

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 29th 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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Tel: 01432 261882*

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

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| To receive apologies for absence. | |
| 2. DECLARATIONS OF INTEREST | |
| To receive any declarations of interest by Members in respect of items on the Agenda. | |
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| To approve and sign the Minutes of the meeting held on 1st June, 2005. | |
| 4. ITEM FOR INFORMATION - APPEALS | 9 - 10 |
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| REPORTS BY THE HEAD OF PLANNING SERVICES | |
| To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. | |
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| | | |
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| 15. | DCCE2005/1130/RM - LAND AT BRADBURY LINES, BULLINGHAM LANE, HEREFORD | 61 - 70 |
| | Proposed residential development mix of 2,3,4 and 5 bed houses, flats, car parking/ garages, roads and sewers thereto and landscaping (Phase 2). | |
| 16. | DATE OF NEXT MEETING | |
| | The date of the next scheduled meeting is 27th July, 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, 1st June, 2005 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, 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 and R.M. Wilson

In attendance: Councillors T.W. Hunt (ex-officio)

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

It was noted that, at the Annual Council meeting on 13th May, 2005, Councillor D.J. Fleet had been re-elected Chairman and Councillor R. Preece had been re-appointed Vice-Chairman of the Central Area Planning Sub-Committee.

2. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, G.V. Hyde and Mrs. J.E. Pemberton.

3. DECLARATIONS OF INTEREST

The following declarations of interest were made:

| Councillors | Item | Interest |
|--------------------|---|--|
| J.C. Mayson | Agenda Item 6 - DCCE2004/4218/F – New agricultural buildings and irrigation pool. New access and drive at: UFTON COURT, HOLME LACY, HEREFORD, HR2 6PH and Agenda Item 7 - DCCW2005/0566/F – New portal frame building for agricultural use at: MARDEN COURT FARM, MARDEN, HEREFORD, HR1 3EN | Declared a prejudicial interest in agenda item 6 and a personal interest in agenda item 7. However, Councillor Mayson had left the meeting before these items were considered. |

4. MINUTES

RESOLVED:

That the Minutes of the meeting held on 4th May, 2005 be approved as a correct record and signed by the Chairman.

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

Proposed two storey three bedroom dwelling.

The Central Team Leader highlighted the changes to the report since the last meeting, namely that English Heritage had no objections and that the Archaeological Advisor recommended conditions.

Councillor Mrs. P.A. Andrews felt that this proposal represented an imaginative use of a somewhat difficult site and supported the application.

Councillor W.J. Walling noted that the site visit that had been undertaken had been useful and he felt that the proposed development would be a vast improvement, particularly given the poor state of the garden.

The Chairman, speaking in his capacity as the Local Member, advised that he had some concerns regarding the potential for overlooking but noted that the application was acceptable in general.

RESOLVED:

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.**

[NOTE: for the efficient transaction of business, agenda item 8 was considered after agenda item 5]

6. DCCE2005/1017/F - LAND ADJACENT TO AYLESTONE COURT HOTEL, ROCKFIELD ROAD, HEREFORD [AGENDA ITEM 8]

Construction of 5 no. 1 bedroom self-catering apartments.

The Central Team Leader reported the receipt of a letter of support from the proprietor of the Aylestone Court Hotel and summarised its contents.

Councillor D.B. Wilcox, a Local Member, advised that he was generally in favour of the proposal but noted the importance of condition 6 to ensure that the development remained in association with the Aylestone Court Hotel.

Councillor A.L. Williams, also a Local Member, noted the potential economic benefits of increasing tourist accommodation in the City. Councillor Mrs. M.D. Lloyd-Hayes spoke in support of this view.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **A06 (Development in accordance with approved plans).**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
3. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
4. **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.

**7. DCCE2004/4218/F - UFTON COURT, HOLME LACY, HEREFORD, HR2 6PH
[AGENDA ITEM 6]**

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

The Central Team Leader noted the usefulness of the site visit, particularly given the extent of the application site. He advised the Sub-Committee that the applicant did not feel that there was a need to reposition the proposed complex.

Councillor W.J.S. Thomas, the Local Member, thanked the Sub-Committee for having undertaken the site visit and noted that the site represented the most appropriate location for this development.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. The development 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.
8. DCCW2005/0566/F - MARDEN COURT FARM, MARDEN, HEREFORD, HR1 3EN [AGENDA ITEM 7]

New portal frame building for agricultural use.

Councillor J.G.S. Guthrie, the Local Member, noted the worth of the site visit as it had demonstrated to the Sub-Committee that the proposed location was acceptable and would not cause significant harm to the locality. He noted local concerns about mud on the highway which caused access difficulties, particularly to the Church, but felt that the proposal should diminish this problem as it would reduce the need to transfer stock and feed across the road.

The Chairman noted that condition 2 had been drafted in order to address concerns about possible over development.

Councillor W.J. S. Thomas spoke in support of the views of the Local Member.

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. 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.**

9. DATE OF NEXT MEETING

It was noted that the date of the next scheduled meeting was 29th June, 2005.

It was noted that site visits would be held on 14th June, 2005 to Brook Farm, Marden [planning application DCCW2005/0698/F] and to Union Street, Hereford [planning applications DCCE2005/1271/F and DCCE2005/1281/L].

The meeting ended at 2.15 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS DETERMINED****Application No. DCCW2004/1256/O**

- The appeal was received on 28th June, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. & Mrs. C.A. Thomson.
- The site is located at Fourth Milestone House, Swainshill, Hereford, Herefordshire, HR4 7QE.
- The application, dated 1st April, 2004, was refused on 28th May, 2004.
- The development proposed was Site for erection of single dwelling.
- The main issue is the effect of the proposed development on the character and appearance of the locality.

Decision: The appeal was ALLOWED on 7th June, 2005.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCW2004/4033/O

- The appeal was received on 9th February, 2005.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. J. Caton.
- The site is located at 103 Kings Acre Road, Hereford, Herefordshire, HR4 0RQ.
- The application, dated 16th November, 2004, was refused on 21st December, 2004.
- The development proposed was Site for single detached dwelling.
- The main issues are the effect of the proposal on the living conditions of the nearby occupiers at 103 & 105 Kings Acre Road, having particular regard to loss of privacy and outlook, and also the effect of the proposal on the character and appearance of the area.

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

Case Officer: Peter Clasby on 01432 261947

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

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

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

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

Expiry Date: 31st March, 2005

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

Introduction

Members will recall that this planning application was deferred from the May Central Area Planning Sub-Committee to enable the Environmental Health and Trading Standards Officer's report to be updated and for an Officer to be in attendance at this meeting.

The previous report has been updated.

1. Site Description and Proposal

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

The condition in full states:

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

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

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

2. Policies

2.1 National:

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

2.2 Hereford Local Plan:

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

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

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

3. Planning History

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

4. Consultation SummaryStatutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager - no objection.
- 4.3 Head of Environmental Health and Trading Standards - I can now confirm that I have considered this application and have also taken independent night time noise measurements to ensure that the condition is as accurate as possible. I therefore comment as follows:

1. The background noise level at night in the nearest garden on the other side of Gelpack's fence was originally measured by Gelpack's consultant in January

2003 to be in the region of 48 dBLA90,(5 minutes). From discussions at that time, it was apparent that the measurements had not been taken at the location that I had requested (i.e. 1m from the rear facade) and therefore I took this into account and recalculated the the background level to be 45 dBLA90,(5 minutes). This was the basis behind the recommended noise condition in my memorandum of 2nd April 2003, which allowed the new silos/plant no more than 3dB above the recalculated background of 45dB, i.e. no more than 48dBLAeq at the facade of 99 Grandstand Road.

