

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 1st June, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN	
To note that, at the Annual Council meeting on 13th May, 2005, Councillor D.J. Fleet was re-elected Chairman and Councillor R. Preece was re-appointed Vice-Chairman of the Central Area Planning Sub-Committee.	
2. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	1 - 18
To approve and sign the Minutes of the meeting held on 4th May, 2005.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. [A] DCCE2004/4132/F AND [B] DCCE2004/4136/L - GARDEN TO THE REAR OF 5 ST. JOHN STREET, HEREFORD	19 - 26
Proposed two storey three bedroom dwelling.	
6. DCCE2004/4218/F - UFTON COURT, HOLME LACY, HEREFORD, HR2 6PH	27 - 36
New agricultural buildings and irrigation pool. New access and drive.	

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| 7. | DCCW2005/0566/F - MARDEN COURT FARM, MARDEN, HEREFORD, HR1 3EN | 37 - 42 |
| | New portal frame building for agricultural use. | |
| 8. | DCCE2005/1017/F - LAND ADJACENT TO AYLESTONE COURT HOTEL, ROCKFIELD ROAD, HEREFORD | 43 - 48 |
| | Construction of 5 no. 1 bedroom self-catering apartments. | |
| 9. | DATE OF NEXT MEETING | |
| | The date of the next scheduled meeting is Wednesday 29th 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, 4th May, 2005 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, 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 T.W. Hunt (ex-officio)

149. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. S.P.A. Daniels, G.V. Hyde, R.I. Matthews, Miss. F. Short and A.L. Williams.

150. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
Mrs. P.A. Andrews	Item 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	Declared a prejudicial interest and left the meeting for the duration of this item.
D.B. Wilcox	Item 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	Declared a prejudicial interest and left the meeting for the duration of this item.
Mrs. P.A. Andrews	Item 18 - DCCW2005/0828/T – – 15m high replacement telecommunications / lamppost 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	Declared a prejudicial interest and left the meeting for the duration of this item.

Mr. K. Bishop, Principal Planning Officer, declared a personal interest in respect of Item 7 (DCCE2005/0278/F - Erection of house, garage and annex and improvements to access drive at 53 Hampton Park Road, Hereford, HR1 1TJ) and left the meeting for the duration of this item.

151. MINUTES

RESOLVED:

That the Minutes of the meeting held on 6th April, 2005 be approved as a correct record and signed by the Chairman.

152. 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.

153. TREE PRESERVATION ORDER 518 - THE BURCOTT ADJACENT BURCOTT FARM, ROMAN ROAD, BURCOTT, HEREFORD, HR1 1JL

The Conservation Manager presented a report which sought confirmation of a tree preservation order relating to three groups of trees, one individual tree and one woodland at the above address.

Councillor Mrs. S.J. Robertson, the Local Member, spoke in support of the Tree Preservation Order and noted the amenity value of the trees.

RESOLVED

THAT:

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

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

Erection of detached bungalow.

Councillor Mrs. J.E. Pemberton, the Local Member, noted the value of the site inspection that had been held. Councillor Mrs. Pemberton commented on the sub-standard nature of the access track off Court Orchard, noted the view of the Parish Council that the access would need a visibility splay up to highway standard and noted the concerns of local residents that there were unacceptable access arrangements and that a previous application had been refused on the grounds of access. Attention was drawn to the Officers Appraisal section of the report which stated that 'The access to the property is via a private track that has substandard visibility splays' and Councillor Mrs. Pemberton commented that there were no visibility splays at present. She noted that the access track had not been improved significantly in recent years, however, the volume of traffic and parking congestion in the area had increased significantly and expressed concerns about highway safety. Councillor Mrs. Pemberton felt that the application should be refused given the lack of visibility splays and highways safety concerns.

A number of Members supported the views of the Local Member and spoke against the application.

Some Members, however, felt that the professional advice of the Traffic Manager should be taken into consideration and noted that a condition was recommended in respect of turning and parking.

