto. Prior Approval Refused 03/12/04.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager – no objection subject to cabinets being moved to enable door to not obstruct footpath.
- 4.3 Head of Environmental Health and Trading Standards - no adverse comment.

5. Representations

- 5.1 Belmont Parish Council - Belmont Rural Parish Council wishes to record a strong opposition to this application on the grounds that the proposed structure will have a detrimental effect on the visual amenity of the area. A recent application for a similar development was refused on these grounds and we see no basis for treating this application differently. The proposed site forms the entrance to this Parish and to the City and the removal of vegetation around the Tesco site has made the existing masts more prominent. We also have concerns over the safety of these structures in such close proximity to a petrol filling station. The Parish Council recommends refusal of this application.

- 5.2 Three letters of objection have been received from:

Kate Read, 24 Brook Farm Court, Belmont.
Mr. I. Parry, 19 Brook Farm Court, Belmont.
K.A. Davies, 33 Chichester Close, Belmont.

In addition a petition has been submitted by A. Davies containing 24 signatures.

- 5.3 The main points raised are:

1. No more masts should be allowed until definitive evidence is available that there is no risk to health.
2. Other sites have been considered and for reasons of nearby schools and housing not considered appropriate, why should we have to have it near us.

3. There are 2 no. lampposts already on the Tesco's site.
4. Maintenance vehicles will park on the grass verges.
5. Do we really need another mast when three are already there.

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 application seeks planning permission for the replacement of an existing lamppost with a telecommunications monopole incorporating a lamppost.
- 6.2 The key issues for consideration in respect of the application are the impact of the development upon the character and appearance of the locality; guidance set out in PPG8 and the policy criteria set out in C41 and C42 of the South Herefordshire District Local Plan.
- 6.3 The site will provide 2G and 3G coverage to Belmont Road; the surrounding residential areas of Newton Farm and Hunderton as well as the railway line to the south. The coverage plots submitted with the application demonstrate that there is a gap in network coverage and as such the technical justification for the equipment is considered acceptable.
- 6.4 The immediate character of this area is one of commercial development defined by the Tesco supermarket and petrol filling station. The streetscape is one characterised by lampposts and three other telecom poles sited on the northern side of the Tesco roundabout on Belmont Road. Outside of this commercial setting of the site the surrounding character is of residential development, the nearest property being 50 metres away.
- 6.5 With regard to the size and design of the monopole with lamppost arm attachment at the top, this will be taller than the existing lamppost but will be relatively inconspicuous given the other lamppost and monopoles in this location. It should be remembered that this is a replacement of an existing structure and will therefore not add to 'street clutter'.
- 6.6 Other sites have been considered by the applicants.
 - 1) Streetworks site on the A465 Belmont Road was refused permission (ref: DCCW2004/3675/T) on 13th December 2004.
 - 2) Streetworks site further west on the A465 was rejected in preference for the refused application above due to proximity to residential housing.
 - 3) Streetworks on Stanberrow Road was rejected in favour of option 1 due to proximity to residential housing and Haywood School and Haywood Upper School.
 - 4) Three Counties Hotel: replacement of existing flagpoles was rejected by the Management of the hotel.

- 5) Home Farm, Belmont Road was rejected in favour of option 1 as it was too far to provide minimum coverage.
- 6.7 In addition your Officers have considered the potential for mast sharing with the existing operators on the Tesco roundabout. However for this to occur a substantial mast of 25/30 metres would have to be erected and this would be an alien feature on the skyline whereas the existing mono poles sit well within the existing street furniture. Accordingly it is considered that the proposal complies with Policies C41 and C42 of the South Herefordshire District Local Plan.
- 6.8 Concerns have been raised regarding the proximity of residential development and health considerations.

It has been determined by the Courts that the public perception of health risks can be a material consideration in determining planning applications. The weight to be attached to this issue has to be determined accordingly in each case by the decision maker. It has been generally held, and widely established at planning appeal, that health concerns are not a sufficient basis alone for withholding planning permission providing it has been demonstrated that the proposed installation will comply with the ICNIRP guidelines.

The most recent government advice regarding telecommunications development and health issues is outlined within PPG8 which states:

Para 98 "...it is the Government's firm view that the planning system is not the appropriate mechanism for determining health safeguards. It remains central government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed development meets the ICNIRP guidelines for public exposure, it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

The proposed telecommunications apparatus that is subject of this application is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), as expressed in the EU Council recommendation on 12th July 1999 "on the limitation of exposure to the general public to electromagnetic fields (0 Hz to 300 GHz)" and a declaration to that effect is enclosed.