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

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

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

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

The following additional information has been submitted by the Head of Environmental Health and Trading Standards:

"Further to my memorandum to you of 1st April 2005 I understand that you wish to seek clarification on a number of issues which were raised at the last committee

meeting when this application was deferred. I therefore would like to comment as follows:

- As stated in my last memorandum, the noise measurement on which the original condition was based was undertaken by Gelpack's consultant in January 2003, but was not taken at the location requested, i.e. not at 1m from the façade of the first floor rear bedroom window overlooking the factory. Calculations therefore had to be made to predict the level at this point and that is why 45 rather than 48 dB_{LA90} was favoured as a probable background noise level in the original proposed planning condition in 2003. However, predictions are never as accurate as measurements.
- It was for this reason that I undertook an independent noise reading on 25th March 2005. This was taken at a location about 1.2m above ground level in the driveway serving 99 Grandstand Road at a location as close as possible to the rear façade of this property. If you prefer, this measurement point could be used as the reference point for future measurement and therefore the proposed planning condition could be slightly amended to read:

"The noise emitted from the feed pipes and associated machinery / plant serving the six silos shall not exceed $50\text{dB}_{\text{LAeq}}$. The noise level shall be determined at a location in the driveway of 99 Grandstand Road adjacent to the rear façade as marked on the attached plan. All readings shall be taken in accordance with BS 4142:1997".

- I confirm that since the new silos were constructed and commissioned in 2003/4 there have been no noise complaints received by Environmental Health & Trading Standards relating to their operation. When I spoke to the occupant at 99 Grandstand Road, I understood that his perception was that the night-time noise had not increased since the installation of the silos. I have also spoken to another nearby householder who concurs with this.
- The objection letters received by Planning seem to refer to day-time noise, i.e. tanker deliveries of resin, blowing of resin pellets into the silos and forklift truck movements. All these are daytime noises and existing planning conditions will continue to prohibit these activities at night.
- From my experience at Gelpack and similar sites elsewhere, I understand that any night-time noise from the silos will typically result from:
 - i. the settling of plastic pellets in the silos (as they are depleted and fed to the extrusion area)
 - ii. the movement of pellets along attenuated ground level ductwork
 - iii. attenuated electric motors powering the screw augers.

From my experience, all of the above noises are relatively quiet and this was substantiated by my non-detection of this noise above the constant printing and extrusion activities on 25th March 2005.

- As stated in my last memorandum, the only noise from Gelpack on the night I visited came from the area of the printing and extrusion process at Gelpack and

not from the silos and feed-pipes to which this application relates. This new condition therefore seeks to restrict noise to a level that is realistic to the current noise climate, being dominated by the existing printing/extrusion process. The condition does not allow an increase in the noise from the silos to which this application relates.

I hope these comments clarify the situation at Gelpack and the reasoning behind the proposed amended condition in my earlier memorandum.”

5. Representations

5.1 Hereford City Council - Hereford City Council has considered this planning application and recommends refusal as it cannot see that an application is warranted in terms of environment acceptability.

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

1. We have put up with increasing noise levels over a number of years and this should now stop.
2. This is a trading estate and not industrial where manufacturing should not take place.
3. The silos were to reduce deliveries to the factory, in fact what has happened is that the material now arrives in tankers which creates more noise when they unload.
4. Since the silos have been erected we have had to endure extra volume of noise similar to hailstones on a tin roof.
5. The factory operates 24/7.
6. The constant noise impacts upon the amenities of residents not only in the houses but in the gardens.
7. Forklift trucks are a constant nuisance going back and forth from the old MEB Club car park. Material now arrives in tankers which creates more noise when the unload.

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

6. Officers Appraisal

6.1 This planning application seeks to vary Condition No. 4 which limits the noise levels on the planning permission granted for the six silos on the Gelpack Excelsior site.

6.2 Members will note that the proposal has been extensively examined by the Council's Environmental Health and Trading Standard's Principal Environmental Health Officer (Air & Water) and his detailed conclusions are included within this report which has been updated since the May meeting with a further memorandum. This memorandum identifies the method and position of the calculations that were previously undertaken. This includes details relating to the calculations undertaken where the exact

measurements were not achieved. This has created the discrepancies as predications are never as accurate as actual measurements. However the Environmental Health and Trading Standards is satisfied any noise from the silos is from:-

- i. the setting of plastic pellets in the silos (as they are depleted and fed to the extrusion area)
- ii. the movement of pellets along attenuated ground level ductwork
- iii. attenuated electric motors powering the screw augers

and these are relatively quiet. Therefore the noise at night generally comes from the printing and extrusion process not controlled by this condition. The new condition therefore seeks to restrict noise to a level that is realistic to the current noise climate which is dominated by the printing and extrusion process and not the silos.

- 6.3 Members will note that the daytime noise is still protected by Condition No. 3 attached to the previous permission.
- 6.4 The residents' concerns are noted, however this proposal has been extensively examined by the Environmental Health and Trading Standards Officer who has visited the site and taken independent noise readings and considers that the proposal is acceptable.
- 6.5 Finally, it should be noted that this proposal is not to increase the existing noise emanating from the silos but to regularise the situation as they are currently operating above the noise level set by the previous condition.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The noise emitted from the feed pipes and associated machinery/plant serving the six silos shall not exceed 51dBLAeq. The noise level shall be determined at the location in the driveway of 99 Grandstand Road adjacent to the rear façade as marked on the plan attached to this decision notice. All readings shall be taken in accordance with BS 4142:1997.**

Reason: In the interests of residential amenity.

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

Reason: For the avoidance of doubt.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 DCCE2005/1399/F - CHANGE OF USE OF SINGLE ROOM (CLOAKROOM) FROM RESIDENTIAL TO HAIR-DRESSING BUSINESS, 205 ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RR

For: Mrs. S. Lewis, 205 Ross Road, Hereford, HR2 7RR

**Date Received: 21st April, 2005 Ward: St. Martins & Hinton Grid Ref: 50697, 38305
Expiry Date: 16th June, 2005**

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

1. Site Description and Proposal

- 1.1 205 Ross Road is a semi-detached dwelling located within the Established Residential Area of Hereford City. The proposed dwelling is situated in a roadside position to the south of Ross Road at the junction with Bradbury Close.
- 1.2 The proposed dwelling was originally a guest house, later approved for a change of use to a domestic dwelling. This application seeks planning permission to change the use of a single room from residential to accommodation for a hairdressing business. No external alterations are proposed.

2. Policies

2.1 Hereford Local Plan:

| | | |
|-------|---|---|
| ENV14 | - | Design |
| H12 | - | Established Residential Areas – character and amenity |
| H13 | - | Established Residential Areas – loss of features |
| H21 | - | Compatibility of Non-Residential Uses |

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft);

| | | |
|-----|---|--------------------------|
| S1 | - | Sustainable Development |
| S2 | - | Development Requirements |
| DR1 | - | Design |
| E9 | - | Home Bases Businesses |

3. Planning History

- 3.1 CE1999/2238/F - Change of use to domestic dwelling. Approved 9th September, 1999.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 Traffic Manager: No objections. Adequate parking is considered to exist within the curtilage to provide a space for the hairdressing salon plus spaces for the dwelling.