In response to questions, the Senior Planning Officer provided the following information: he advised that no incidents relating to traffic from the bungalows had been brought to his attention; he briefly outlined some of the ownership and right of access issues; he explained the history of the site and advised that policies had evolved in the intervening period which meant that the Traffic Manager felt unable to recommend refusal on the basis of substandard access given the proposed scale of development.

Councillor Mrs. Pemberton maintained that this application should be refused but noted that there might be other access options that could be considered in the future.

RESOLVED:

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

- **Lack of visibility splays**
- **Highways safety**

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

[Note: Following the vote on this item, the Central Team Leader noted that Members had considered the issues very carefully in the light of local knowledge and the advice provided by Officers. He felt that there were no critical policy issues at stake and that the decision could be defended on appeal. Therefore, the application would not be referred to the Head of Planning Services.]

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

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

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, thanked the Sub-Committee for the site inspection that had been held. Councillor Mrs. Lloyd-Hayes said that she supported the application subject to clarification about drainage issues. She noted the comment in the Officers Appraisal that 'The design is not of any particular architectural merit' and felt that the design was disappointing given the sensitive location of the site in the Conservation Area.

Councillor W.J. Walling, a Local Member, also commented on design considerations but noted that the development would be screened from view.

In response to an earlier question, the Senior Planning Officer confirmed that Welsh

Water had no objections subject to conditions.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

17 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

18 No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

Informatives:**1 N03 - Adjoining property rights****2 HN01 - Mud on highway****3 N15 - Reason(s) for the Grant of PP/LBC/CAC****4 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155****156. 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.

The Principal Planning Officer reported the receipt of an additional letter from the applicant and summarised its contents.

Councillor D.B. Wilcox, a Local Member, expressed his gratitude to the Sub-

Committee for the site inspection that had been held. Councillor Wilcox noted the objector's concerns about potential impact of the proposal on 177a Aylestone Hill but also noted that the applicant had altered the plans to mitigate some of these concerns.

A number of Members felt that the proposed development would have an overbearing and detrimental impact on the amenity of the objector's property.

Councillor Wilcox proposed that the application be refused but noted that there might be other options to extend the property.

RESOLVED:

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

- **Overbearing impact on the residential amenities of an adjoining dwelling**

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

[Note: Following the vote on this item, the Central Team Leader advised that overbearing impact was a subjective issue and, therefore, there were no critical policy issues at stake and that the decision could be defended on appeal. Therefore, the application would not be referred to the Head of Planning Services.]

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

Studio/exhibition space.

The Principal Planning Officer reported the receipt of additional correspondence in support of the application from the applicant's agent, from Mr. David Watkins of St. Martins Residents' and Traders' Association and from Hereford Civic Society.

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

In response to points raised by the speaker, the Principal Planning Officer clarified the difference between this proposal and that refused in December, 2004 [Planning applications DCCE2004/3847/F and 3848/L refer].

Councillor Mrs. W.U. Attfield, a Local Member, felt that, whilst the proposal was innovative and that the wider area would benefit from such development, the proposal would be overly dominant and would impinge on residential amenities.

Councillor A.C.R. Chappell, a Local Member, also felt that the site would benefit from redevelopment but the scale and appearance of this proposal would have an overbearing impact on neighbouring dwellings.

Councillor Mrs. M.D. Lloyd-Hayes spoke in support of the application. She noted that the Environment Agency had no objections to the proposed development and

felt that the introduction of a new first floor would not result in significant harm to residential amenities. Councillor Mrs. Lloyd-Hayes proposed that the application be approved.

A number of Members, whilst noting the Local Members' concerns, felt that the benefits of the proposal outweighed the disadvantages and supported the application. A number of comments were made about the imaginative design and how the development would contribute to the architectural interest of the area. It was noted that the site was in a state of dereliction and a view was expressed that the proposed use would have less impact than some former uses of the building.

Councillor Chappell stressed that the Local Members were not against the principle of the intended use but were worried about the scale of the proposal and its impact on neighbouring dwellings. He also commented on how the proposal might exacerbate the existing parking difficulties in the area.