It is not therefore necessary to consider health effects further as recommended by PPG8 and on this basis, it is considered that there is no basis for this application to be refused on health and safety grounds.

- 6.9 The siting of such equipment in close proximity to residential uses remains a sensitive issue but in view of the proven need, the lengthy site search and the existing characteristics of the locality, it is recommended that the application be approved.

RECOMMENDATION

Subject to no objection from the Traffic Manager, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

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

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

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

19 DCCW2005/0698/F - SITING OF POLYTUNNELS IN CONNECTION WITH RAISED BED STRAWBERRY PRODUCTION AT BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET

For: S.&A. Davies per White Young Green, Ropemaker Court, 12 Lower Park Row, Bristol, BS1 5BN

Date Received: 2nd March, 2005 Ward: Sutton Walls Grid Ref: 52569, 48341

Expiry Date: 22nd June, 2005

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 Brook Farm, Marden is located to the north of the village and is accessed off the C1120 Marden to Bodenham road.
- 1.2 The proposal is to cover 55 hectares of land with polytunnels utilising raised bed/table top strawberry production methods. Each tunnel would be 8 metres wide and contain six rows of raised beds. The polytunnels would be covered for 3/4 months of the year.
- 1.3 A full Environmental Impact Assessment has been submitted with the application and will form part of any future recommendation.
- 1.4 In view of the extensive coverage involved and the potential for its impact upon the landscape character of the area, it is recommended that the Sub-Committee view the site in May/June.
- 1.5 It is not clear yet 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 1st or 29th June, 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.

20 DCCW2005/0376/F - VARIATION OF EXISTING CONDITION 4 OF CW03/0620/F TO ALLOW A VARIATION IN NOISE LEVELS AT GELPACK EXCELSIOR LTD, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NT

For: Gelpack Excelsior Ltd. per Mr. A.W. Morris, 20 Ferndale Road, Kings Acre, Hereford, HR4 0RW

Date Received: 3rd February, 2005 Ward: Three Elms Grid Ref: 50193, 41151

Expiry Date: 31st March, 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 Gelpack Excelsior is located on the north side of Red Barn Drive at its junction with Faraday Road and the Westfields Trading Estate. The site backs onto residential property that fronts Grandstand Road
- 1.2 Planning permission is sought to amend Condition No. 4 attached to previous planning permission (CW2003/0620/F). This condition limits the noise level of six silos erected under that permission.

The condition in full states:

“The rating level of the noise emitted from the feed pipes and associated machinery/plant serving the six silos shall not exceed the existing background noise level of 45 dB LA90 by more than 3 dB. The noise level shall be determined a 1m from the rear facade of 99 Grandstand Road (including measurements at first floor level as close to 1m from the facade as possible) and all readings shall be taken in accordance with BS 4142:1997.

Reason: To protect the residential amenity of properties adjoining the northern site boundary.”

- 1.3 The application seeks to increase the nighttime noise level to 51dB and the maximum daytime level of 58dB.

2. Policies

2.1 National:

- PPG1 - General Principles
 PPG4 - Industrial and Commercial Development and Small Firms
 PPG24 - Planning and Noise

2.2 Hereford Local Plan:

Policy E2	-	Established Employment Areas
Policy E7	-	Development Proposals for Employment Purposes
Policy H12	-	Established Residential Areas
Policy H21	-	Compatibility of Non-Residential Uses
Policy H22	-	Existing Non-Residential Uses

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
Policy DR13	-	Noise
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites

3. Planning History

- 3.1 CW2003/0620/F Erection of 6 no. storage silos on concrete base. Approved 03/09/03.
- CW2000/0356/F Roof alterations to allow internal alterations to production area. Approved 23/03/00.
- CW2000/0357/F Change of use to provide parking for 23 cars - subject to a Section 106 Agreement - not yet completed.
- CW2002/1767/F Erection of six storage silos. Withdrawn 02/008/02.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager - no objection.
- 4.4 Head of Environmental Health and Trading Standards - I can now confirm that I have considered this application and have also taken independent night time noise measurements to ensure that the condition is as accurate as possible. I therefore comment as follows:
1. The background noise level at night in the nearest garden on the other side of Gelpack's fence was originally measured by Gelpack's consultant in January 2003 to be in the region of 48 dBLA90,(5 minutes). From discussions at that time, it was apparent that the measurements had not been taken at the location that I had requested (i.e. 1m from the rear facade) and therefore I took this into account and recalculated the the background level to be 45 dBLA90,(5 minutes). This was the basis behind the recommended noise condition in my memorandum of 2nd April 2003, which allowed the new silos/plant no more than 3dB above the recalculated background of 45dB, i.e. no more than 48dBLAeq at the facade of 99 Grandstand Road.