5. Representations

- 5.1 Hereford City Council: Recommend refusal as the proposed development will prove detrimental to the amenities of the residential area in which the property is situated and due to the lack of on site parking facilities for prospective customers.
- 5.2 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) Principle of development;
 - (b) Impact on the character and amenities of the residential area; and
 - (c) Adequate parking space and facilities.

Principle of development

- 6.2 Hereford Local Plan Policy H21 indicates that small businesses operating from home will be permitted if the business operation will not lead to adverse impacts upon residential amenity or the character of the area through its scale, nature of operations, access and parking provision, noise or traffic generated including visitors, staff and deliveries and the appearance of the building is not materially altered. This position is echoed in the emerging Unitary Development Plan (Revised Deposit Draft) Policy E9 it is therefore considered that the proposal is acceptable in principle in relation to the current development plan policies.

Character and amenities of the residential area

- 6.3 This application seeks planning permission to change the use of a single room from residential use into a hair salon as a home based business. Although no history has been identified, it is believed that the existing two-storey side element is a later addition to the original dwelling. This application proposes to convert a room on the ground floor within this extension into a hair salon business. It is considered that the loss of a single room will not adversely impact upon residential amenities within the house and the size of the proposed room will be acceptable in scale to run the small business proposed. The applicant intends to run the business as a low profile home based business, and no external alterations are proposed as part of this development. Restrictive operating times have been agreed with the applicant. It is therefore considered that with appropriate conditions applied, the proposed development will not adversely impact upon the residential character of the area or have an adverse impact upon the residential amenities within this established residential area.

Parking space and facilities

- 6.4 It is acknowledged that a home-based business will increase the volume of traffic in the locality to a degree and Hereford City Council have raised a concern over the lack of

on-site parking facilities for prospective customers and the residents within the existing curtilage. That said it is considered that with appropriate conditions applied, adequate parking will be secured in perpetuity without detriment to highway safety and the Traffic Manager is satisfied with the arrangements.

Conclusion

- 6.5 The main concern of this application is whether the proposal will have an adverse impact upon the amenities of the residential area. It is considered that this low profile home based business will not prove detrimental to the character or amenities of the existing residential area. It is noted that no local objections have been received.
- 6.6 It is considered that the proposed development is in accordance with the relevant planning policies; and with appropriate conditions applied, it will ensure that the proposed development represents an acceptable form of development.

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. E01 (Restriction on hours of working)**

Reason: To safeguard the amenities of the locality.

- 4. E10 (Use restricted to that specified in application)**

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to retain control of the specific use of the premises in the interest of local amenity.

- 5. The use hereby permitted shall only be conducted from the ground floor as indicated on the ground floor plan received by the local planning authorities on 31st May, 2005.**

Reason: To restrict the business activity to a limited floor area in the interests of residential amenity.

- 6. The parking facilities associated with the application site shall be retained and kept available for such use.**

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCCW2005/1406/F - ERECTION OF WOODEN FENCE AND CHANGE OF LAND USAGE TO DOMESTIC AT 50 WYEDEAN RISE, BELMONT, HEREFORD, HR2 7XZ

For: Mr. N. Palmer, 50 Wyedean Rise, Belmont, Hereford, HR2 7XZ

Date Received: 22nd April, 2005 Ward: Belmont Grid Ref: 49436, 38898

Expiry Date: 17th June, 2005

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

1. Site Description and Proposal

- 1.1 The application site is comprised of a two storey detached dwelling located within an established residential area of Belmont, it occupies a corner plot along Wyedean Rise, fronting onto the main access with a short cul-de-sac located along the north boundary serving a group of dwellings to the rear.
- 1.2 The area is characterised by a strong sense of urbanisation, although this is to some extent softened by relatively open frontages between the public highway and the dwellings themselves.
- 1.3 However, there is no well-defined building line throughout the length of Wyedean Rise, as some dwellings or their boundaries are significantly forward of others, particularly on corner plots or those which are orientated parallel with the adjoining highway.
- 1.4 The application seeks consent to change the use of a strip of land to the northern side of the dwelling to incorporate it into the domestic curtilage and erect a 1.8 metre high close hoarded timber fence enclosing part of the strip of land to enlarge the private amenity space to the rear of the dwelling.

2. Policies

2.1 South Herefordshire District Local Plan:

| | | |
|------------|---|------------------------------|
| Policy GD1 | - | General Development Criteria |
| Policy C30 | - | Open land in settlements |

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

| | | |
|-------------|---|--|
| Policy DR1 | - | Design |
| Policy HBA9 | - | Protection of open areas and green spaces. |

3. Planning History

None relevant

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Traffic Manager has no objection, subject to there being no encroachment within the adopted service strip which measures 1.8 metres back from the edge of the carriageway.

5. Representations

5.1 Belmont Rural Parish Council - Objection - The enclosure of public open space should not be permitted, as it would be detrimental to the visual amenity of the area.

5.2 Mr. & Mrs. Rout, 29 Wyedean Rise - Objection - Adverse impact on the visual appearance to the front of their property, loss of sunlight to driveway and front garden and a restriction of visibility when leaving the driveway to enter the public highway.

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 site lies along the northern boundary of the curtilage of the dwelling known as 50 Wyedean Rise and generally it is not considered that the proposed change of use or enclosure of a relatively small area of private land will give rise to any demonstrable harm to the visual amenity of the wider locality, or adversely affect the safe passage of vehicles using the adjoining public highway.

6.2 The owner of the dwelling has recently purchased the application site from the previous owners Bovis, who were the original developers for the housing constructed in the Wyedean Rise area.

6.3 The land is in private ownership and does not form part of the designated public open space for the locality, a strip of land 1.8 metres wide adjacent to the carriageway was dedicated as public highway by the developer Bovis Homes, by a Section 38 Agreement in 1987. In light of this it is considered reasonable to impose a condition to ensure that the fence is positioned at least 1.8 metres back from the edge of the adjoining carriageway in order to protect the service strip.

6.4 It is also considered expedient in the interest of maintaining the open character of the frontage to restrict by condition any enclosure of the remaining part of the land. At present this area could be enclosed by a 1 metres fence without the need for planning permission

6.5 With regard to the concerns raised by the occupant of 49 Wyedean Rise, it is not considered that the erection of the fence will adversely affect their residential amenity or the safe use of the public highway arising from them entering or leaving their driveway. The Traffic Manager has specifically addressed the latter issue.

6.6 However, in order to ensure that the fence does not overly dominate the front of 49 Wyedean Rise, it is considered reasonable to require that the construction of the fence finish 1.8 metres back from the boundary between the two properties in order to protect the residential amenity, and provide a degree of relief.

6.7 Overall, subject to the imposition of conditions, it is considered that the proposal complies with the relevant policies in the Local Plan, and will not appear significantly out of keeping in a residential locality characterised by a mix of boundary treatments. The land involved is not specifically protected as public open space, but rather represents incidental landscaped amenity land 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. **A09 (Amended plans) (24th May, 2005).**

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

- 3. **The fence hereby permitted shall not extend beyond the front elevation of the dwelling to the southwest, or within 1.8 metres of the carriageway to the northwest, or 1.8 metres of the boundary to the northeast.**

Reason: To protect the general character and amenities of the area.