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

RESOLVED:

The Central Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Head of Planning Services provided that the Head of Planning Services does not refer the application to the Planning Committee.

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

[Note: Following the vote on this item, the Central Team Leader noted that Members had considered the issues very carefully. He felt that there were no critical policy issues at stake. Therefore, the application would not be referred to the Head of Planning Services.]

158. DCCE2003/3716/F - 97-98 EAST STREET, HEREFORD

Two storey building to form offices. Existing building to be demolished.

The Senior Planning Officer recommended an informative to supplement condition 7 to clarify that all vehicular traffic would be prohibited.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2. A09 (Amended plans) (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.**
- 4. In the interests of clarification it is confirmed that vehicular traffic includes motorbikes as well as all other motorised transport.**

159. [A] DCCE2004/4132/F AND [B] DCCE2004/4136/L - GARDEN TO REAR OF 5 ST. JOHN STREET, HEREFORD

Proposed two storey three bedroom dwelling.

The Senior Planning Officer recommended an informative to supplement condition 7 to clarify that all vehicular traffic would be prohibited. The Senior Planning Officer reported the receipt of the comments of the County Archaeologist (no objections subject to standard conditions).

Councillor Mrs. P.A. Andrews proposed that a site inspection be held given the potential impact of the development on the Conservation Area. The Chairman, speaking in his capacity as the Local Member, supported a site inspection.

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.**

160. DCCE2005/0540/F - 1A LICHFIELD AVENUE, HEREFORD, HR1 2RH

Conversion and extension of existing house into five no. self-contained flats.

The Senior Planning Officer reported the receipt of correspondence from the Conservation Area Advisory Committee and summarised its contents (it was suggested that four flats would be more acceptable than five given the traffic and parking issues and to maintain residential quality).

Councillor W.J. Walling, a Local Member, did not oppose the principle of conversion but felt that, given the considerable traffic problems in the vicinity of the site, a reduction in the number of flats should be sought.

Councillor M.D. Lloyd-Hayes, a Local Member, noted that the traffic problems in the area were caused by the petrol station/Tesco Express and that this proposal would not exacerbate those problems given the scale of the development proposed and the recommended conditions in respect of parking.

In response to a question, the Legal Practice Manager advised that a reduction in the number of flats could not be dealt with through conditions, as it would fundamentally alter the essence of the application under consideration. The Senior Planning Officer added that the Traffic Manager had confirmed acceptability of the revised parking provision and layout. The Central Team Leader reminded the Sub-Committee of Government advice in respect of the best use of land in urban locations and he emphasised the need for a judgement to be made on the proposal before Members.

Given the advice of Officers, a motion to seek amendments to the application was withdrawn.

Councillor A.C.R. Chappell noted the importance of local people expressing their concerns about planning matters but felt that some of the comments in the letters of objection regarding the potential for anti-social behaviour were unfortunate.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. **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.**

161. DCCE2004/4218/F - UFTON COURT, HOLME LACY, HEREFORD, HR2 6PH

New agricultural buildings and irrigation pool. New access and drive.

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

The Central Team Leader advised the Sub-Committee that the appraisal in the report considered the justification for the new farm complex and the potential impact of the development on the surrounding area. He added that the supporting information provided a technical justification and, on balance, the development was considered a viable option.

Councillor W.J.S. Thomas, the Local Member, noted the justification for new agricultural buildings but felt that the key issue was where they could be best placed and, given the subjective nature of this matter, he proposed that a site inspection be held.

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.**

162. DCCW2005/0566/F - MARDEN COURT FARM, MARDEN, HEREFORD, HR1 3EN

New portal frame building for agricultural use.

In accordance with the criteria for public speaking, Mr. Smith spoke in support of the application on behalf of the applicant.

Councillor J.G.S. Guthrie, the Local Member, noted that Marden Parish Council opposed the application and noted the concerns expressed in letters of objection. In particular, he drew attention to concerns about the potential impact of the development on the setting of Marden Parish Church and the intensification of activity on this site. Given these considerations, he felt that the Sub-Committee would benefit from a site inspection.