2. I understand that Gelpack's consultant then measured the noise originating from the newly installed silos / plant in July 2004 and found that Gelpack could not comply with the condition, as the measured noise level at 2.30 am was found to be 50dBLAeq (exceeding the planning condition by 2dB).
3. In order to substantiate this, I took independent noise measurements at the facade of 99 Grandstand Road at 0030 - 0045 on Friday 25th March 2005 and found the background level to be in the region of 47 dBLA90, (5 minutes) and representative noise from the factory and silos/plant to be in the region of 50dBLAeq. However, the noise from the factory appeared to be coming from the existing operations (i.e. extrusion and printing) and not from the screw auger feed system from the new silos.
4. Therefore, given that the noise at the facade of 99 Grandstand Road is unlikely to get below the existing noise of 50dBLAeq from the factory's extrusion and printing operations and as 47dB background + 3dB allowance = 50dB, it would be sensible to allow a variation of the condition to:

"The noise emitted from the feed pipes and associated machinery / plant serving the six silos shall not exceed 50dBLAeq. The noise level shall be determined at a location of 3.5 m from the rear facade of 99 Grandstand Road or 1m from the facade at first floor level. All readings shall be taken in accordance with BS 4142:1997".

If you wished to increase 50dBLAeq to 51dBLAeq in line with the applicant's request, I would have no objection, as this is negligible in terms of noise measurement and perception. However, the condition as offered above would allow Gelpack's immediate compliance, whilst ensuring that the performance of the noise attenuation work to the silos / feed system is always retained.

5. The daytime noise levels resulting from deliveries to the silos would stay protected as condition 3 would remain unchanged, i.e. no blowing of plastic beads/resin into silos between 1700 - 0830, nor on weekends and bank holidays. This is the noisiest activity associated with the silos. Likewise, the daytime noise levels resulting from the general operation of the screw auger feeds and motors serving the silos would also be regulated as the the noise attenuation design criteria for this plant would be the same at day as at night time.

5. Representations

- 5.1 Hereford City Council - Hereford City Council has considered this planning application and recommends refusal as it cannot see that an application is warranted in terms of environment acceptability.
- 5.2 Eight letters of objection have been received, the main points raised are:
 1. We have put up with increasing noise levels over a number of years and this should now stop.
 2. This is a trading estate and not industrial where manufacturing should not take place.

3. The silos were to reduce deliveries to the factory, in fact what has happened is that the material now arrives in tankers which creates more noise when they unload.
4. Since the silos have been erected we have had to endure extra volume of noise similar to hailstones on a tin roof.
5. The factory operates 24/7.
6. The constant noise impacts upon the amenities of residents not only in the houses but in the gardens.
7. Forklift trucks are a constant nuisance going back and forth from the old MEB Club car park. Material now arrives in tankers which creates more noise when the unload.

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 planning application seeks to vary Condition No. 4 which limits the noise levels on the planning permission granted for the six silos on the Gelpack Excelsior site.
- 6.2 Members will note that the proposal has been extensively examined by the Council's Environmental Health and Trading Standards Principal Environmental Health Officer (Air & Water) and his detailed conclusions are included within this report.
- 6.3 These conclusions identify that the noise level of the screw auger associated with the new silos is lower than the extrusion and printing process. Therefore, given that the noise at the façade of 99 Grandstand Road is unlikely to get below 50dB from the existing extrusion and printing it will be sensible to allow a variation of the condition. The Environmental Health and Trading Standards Officer recommends that the condition could be increased to 51dB since this would not represent a materially different noise level to that requested by the applicant is increased to 50dB.
- 6.4 Members will note that the daytime noise is still protected by Condition No. 3 attached to the previous permission.
- 6.5 The residents' concerns are noted, however this proposal has been extensively examined by the Environmental Health and Trading Standards Officer who has visited the site and taken independent noise readings and considers that the proposal is acceptable.
- 6.6 Finally, it should be noted that this proposal is not to increase the existing noise emanating from the silos but to regularise the situation as they are currently operating above the noise level set by the condition.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The noise emitted from the feed pipes and associated machinery/plant serving the six silos shall not exceed 50dB(A)eq. The noise level shall be determined at a location of 3.5m from the rear facade of 99 Grandstand Road or 1m from the facade at first floor level. All readings shall be taken in accordance with BS 4142:1997.

Reason: In the interests of residential amenity.

- 2. The permission hereby granted is an amendment to planning permission CW2003/0620/F dated 3rd September 2003 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.

Reason: For the avoidance of doubt.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