- 4. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no fence/gates/walls or other means of enclosure whatsoever shall be erected on the land to the northeast or southwest that falls outside of the fence hereby approved.**

Reason: To protect the general character and amenities of the area.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCE2005/1501/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 7 APARTMENTS WITH ASSOCIATED CAR PARKING. MIDWAY HOUSE, FIR TREE LANE, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6LA

For: Pontrilas Developments, Collins Engineering Limited, Unit 5 Westwood Industrial Estate, Pontrilas, Hereford, HR2 0EL

Date Received: 6th May, 2005

Ward: Hollington

Grid Ref: 52706, 38079

Expiry Date: 1st July, 2005

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The site is located north of the B4399, known as the Straight Mile within Rotherwas Industrial Estate. Occupying the site is a detached two storey dwelling in a relatively delapidated condition set within mature and overgrown gardens. Immediately west of the site are offices, north is a day nursery and childcare unit and east is an industrial unit. The site fronts on to the Straight Mile beyond which are further industrial units set back from the road. The site falls within land designated as Rotherwas Industrial Estate within both the South Herefordshire District Local Plan and the Herefordshire Unitary Development Plan (Revised Deposit Draft) and also lies within the Flood Plain (Flood Zone category 2).
- 1.2 The proposal is for the demolition of the existing dwelling and the construction of a new three storey building constructed from a brick plinth with render above under a plastic coated aluminium double curved roof. Two two-bedroom flats will be created at ground and first floor with three one-bedroom flats at second floor, seven residential units in total. A new access is to be created with improved visibility along with 10 parking spaces and associated vehicle maneuvering area and a communal garden.

2. Policies

2.1 South Herefordshire District Local Plan:

- GD1 - General Development Criteria
- C44 - Flooding
- SH14 - Siting and Design of Buildings
- SH15 - Criteria for New Housing Schemes
- T1A - Environmental Sustainability and Transport
- T3 - Highway Safety Requirements
- T4 - Highway and Car Parking Standards

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable Development

| | | |
|------|---|--|
| S2 | - | Development Requirements |
| S3 | - | Housing |
| S6 | - | Transport |
| DR1 | - | Design |
| DR2 | - | Land Use and Activity |
| DR3 | - | Movement |
| DR7 | - | Flood Risk |
| DR13 | - | Noise |
| H1 | - | Hereford and the Market Towns: Settlement boundaries and established residential areas |
| H13 | - | Sustainable Residential Design |
| H14 | - | Re-using Previously Developed Land and Buildings |
| H15 | - | Density |
| H16 | - | Car Parking |
| T6 | - | Walking |
| T7 | - | Cycling |

3. Planning History

3.1 No history.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: I suggest that a 2 metre wide footway is provided along the frontage of the site to link in with the existing 2 metre wide footways either side. The access should also be relocated towards the eastern boundary of the site to avoid conflict with the right turn lane into Netherwood Road, secure covered cycle storage should also be provided.

4.3 Industrial Estates Officer: No comment.

4.4 Economic Development Manager: Comments awaited.

4.5 Environmental Health and Trading Standards Manager: The applicant has adequately addressed potential concerns about the effect of traffic noise on the proposed flats. I consider that traffic noise is likely to be the predominant noise source in this position. Although the application site is in close proximity to a trading estate, I do not consider that nearby uses are likely to give rise to sufficient nuisance from noise or other pollution to preclude the proposed use. I am mindful that the proposed flats would replace an existing residential use.

5. Representations

5.1 Lower Bullingham Parish Council: As this is a domestic dwelling and in poor condition the Parish Council has no objections. However, we would point out that access on to the B4399 is dangerous and care needs to be taken to get this as safe as possible.

5.2 Two letters of objection have been received from T. Barrow, Managing Director, Tomhead Ltd, Ramsden Road, Rotherwas and C.F. Brooks, Director, LUK Aftermarket Services Ltd, Holme Lacy Road, Rotherwas. The main points raised are:

- We consider the location to be totally inappropriate for residential dwellings as the apartments would be bounded on three sides by industrial units with shift work in operation;
- Development would result in increased vehicle movement with access on to a busy road opposite a main junction to an Industrial Estate which would present a significant highway safety hazard;
- The nearest bus stop is on the opposite side of Holme Lacy Road while the nearest safe pedestrian crossing is some 300 metres further to the north. The previous occupant of the site sadly died whilst attempting to cross the road from the bus stop;
- There are substantial trees along the boundary of the site which should be protected if permission is approved;
- Future expansion of our business may be restricted if the development is approved due to the potential impact of noise on the occupants of the flats;
- Rotherwas is supposed to be an Industrial Estate and potential obstacles such as this can only be detrimental to the future development of Rotherwas;
- The Council should purchase the small number of residential properties which exist within Rotherwas as they become available in order to avoid this type of problem.

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

6. Officers Appraisal

6.1 This application presents a rather unusual situation in that the site falls within Rotherwas Industrial Estate and consequently, is allocated for employment purposes. However, the site has a lawful residential use due to the existing dwelling, which occupies the site. In view of this the principle of residential development on the site is acceptable notwithstanding the development plan allocations. The existing dwelling has not been occupied for some time and is in a dilapidated condition. There is therefore no objection to its demolition.

6.2 The proposed new development would occupy a similar footprint to the existing dwelling (15.7 metres by 10.5 metres) but is to be full three storey in height (10 metres). The development is also proposed to be sited nearer the north western corner of the site to allow for sufficient parking and garden area to be created. The site is large enough to accommodate the scale of dwelling proposed in terms of its footprint and height. Furthermore, relatively large industrial units adjoin the site and therefore the additional height would not appear unduly prominent in the locality particularly if the boundary trees and hedges are retained. The materials, form and design of the development reflect the industrial character of the area and are considered acceptable.

6.3 A new access with improved visibility along with the satisfactory level of parking is to be provided although amended plans are awaited to identify the access in a different position as requested by the Transport Manager. The applicant has also agreed to widen the footpath to 2 metres for the full frontage of the site in order to provide a safer and more user friendly route for pedestrians. There is a bus stop no more than 100 metres away which will provide the occupants of the flats the option of using public

transport. Although there is no dedicated crossing point to this bus stop, the Traffic Manager raises no objection to this from a pedestrian safety point of view.

- 6.4 Environmental Health raise no objection to the possible impact of neighbouring land uses or possible disruption arising from road traffic noise for the occupants of the new flats. However, it should be noted that this is only on the basis that the site has a lawful residential use. The site lies within a flood plain and is categorised as Flood Zone 2 Area. Within such zones the need for a Flood Risk Assessment is at the discretion of the local planning authority. The applicants have been advised that it may be in their interest for a flood risk assessment to be undertaken but given the location of the site, is not mandatory in this instance.
- 6.5 The proposal represents a higher density residential development on a brown field site, which both adopted and forthcoming development plan policies support in principle. Furthermore, the site is sustainable not only in terms of the availability of public transport but also in terms of its location in relation to an employment base. Although Environmental Health raise no objection, the potential disruption to the amenity of the occupants of the flats as a result of noise from neighbouring land uses and the adjoining road is a concern. As such a condition requiring details of the measures to mitigate against noise in the design of the building is recommended.
- 6.6 Therefore, subject to the additional details and amended plans requested by the Traffic Manager concerning the revised access and cycle storage being provided the proposal is considered acceptable in accordance with the relevant development plan policies.

RECOMMENDATION

Subject to receipt of suitably amended plans addressing the Traffic Manager's comments, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2 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 F01 (Scheme of noise attenuating measures)

Reason: To safeguard the amenity of the area.