The Principal Planning Officer advised that the Conservation Manager had assessed the impact on the setting of the Church and had not raised any objections subject to conditions. In response, Councillor Guthrie felt that the plans and photographs displayed at the meeting did not provide a sufficient impression of the sensitivity of the location and that there was a need to explore where the proposal could be best placed.

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.**

163. DCCE2005/0350/F - LAND AT CAREY, NEAR HOARWITHY, HEREFORDSHIRE, HR2 6NG

Construction of a farm track.

The Principal Planning Officer reported the receipt of two unsigned letters of objection. He also reported the receipt of further correspondence from the applicant's agent in support of the application.

In accordance with the criteria for public speaking, Mrs. Soble spoke in support of the application.

Councillor W.J.S. Thomas, the Local Member, felt it regrettable that this development had caused so much discord in the local area. He noted the efforts to mitigate the impact of the development and felt that, along with the recommended conditions, the fears of residents would be largely addressed.

Councillor A.C.R. Chappell expressed his objection to retrospective planning applications and felt that the message needed to be conveyed that such development was unacceptable. In response, the Principal Planning Officer clarified that track would ordinarily be permitted development subject to an agricultural notification application. However, as the track was now in place the development could not be considered under the notification procedure and, therefore, full planning permission was required. The Central Team Leader noted the concerns of Members but advised that the current planning system did not penalise retrospective applications and they had to be determined in the same way as any other application.

In response to a question, the Principal Planning Officer advised that the proposed construction of an agricultural building had been deleted from this application and would be considered under a separate agricultural notification application.

Councillor Thomas noted that the applicant's mistake regarding notification in respect of the track had provided Officers with the opportunity to address some of the local concerns which might have been missed otherwise.

RESOLVED:

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.**

164. DCCE2005/0507/F - HEREFORDSHIRE COLLEGE OF TECHNOLOGY, FOLLY LANE, HEREFORD, HR1 1LS

Redevelopment of learning resource block with a new workshop building and seminar block with associated landscaping and car parking.

The Principal Planning Officer reported the following updates:

- ◆ The concerns of the Traffic Manager had been addressed and conditions were recommended in respect of cycle stands and off-site pedestrian crossing and traffic light works.
- ◆ The concerns of Sport England had not been overcome but additional information provided by the applicant was being considered.
- ◆ Following further negotiations, a cheque had been received from the applicant on the day of the meeting in respect of the outstanding financial contribution to enable the residents only parking scheme in the locality to be implemented.

In accordance with the criteria for public speaking, Mr. Younger spoke in support of the application on behalf of the applicant.

Councillor Mrs. M.D. Lloyd-Hayes felt that the delivery of the residents only parking scheme was essential given the acute parking problems in the area and felt that a right hand turning lane should be provided at the Folly Lane traffic lights given the congestion at this junction. In response, the Principal Planning Officer clarified matters relating to the Section 106 Agreement and the outline planning application determined in April, 2004 [CE2004/0475/O refers]. The Principal Planning Officer also advised that highway works associated with this application would include the re-timing of traffic lights and that further works may be required as part of later phases in the development of the campus.

In response to a question, the Principal Planning Officer advised that the construction work would be undertaken in phases, some if it outside of term-time, and drew attention to recommended condition 8 which intended to minimise disruption to the educational use.

In response to a question, the Principal Planning Officer advised that the re-development proposal would not increase student capacity and, therefore, it was anticipated that the additional 200 parking spaces for the 3 colleges would ease the existing parking problems both within the site and in nearby residential areas.

A number of Members spoke in support of the application.

RESOLVED:

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) (Whitern 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**

- 165. DCCW2005/3922/F - COTTERELL ARMS, COTTERELL STREET, WHITECROSS, HEREFORD, HR4 0HH**

Internal/external alterations and extensions to provide bowling alley and new w.c. facilities.