5 G01 (Details of boundary treatments)

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

6 G10 (Retention of trees)

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

7 Any conditions recommended by the transport manager upon receipt of amended plans.

8 Prior to the demolition of the existing dwelling on site, details of the method and site for the disposal of the waste materials arising from the demolition of the dwelling shall be submitted to and agreed in writing with the local planning authority. The demolition and disposal of the waste materials shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate disposal of waste materials.

Informatives:

1 N15 - Reason(s) for the Grant of PP Local Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCCW2005/1602/F - NEW BOUNDARY FENCE AT 99 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZW

For: Mr. V.R. Barrell, 99 Dorchester Way, Belmont, Hereford, HR2 7ZW

Date Received: 17th May, 2005 Ward: Belmont Grid Ref: 48544, 38565

Expiry Date: 12th July, 2005

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

1. Site Description and Proposal

- 1.1 The application site is a modern detached house positioned side on to the southern arm of the highway loop in Dorchester Way located to the north west of Belmont. Adjoining to the west is No. 101, another detached house, but fronting Dorchester Way so that its driveway access runs alongside the rear boundary of No. 99.
- 1.2 The rear garden of No. 99 is enclosed by a 1.80 metre high close boarded fence. projecting from the side of the house and angled back from Dorchester Way to the boundary with No. 101. This leaves a wedge shaped pocket of open amenity land forming an area of approximately 47 sq. metres between the fence/side wall of No. 99, the back edge of the footpath and the driveway boundary with No. 101. Being within the residential curtilage of No. 99 and indicated on the approved housing layout design as a small landscaped amenity area, it is not formally designated as public open space.
- 1.3 It is proposed to reposition the 1.80 metre high fence in order to enclose most of the open area. The new alignment would project from a point close to the nearside corner of the house then follow, 350 mm away, the back edge of the footway alongside Dorchester Way to a point where it would be splayed back to allow for visibility at the driveway access serving No. 101. The existing timber fence panels will be used wherever possible and new panels would match. Panels and posts will be stained dark brown.
- 1.4 Fence posts, following the proposed realignment are already in position.
- 1.5 In support of the proposal the applicant states "at present the strip of grass is used as a doggy toilet and as a football/tennis pitch/court used by local jobs. Posts have been erected by previous owners where new fence is required."

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria
Policy C30 - Open Land in Settlements

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1 - Design

Policy HBA9 - Protection of Open Areas and Green Spaces

3. Planning History

- 3.1 SH980323PO Residential development - Land north west of Belmont, Hereford - outline permission granted 03/11/99.
- 3.2 CW2000/3251/RM Erection of 60 no. detached dwelling houses, estate roads and open space - reserved matters approved 20/12/01.
- 3.3 CW2001/1981/RM Proposed substitution of house types on plots 1-60, amending house type designs on 60 plots - reserved matters approved 26/11/01.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Traffic Manager recommends that any permission should include a condition requiring a 2.00 metre x 2.00 metre splay from the back of the footway adjacent to driveway for No. 101 Dorchester Way, for visibility purposes.

5. Representations

- 5.1 Belmont Rural Parish Council wishes to record a strong opposition to this application on the following grounds:

- The proposals will restrict visibility for nearby residents when existing form their property onto the road, creating a safety hazard;
- The proposed high fencing will detract from the visual amenity of the area in general; and
- The proposal allows the current occupants to increase the size of their garden by taking into the garden a grassed area currently designated as public open space, to the detriment of other local residents. This will create an unfortunate precedent within this Parish.

It is the Parish Council's belief that the fence posts erected by the previous owners of this property have been erected without appropriate permission and not in accordance with the approved plans submitted by the original developer of this site. We recommend that these be removed and the grass reinstated.

- 5.2 One letter of objection has been received from Mr. D. Watkins, 101 Dorchester Way, Belmont, Hereford, HR2 7ZW. The grounds of objection are:

1. The new boundary fence will greatly affect my visibility/access onto the highway, giving me less than 5.5 metres visibility when reversing my car off my drive. Causing grave danger to myself and my wife and other motorists as well.

Though this particular part of Dorchester Way is relatively quiet in terms of vehicles there are often many small children who play in the street and a knock-on effect of having less visibility will be increased danger to them.

2. The price of land referred to by the applicant as "a strip of grass used as a doggy toilet, football/tennis pitch/court by local jobs", was, when the estate was built designated to be a green area, in public view. Since living in my property I have never seen this piece of and used as a "doggy toilet" or a "football/tennis pitch/court" and as far as I am concerned it is not an area where "local jobs" are associated with. The area is however an area the owner of 99 Dorchester Way has an obligation to up keep as part of their ownership of the property. An obligation many property owners have with "designated green areas" on this development, an obligation the owners of 99 Dorchester Way have not fulfilled since moving into their property around 2 months ago, with weeds now waist high in places.
3. Planning consent was granted to Persimmon Homes on the agreement so much of the development was left "green" in public view to improve the overall look of the development, moving this boundary fence will mean "green land" is lost on the estate, harming the overall look of the development.
4. In granting planning permission, Persimmon Homes were obliged to plant so many trees in public view, in moving this boundary fence one of those trees will be lost from public view, again harming the overall look of the development.
5. I further question and ask it to be investigated if the owners of 99 Dorchester Way have ownership rights for this piece of land, to move the boundary fence.
6. The applicant makes reference to the previous owners having discussion with Hereford Planning Authority, the previous owners only had a contact with the local authority when they were written to to inform them that moving this particular boundary fence would be in breach of planning law.

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 proposed new fence alignment would contain a relatively small pocket of open land which may be described as incidental landscaped amenity land and depicted as such on the approved layout drawings for the residential development within which the site is located. It is an area within the ownership of the applicant and residential curtilage of No. 99 Dorchester Way and not public open space.
- 6.2 The relevant planning permission and approvals for the site layout do not restrict permitted development rights governing the means of enclosure for individual residential curtilages. It would be possible therefore, to erect a fence not exceeding a height of 1.00 metres, in the position now proposed, without the benefit of a further planning permission.
- 6.3 Whilst the surrounding housing layout contains extensive open frontages, it is by no means devoid of boundary enclosures particularly where associated with houses that

are positioned side on to the road. For example, immediately opposite the application site there is a 1.80 metre high brick boundary wall along the back edge of the footway.

6.4 Having regard to the previously mentioned policies, it is judged that the visual amenity value of the land, which it is proposed to enclose is not significant enough to warrant protection as open space. Moreover it is considered that the fence itself would not appear unduly discordant in the street scene or detrimental to the visual amenity of the area. Accordingly the proposal would not conflict with development plan policies.

6.5 Concerning matters of highway and public safety, the proposed fence alignment would not conflict with the visibility splay recommended, by the Traffic Manager, for the neighbouring driveway. Subject to a condition safeguarding the visibility splay, it is considered that the realigned fence would not represent an unacceptable obstruction to visibility during the use of the driveway and as such would not prejudice the safety of traffic and pedestrians using Dorchester Way.

6.6 In the light of the preceding matters it is considered that the proposal is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. **Within the visibility splay triangle outlined in red on the approved plan nothing shall be planted, erected or allowed to grow in excess of a height of 0.6 metres above the level of the adjoining footway.**

Reason: In the interests of highway safety.

Informatives:

- 1. **N03 - Adjoining property rights.**
- 2. **N04 - Rights of way.**
- 3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCCW2005/1559/F - PROPOSED DEMOLITION OF DETACHED GARAGE AND EXISTING EXTENSION AND ERECTION OF 3 NO. TWO BEDROOM HOUSES AT 14 BAGGALLAY STREET, HEREFORD, HR4 0DZ

**For: Mr. & Mrs. M. Field per David Edwards Associates,
Station Approach, Barrs Court, Hereford, HR1 1BB**

Date Received: 12th May 2005

Ward: Three Elms

Grid Ref: 49824, 40507

Expiry Date: 7th July 2005

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

1. Site Description and Proposal

- 1.1 The application site is comprised of a single storey semi-detached property and adjoining detached double garage located within an established residential area of Hereford.
- 1.2 The area is generally characterised by large detached and semi-detached dwellings, which range between two and three storeys with no overall defining architectural style.
- 1.3 The application seeks consent to demolish the garage and erect a pair of semi-detached dwellings and a two storey extension above the existing single storey element of 14 Baggallay Street.

2. Policies

2.1 Hereford Local Plan:

| | | |
|--------------|---|---|
| Policy ENV14 | - | Design |
| Policy H3 | - | Design of New Residential Development |
| Policy H12 | - | Established Residential Areas – Character and Amenity |
| Policy H14 | - | Established Residential Areas – Site Factors |

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

| | | |
|------------|---|--------------------------------|
| Policy DR1 | - | Design |
| Policy H1 | - | Hereford and the Market Towns |
| Policy H13 | - | Sustainable Residential Design |
| Policy H15 | - | Density |
| Policy H16 | - | Car Parking |

3. Planning History

None

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - no objection, subject to the imposition of standard sewerage conditions.

Internal Council Advice

- 4.2 The Traffic Manager has no objection, but suggests the omission of one parking space, supplemented for secure cycle storage to promote sustainable transport options.

5. Representations

- 5.1 Hereford City Council - Objection - The proposal is detrimental to the street scene and incompatible with the locality.

- 5.2 A letter of objection has been received from 16 Baggallay Street, summarised as follows:

- Loss of residential privacy.
- Noise disturbance.
- Loss of sunlight to the rear garden.
- Limited parking exists in the locality.

- 5.3 There was also a letter from the landlord for 12 Baggallay Street, which although generally supporting the application, referred to the need to protect a private right of way. However, this is a civil matter and is therefore not a material planning consideration.

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

6. Officers Appraisal

- 6.1 The principal considerations in determining this application are the impact on the character and appearance of the wider locality and the impact of the proposal on the residential amenity of the adjoining dwellings.

Design

- 6.2 The overall concept of the design has incorporated elements found within the wider area, which will allow the new dwellings to visually relate to the street scene. There is a reduction in ridge height between the elements, which helps the transition from the height of No. 12, which stands at three storeys and the lower height of No. 16, which has two storeys.
- 6.3 The proposed extension of 14 Baggallay Street incorporates the retention of an interesting and unusual bay window which contains large stained glass panels above which will rise a further two storeys set in line with the existing main fascia of No. 12. It

is therefore considered that the proposal accords with the objectives of Policies ENV14, H13 and H12 of the adopted Hereford Local Plan.

Residential Amenity

- 6.4 Although the proposed semi-detached dwellings will rise above the height of No. 16, it is not considered that the development will unacceptably overbear or give rise to a demonstrable loss of residential amenity.
- 6.5 The rear of the development has been designed to protect the residential amenity of the adjoining dwellings, with the balustrade for the balconies being stepped back behind a screen wall, which will limit oblique views across the immediate area to the rear of the adjoining properties. The three dwellings themselves will be served by private rear gardens, providing amenity space.

Highways

- 6.6 There are no highways objections to the development and it is not considered that the development will give rise to any unacceptable increase in traffic.
- 6.7 Following negotiations to remove one parking space, provision is made for five off-road parking spaces to the front of the property served by the existing crossover, to be supplemented by secure cycle storage.
- 6.8 Overall the proposal complies with the relevant policies in the Local Plan and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

- 5. F22 (No surface water to public sewer).**

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

- 6. The balustrade/handrail on the balconies marked with a cross on the approved plan shall be set back a minimum distance of 0.7 metres from the rear edge of those balconies and maintained as such at all times thereafter.
Reason: To protect the residential amenity of adjacent properties.

Informatives:

- 1. N01 - Access for all.
- 2. N03 - Adjoining property rights.
- 3. N04 - Rights of way.
- 4. N14 - Party Wall Act 1996.
- 5. The development site is crossed by a public sewer and no building should be erected within 3 metres either side of the centreline of that sewer. Therefore the applicant is advised to contact Welsh Water on 01443 331155 for further information.
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCCE2005/1687/F - REPLACEMENT DWELLING. THE FREELANDS, MITCHMORE, HOLME LACY, HEREFORDSHIRE, HR2 6LJ

For: Mr. R.N. Walker, Ashfield House, Dilwyn, Hereford, HR4 8OG

Date Received: 23rd May, 2005

Ward: Hollington

Grid Ref: 54056, 35668

Expiry Date: 18th July, 2005

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The site is located on the western side on an unmade track off Holme Lacy Road, approximately a quarter of a mile west of Holme Lacy. To the north is a bungalow, which has been significantly extended, and to the south is a semi-detached cottage. There are a number of other both new and older properties in the locality. Presently occupying the site is a three bedroom bungalow measuring 14 metres in length by 6.8 metres in width and constructed from rendered block walls under a concrete tile pitched roof. The group of properties is largely surrounded by agricultural land which is designated as an Area of Great Landscape Value and the site falls within open countryside for the purposes of planning policy.
- 1.2 The applicants propose the demolition of the existing bungalow and its replacement with a five bedroom two storey dwelling and a detached two-bay garage along with the change of use of agricultural land north west of the site to create a larger garden. The dwelling and garage are proposed to be constructed from brick under a slate roof with timber windows and doors. The application has been brought to committee at the local members request.

2. Policies

2.1 South Herefordshire District Local Plan:

- GD1 - General Development Criteria
- C1 - Development within the Open Countryside
- C8 - Development within AGLV
- SH14 - Siting and Design of Buildings
- SH21 - Replacement Dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S2 - Development Requirements
- DR1 - Design
- H7 - Housing in the Countryside Outside Settlements
- LA2 - Landscape Character in Areas Least Resilient to Change

3. Planning History

- 3.1 CE2005/0615/F - Replacement dwelling with detached garage and change of use of rear paddock to garden. Refused 14th April, 2005.

Refusal Reasons:

1. The proposal is contrary to Policy SH21 of the South Herefordshire District Local Plan, and Policy H7 of the Revised Deposit Draft Herefordshire Unitary Development Plan as the size and scale of the dwelling is not comparable with the existing bungalow.
2. The dwelling in terms of its volume, mass, height, design and siting is not in keeping with the character of the area and fails to safeguard the amenity of adjoining neighbours. As such the proposal is contrary to Policy GD1, C1, C8 and SH14 of the South Herefordshire District Local Plan and Policy DR1 of the Revised Deposit Draft Herefordshire Unitary Development Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Comments awaited.

Internal Council Advice

- 4.2 Traffic Manger: No objection.
- 4.3 Minerals & Waste Officer: No comment.