Councillor Mrs. E.M. Bew, a Local Member, noted that there had been few complaints about this operation but requested that noise insulation be looked at very carefully. In response, the Principal Planning Officer advised that the Head of Environmental Health and Trading Standards recommended conditions and the construction of the bowling alley would be monitored.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2. A09 (Amended plans) (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 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.

166. DCCW2005/0828/T - LAND ADJACENT TO ROUNDABOUT, A465 BELMONT ROAD, HEREFORD, HR2 7TZ

15m high replacement telecommunications / lamppost mono pole with antenna shroud and 2 small cabinets with lighting arm on tip flexicell outside Tesco's.

The Principal Planning Officer reported that the applicant had confirmed that it would be technically possible to move the proposed cabinets to ensure that there was no obstruction to the public highway when the cabinet doors were opened for maintenance.

Councillor P.J. Edwards, a Local Member, proposed that the application be refused on highways safety and detrimental impact on landscaping grounds. Councillor Edwards noted that this area had once been a pleasant corridor to the City but supermarket development and associated street clutter had made a significant impact on the area. He felt that the pole and associated paraphernalia would have a further detrimental impact on the characteristics of the area. He noted that there were three other telecommunications poles in the vicinity already and felt that an additional pole was unacceptable.

Councillor Ms. G.A. Powell, a Local Member, supported Councillor Edwards' views and noted the strong objections of Belmont Parish Council.

In response to questions, the Principal Planning Officer reminded the Sub-Committee that this proposal was a replacement of an existing structure and it was considered that it would sit well within the existing street furniture.

A number of Members were concerned that the opportunities for mast sharing might not have been fully explored and the willingness of operators to pursue this option was questioned. In response, the Principal Planning Officer advised that a substantial lattice mast of some 25-30 metres would be required to accommodate the equipment on a shared mast and that Officers felt that mono poles were a less conspicuous solution.

Some Members noted the fears about potential health issues associated with telecommunications equipment but also noted the most recent government advice on the matter.

Some Members commented that the demand from consumers for more choice, better signal reception and services was driving the telecommunications market. The Principal Planning Officer added that the third-generation of the mobile telecommunications/data market relied on smaller network cells which meant that

more masts were required to ensure sufficient network coverage.

Councillor Edwards clarified that his concerns about highway safety related in particular to the visual hindrance that the equipment would cause at the entrance/exit to the Tesco car park.

RESOLVED:

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

- **Highways safety**
- **Detrimental impact on landscaping**

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

[Note: Following the vote on this item, the Central Team Leader advised that the timescales associated with telecommunications equipment meant that there would be no time to refer the application to the Planning Committee before consent would be given by default. Therefore, the application would not be referred to the Head of Planning Services.]

167. DCCW2005/0698/F - BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET

Siting of polytunnels in connection with raised bed strawberry production.

The Principal Planning Officer advised Members that this application was unlikely to be ready for consideration at the next meeting of the Sub-Committee and suggested that a site inspection be held on 14th June, 2005.

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).**

168. DCCW2005/0376/F - GELPACK EXCELSIOR LTD, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NT

Variation of existing condition 4 of CW03/0620/F to allow a variation in noise levels.

Councillor Mrs. P.A. Andrews, a Local Member, noted the history of the site and the impact of the noise levels on residential amenities. Councillor Mrs. Andrews felt that

the application should be refused and the existing condition maintained.

Councillor Ms. A.M. Toon, a Local Member, also felt that the application was unacceptable, particularly given that it had been less than two years since the existing condition had been established.

A number of Members spoke in support of the views of the Local Members and noted the complaints about noise that had been made by local residents. In response to the concerns of Members, the Principal Planning Officer explained the nature of the application and the conclusions of the Principal Environmental Health Officer.

Councillor D.B. Wilcox outlined a number of concerns regarding the methodology and findings of the Environmental Health and Trading Standards department. In particular, he expressed concern about where and when the noise measurements had been taken and the validity of the associated readings and estimations. In response, the Principal Planning Officer suggested that consideration of the application be deferred so that a relevant Officer could attend the meeting and provide the clarification required by Members. A number of Members suggested that Officers should obtain appropriate measurements in the interim.