5. Representations

- 5.1 Holme Lacy Parish Council: Comments awaited.
- 5.2 Two letters of objection have been received thus far from Professor A.D. Valentine, Wood Meadows, Holme Lacy and Vanessa Cluett and Ray Blackshaw of Jade House, Holme Lacy. The main points raised are:
- The proposal is for an executive, estate style, massive five bedroom house with double garage which is totally out of keeping with the country location and far too large for the plot available;
 - The side wall and chimney stack of the proposed property is less than 3 metres from the boundary and 8.5 metres from the adjoining property and would block daylight and sunlight severely affecting our privacy;
 - The development is purely for financial gain;
 - It is only a matter of time before an application for a further property in the enlarged garden in the form of backland development is applied for;
 - A bungalow or chalet bungalow would be far more appropriate for the site and not affect our privacy, quality of life or property so drastically.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The site falls within the open countryside. Policy SH21 of the South Herefordshire District Local Plan permits replacement dwellings in the open countryside providing five criteria are met. These are:
1. Existing building is clearly recognisable as a permanent dwelling and has not been used for any other purpose since last occupied;
 2. The existing building is not of architectural or historic interest which it is desirable to retain;
 3. The replacement is of a size and scale similar to that of the original dwelling and is on the same site;
 4. The replacement has safe vehicular access and has no adverse effect on passing traffic;
 5. The replacement fulfils the criteria of GD1.
- 6.2 The existing bungalow is still being occupied residentially but is of no architectural or historic merit. As such criteria 1 and 2 of the relevant policy are satisfied. With regard to criteria 3, the most accurate method of assessing whether the replacement property is of a similar or comparable size to the existing is by undertaking a cubic volume comparison. The cubic volume of the existing bungalow is around 340 cubic metres (measured externally). The cubic volume of the proposed dwelling is 770 cubic metres (measured externally). This equates to a 128% increase in size from the existing to proposed. It is not considered that such a significant size increase could be regarded as a replacement of a size and scale similar to the original property as required by criteria 3 of Policy SH21. Whilst the applicant has reduced the size of the property from that which was refused on the 14th April 2005, the scale and mass of the replacement dwelling is still too large to comply with Policy SH21.
- 6.3 Objectors have also expressed concerns regarding the design of the dwelling in that it has an 'executive' appearance which is not appropriate for this rural location. The appearance of the dwelling is a concern but the alterations to the design undertaken by the applicants following the previous refusal along with the use of high quality natural materials should assist in softening the impact of the development in design terms. The siting of the dwelling has also been amended to follow the existing pattern of development in the locality. The revised siting also has the benefit of reducing the impact of the proposed property on the nearest neighbour immediately south of the site. However, the scale of the proposal is such that the proposed dwelling will still have an impact on the amenity presently enjoyed by this property.
- 6.4 There are no objections to the garage or to the change of use of part of the paddock north west of the site to enlarge the garden as this will follow the existing garden boundaries of adjoining properties and will have minimal impact on the Area of Great Landscape Value. The fears of objectors concerning additional residential development within the site are not founded, as there is a policy presumption against any new residential development in open countryside locations such as this.
- 6.5 Whilst a larger property than the existing bungalow could be supported and the applicants have reduced the size of the proposed dwelling a little, its volume, mass and height are still not considered to be in keeping with the character of the area and particularly with the requirements of Policy SH21 of the South Herefordshire District Local Plan concerning replacement dwellings.

RECOMMENDATION

That planning permission be refused for the following reason:

1. The proposal is contrary to Policy GD1 and SH21 of the South Herefordshire District Local Plan and Policy H7 of the Revised Deposit Draft Herefordshire Unitary Development Plan as the size and scale of the dwelling is not similar or comparable to the existing bungalow.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCCW2005/1609/O - DEMOLISH EXISTING BUILDING, REDEVELOP SITE AS 2 HOUSES AT 14 MOOR PARK ROAD, HEREFORD, HR4 0RR

For: Mr. & Mrs. Williams per Broadheath Consulting Ltd., Broadheath, Moreton on Lugg, Hereford, HR4 8DQ

Date Received: 16th May, 2005 Ward: Three Elms Grid Ref: 49059, 40846
Expiry Date: 11th July, 2005

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

1. Site Description and Proposal

1.1 No. 14 is located on the eastern side of Moor Park Road near its junction with Kings Acre Road.

1.2 The site presently contains a dormer bungalow with double garage. The plot measures approximately 25 metres wide by 27 metres deep. The proposal, in outline form, is to demolish all buildings on site and construct two houses. An indicative design and site layout identifying the potential to develop the site with two 4-bedroomed houses with integral garage is included with the planning application. However all matters of siting, design, external appearance, means of access and landscaping have been reserved for subsequent approval. Therefore, it is only the principle of development that is for consideration in this planning application.

2. Policies

2.1 National:

| | | |
|--------------|---|---|
| Policy ENV14 | - | Design |
| Policy H12 | - | Established Residential Areas – Character and Amenity |
| Policy H13 | - | Established Residential Areas – Loss of Features |
| Policy H14 | - | Established Residential Areas – Site Factors |
| Policy T5 | - | Car Parking |

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

| | | |
|------------|---|--------------------------|
| Policy S1 | - | Sustainable Development |
| Policy S2 | - | Development Requirements |
| Policy S6 | - | Transport |
| Policy DR1 | - | Design |
| Policy DR2 | - | Land Use and Activity |
| Policy DR3 | - | Movement |
| Policy DR4 | - | Environment |

3. Planning History

3.1 No recent planning history.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Traffic Manager recommends conditions.

5. Representations

5.1 Hereford City Council - no objection.

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

1. The development will overlook the private gardens of adjoining dwellings, therefore impeding of the amenity of nearby residents.
2. The existing dwelling is in good order in well established gardens and should be retained.
3. The new development would spoil the character of the area and be out of keeping with this established residential area.
4. Light into adjoining dwellings will be impacted by these new dwellings.
5. The sewage system has difficulty coping with the present outflow.
6. The street does not have high density housing, therefore this will be out of keeping.
7. Any new build would be close to the boundary of adjoining properties and impact on light and amenity.
8. Concerns over the scale and height of the proposed development on adjoining bungalows.
9. The plans submitted show a design that is not compatible with the area.
10. Limited car parking leading to on-street parking.
11. This could set a precedent in the locality.

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

6. Officers Appraisal

6.1 This site is located within an established residential area of Kings Acre as identified in the Hereford Local Plan and Herefordshire Unitary Development Plan where the principle of development is accepted subject to criteria relating to:

- (a) Site characteristics.
 - (b) Protect and incorporate significant site features.
 - (c) Respect the character and quality of the local environment and adjoining buildings.
 - (d) Be in accordance with other policies of the plan.
- 6.2 The application site measures 0.08 hectares where the demolition of one dwelling and replacement of two equates to a density of 25 dwellings to the hectare. Members will be aware that this is below the guidance set down in PPG3 – Housing, however due to the low density of development in this area an increase above the 30 dwellings threshold is not considered appropriate in this instance. Therefore, although concerns have been raised over the density and character of the area it is considered that a re-development with two dwellings would be acceptable. There are also no significant site features worthy of protection and the locality is generally characterised by a mix of detached and semi-detached properties.
- 6.3 The other concerns raised by local residents have related to the indicative plans submitted. It should be remembered that the application is in outline form with all matters reserved and the issues raised can be covered when the designs of the new dwellings are submitted under a Reserved Matters application should this proposal be approved.
- 6.4 Finally, it should be noted that the Council's Traffic Manager raises no objection to re-development of the site subject to conditions outlined in the recommendation.

RECOMMENDATION

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

- 1. A02 (Time limit for submission of reserved matters (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. A03 (Time limit for commencement (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3. A04 (Approval of reserved matters).**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4. A05 (Plans and particulars of reserved matters).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5. H08 (Access closure).**

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

6. H09 (Driveway gradient).

Reason: In the interests of highway safety.