RESOLVED:

That consideration of the application be deferred for further information.

169. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 1st June, 2005.

It was also noted that site inspections would be held on Wednesday 11th May, 2005 and Wednesday 14th June, 2005.

The meeting ended at 4.45 p.m.

CHAIRMAN

5A 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

5B 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

Introduction

Members will recall this application from the Central Area Planning Sub-Committee (4th May, 2005) and the subsequent site inspection on the 11th May, 2005. Since the publication of the previous report comments have been received from English Heritage and the Archaeological Advisor and the report and recommendation have been updated accordingly,

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 objection.

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 – No objection subject to standard condition.

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 regard 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:

- 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.

12. D01 (Site investigation – archaeology).

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

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. ND2 – Area of Archaeological Importance.**
- 3. 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.

6 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

Introduction

Members will recall that the determination of this application was deferred at the Central Area Planning Sub-Committee (4th May, 2005) in order for a site visit to be held. The site visit took place on 11th May, 2005.

Further to the discussion that took place on this proposal, a view from the applicant has been sought on the potential for repositioning the complex to the site of existing buildings further to the east. The applicant has advised of their reluctance to reposition the complex citing the pre-application discussion directing them towards the currently proposed site. It is maintained that the proposed site represents the most appropriate location having regard to landscape impact and residential amenity. The alternative suggestion is considered to represent a more isolated and prominent site.

An additional condition requiring the clearance of the existing range of buildings and associated open storage has been attached but otherwise the attached report remains identical to that previously published.

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 Least 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.

- 19. Prior to the first use of the agricultural buildings hereby approved the existing range of buildings shown to be removed on the site plan received on 3rd December 2004 shall be permanently removed from the site and all associated plant, machinery and equipment shall be relocated to the approved farm complex.**

Reason: In the interests of enhancing the visual amenity of the locality.

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.

7 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

Introduction:

Members will recall that this application was deferred at the last meeting for a site visit. The site visit was carried out on 11th May, 2005. There are no further updates and as such the attached report remains identical to that previously published.

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, and 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 its 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 applicant's 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.

8 DCCE2005/1017/F - CONSTRUCTION OF 5 NO. 1 BEDROOM SELF-CATERING APARTMENTS AT LAND ADJACENT TO AYLESTONE COURT HOTEL, ROCKFIELD ROAD, HEREFORD

**For: Mrs. P. Holloway per Warren Benbow Architects,
21 Mill Street, Kington, Herefordshire, HR5 3AL**

Date Received: 23rd March, 2005

Ward: Aylestone

Grid Ref: 51782, 40403

Expiry Date: 18th May, 2005

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

1. Site Description and Proposal

- 1.1 The site is located to the east of Rockfield Road just south of the junction with the A465 (Aylestone Hill). The site forms part of the curtilage of Aylestone Court Hotel which is Grade II listed. Immediately south and east of the site are existing residencies and to the western side of Rockfield Road is Rockfield Trading Estate.
- 1.2 The site is enclosed on all four sides by a 2 metres high brick wall which has been partially punctured on the road elevation to gain vehicular access. A mature Yew hedge exists along the northern boundary with other vegetation and shrubs along other boundaries. The site falls within Aylestone Hill Conservation Area.
- 1.3 The application proposes construction of five self-contained one-bedroomed apartments to be occupied in association with Aylestone Court Hotel. The development is to be one and a half storey in height (six metres to the ridge of the roof) with the bedrooms being accommodated within the roof space. Secure cycle storage is to be provided on site along with five parking spaces to be made available within the grounds of the hotel.

2. Policies

2.1 Hereford Local Plan:

Policy H3	-	Design of New Residential Development
Policy H6	-	Amenity Open Space Provision in Smaller Housing Schemes
Policy H12	-	Established Residential Areas - Character and Amenity
Policy H13	-	Established Residential Areas - Loss of Features
Policy H14	-	Established Residential Areas - Site Factors
Policy CON2	-	Listed Buildings - Development Proposals
Policy CON3	-	Listed Buildings - Criteria for Proposals
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas - Development Proposals
Policy T12	-	Cyclist Provision

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
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Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H2	-	Hereford and the Market Towns – Housing Land or Locations
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking

3. Planning History

- CE2000/1189/F New house - Refused 22nd August, 2000.
- CE2001/1259/F New house - Refused 6th July, 2001.
- CE2004/4193/F Construction of 6 no. 1-bedroom self-catering apartments - Application withdrawn 26th January, 2005.

4. Consultation Summary

Internal Council Advice

- 4.1 Transport Manager - No objection.
- 4.2 Conservation Manager - The proposal would have limited impact upon Rockfield Road, is subservient to the main buildings and would be appropriate for the character of the area. This proposal is therefore acceptable.

5. Representations

- 5.1 Hereford City Council - no objection.
- 5.2 Three letters of objection have been received from:

B. Tyrer, Kwik Strip, Unit 3 Rockfield Road, Hereford
Mr. A. Tully, 42 Rockfield Road, Hereford
Peter Hornett, Derlton Villa, 3 Rockfield Road, Hereford

The main points raised are:

1. We are concerned how access to the site will be gained whilst construction is taking place as Rockfield Road is a private road and does not have access to the hotel or the building site. Rockfield Road must be maintained clear for access to business units.
2. The proposed apartments will affect the setting of a listed building.
3. The junction from Aylestone Hill to Rockfield Road is dangerous.

4. There is already insufficient parking at Aylestone Court Hotel when they have a function.
5. The proposal is an overdevelopment of the site in the Conservation Area due to its siting.
6. The proposal does not incorporate any landscaping.
7. The development is unacceptably close to neighbouring properties driveway and garage.
8. The development may impact upon the foundations of adjoining boundary walls and buildings beyond.
9. The development is likely to be occupied by hotel and residents in the future.
10. The entrance onto Rockfield Road raises potential crime prevention issues.

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 proposes the construction of a single pitched roof building sub-divided into five self-contained one-bedroom apartments. The accommodation is divided into an entrance hall, open plan living/dining room, kitchen and bathroom at ground floor with a single bedroom situated in the roof space.
- 6.2 The scale and mass of the proposal is subservient to both the Grade II listed hotel and other properties adjoining the site. The siting is forward of the general building line for properties fronting Rockfield Road, however, the low height of the development will ensure it will not appear as an unduly prominent development within the Conservation Area particularly with the rebuilding of the existing brick boundary wall along the road frontage.
- 6.3 The orientation reflects the form of other properties within the locality and the design is functional which aids in minimising the impact of the development on the setting of the hotel. The materials are to be brick walls under a natural slate roof with timber doors and windows, which will assist in harmonising development into its environment. There will be no overlooking of adjoining properties or their gardens and the stepping of the development away from the boundaries ensures that the impact on neighbour properties is minimised.
- 6.4 The Transport Manager raises no objection to the parking arrangements and secure cycle storage is to be provided on site in order to encourage non-car based modes of transport. The level of private amenity space is considered satisfactory given the size of the units and the location of the site in relation to the city centre.
- 6.5 The proposal represents an acceptable form of development for the site in terms of impact on the Conservation Area, setting of a Listed Building and neighbouring amenity. Therefore, subject to various conditions including control over the external appearance, parking of site operatives, and restricting the use of the units in

association with the hotel only the development is considered acceptable in accordance with the relevant development plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

Reason: To safeguard the amenities of the locality.

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

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

- 6. The apartments hereby permitted shall be occupied for C1 use in association with the Aylestone Court Hotel only and for no other purpose within Class C of the schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.**

Reason: In order to clarify the terms of the permission and in the interests of highway safety.

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

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

- 8. The 5 parking spaces identified within the curtilage of the hotel shall be for use by the residents of the development hereby permitted only.**

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