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

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**13 DCCE2005/1583/F - PROPOSED BUNGALOW FOR
DEPENDANT RELATIVE AT 2 PARK VIEW,
BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1
4BX**

**For: Mr. & Mrs. L. Williams, per Mr. J.W. Locke, 24
Hopton Close, Bartestree, Hereford, HR1 4DQ**

Date Received: 16th May, 2005

Ward: Hagley

Grid Ref: 56094, 41220

Expiry Date: 11th July, 2005

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a single storey dependent residential annexe in the rear garden area of 2 Parkview, Bartestree. The application site is located within the settlement boundary of Bartestree and is sited to the north of the main A438 through the village. The existing property is a typical mid 20th Century semi-detached dwelling house. To the west is found New Inn, a Grade II Listed Building utilised as a Public House. To the east and north is a modern residential development.
- 1.2 The proposal involves the erection of a detached annexe to provide accommodation for a dependent relative. The building is intended to be sited approximately half way down the rear garden area, adjacent to the eastern boundary. Traditional detached outbuildings, now removed, were previously located in the proposed site for the new building. The proposed building is intended to provide a bedroom, kitchen, toilet and lounge in a building 5.3 metres deep by 11.6 metres wide. The proposal involves a double pitched roof running parallel with the boundary. The eaves height is 2.4 metres and the height to ridge 4.4 metres. The proposal would be constructed in brick and tile.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
PPG15 - Planning and the Historic Environment

2.2 South Herefordshire District Local Plan

- GD1 - General development criteria
C29 - Setting of a listed building
SH23 - Extensions to dwellings
T3 - Highway safety requirements
T4 - Highway and car parking standards

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

| | | |
|------|---|-------------------------------|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| S6 | - | Transport |
| S7 | - | Natural and historic heritage |
| DR1 | - | Design |
| H18 | - | Alterations and extensions |
| HBA4 | - | Setting of listed buildings |

3. Planning History

DCCE2002/1606/F: Extension to form lounge/utility with bedroom and en-suite – Approved, 12th July, 2002

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Conservation Manager – No Objection

4.3 Traffic Manager – No objection subject to conditions

5. Representations

5.1 Lugwardine Parish Council – No objections

5.2 Local Residents – A letter was received from the following source raising no objection to the proposal:

- 9 Wilcroft Park, Bartestree

5.3 A further three letters objecting to this proposal have been received from the following sources:

- Mr. and Mrs. Birch, 5 Wilcroft Park, Bartestree;
- M. Louis, 3 Wilcroft Park, Bartestree;
- Mr. and Mrs. Harrison, 7 Wilcroft Park, Bartestree

The points raised can be summarised as follows:

1. Access for emergency vehicles;
2. Construction and maintenance issues;
3. Loss of privacy;
4. Impact on property values;
5. Loss of view;
6. Need to tie annexe to main dwelling through a covenant;
7. Damage to third party property;
8. Impact of existing hedging;
9. Noise and disturbance caused by construction;
10. Loss of light.

A further two letters have been received from Mr. D. James, acting on behalf of his relatives living at 1 Wilcroft, Bartestree. No objection is specifically made but the comment was made that the existing hedge is a cause for concern.

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

6. Officers Appraisal

6.1 It is considered that the following issues represent the main issues in the consideration of this application:

1. Principle of Development;
2. Design and Scale;
3. Residential Amenities;
4. Visual Amenities;
5. Highway Issues.

Each of these matters will be considered individually.

Principle of Development

6.2 At a fundamental level this proposal represents residential development within the settlement boundary of Bartestree and as such is not considered inappropriate development in this location. South Herefordshire District Local Plan Policy SH23 and Herefordshire Unitary Development Plan Policy H18 relate principally to residential extensions. However, these policies provide suitable considerations for the assessment of a detached outbuilding such as is proposed in this application. These policies advise that proposals should be in scale and in keeping with the character of the existing building and its surroundings, provide for any increase in car parking provision, have regard to the amenities of nearby residential properties, and be in keeping with the overall character of the area.

6.3 South Herefordshire District Local Plan Policy GD1 and Herefordshire Unitary Development Plan Policy DR1 relate to the design of new development. The importance of securing appropriately designed new development is emphasised.

6.4 In consideration of the above policies it is considered that there are no fundamental policy objections to the proposed development. The application is therefore considered acceptable in principle with the acceptability or otherwise of this scheme resting in the details.

Design and Scale

6.5 The proposal as originally submitted called for a design concept that was considered excessive. The original scheme had the appearance of a single storey dwelling house which is inappropriate for a secondary structure such as an annexe. A revised scheme was requested and received demonstrating a 'toned down' proposal that would not compete visually with other structures in the area and will appear as the secondary ancillary structure it is. The building is relatively large for a curtilage structure but it is considered that the site has sufficient space to accommodate the building. It is considered that the new building will appear as a subservient structure of a size appropriate for the site and the associated primary buildings.

Residential Amenities

6.6 The building is not sited so as to cause concern in relation to the loss of light or an overbearing impact upon adjoining neighbouring land users. Privacy is, however, an issue and the scheme as originally submitted was cause for concern due to the location of openings, specifically a rear rooflight and a north facing habitable opening. The rooflight was the more minor of the two with the most likely concern relating to the occupier of the annexe, rather than neighbours, due to the relative position of openings. The opening to the north, originally serving a second bedroom now removed, was of greater concern due to its relationship with the neighbouring property to the north which offers more direct overlooking than found elsewhere. Again, the occupier of the annexe was the more likely to be harmed by this opening but in the interests of both parties the opening was removed. The proposal therefore has habitable openings in the west facing elevation only. The relationship between the annexe and 1 Parkview is such that direct inter-visibility will not occur and the distances and single storey nature of the proposal will ensure a minimised impact upon this neighbour. A two metre boundary fence, together with a large conifer hedge further down the boundary, is currently found in situ and this is considered sufficient to ensure an acceptable degree of privacy of both parties. Notwithstanding this, a condition relating to boundary treatment will be attached to ensure this privacy is maintained.

Visual Amenities

6.7 Limited views will be afforded to this building and this, together with the design revisions secured, will ensure that the proposal does not detract from the visual amenities of the locality. The Conservation Manager is satisfied that no adverse impact will result upon the nearby Listed Building.

Highway issues

6.8 As the property is for a dependent relative it is considered that minimal traffic generation will result. Three parking spaces can be accommodated to the front of the property. The visibility is substandard to the left on exit but as intensification is limited the situation will remain little different to that currently found on site and as such not substantial grounds for a refusal.

'Fall Back' Position

6.9 When a refused application is Appealed against the 'fall back' position is considered. Namely, the development that could be undertaken without the need for planning permission, or that which is possible with an extant permission. In this instance it is of note that this proposal is located in excess of 5 metres away from the existing dwelling house. An outbuilding for purposes ancillary (though not a self-contained annexe) to the use of the main dwelling could therefore be built in this location, to this scale, but 0.4 metres lower in height, without the need for planning permission.

Other Issues

6.10 In relation to the points raised by local residents not addressed in the previous sections of this report, it is advised that loss of property values is not a planning issue in this instance. Damage to third party property and nuisance caused by existing hedging are matters tackled through alternative legislation and not issues for consideration in the

context of this application. Disturbance during construction will be minimised through and appropriate condition. It is also advised that although the impact of a proposal upon visual amenities is a very important consideration, nobody has a right to a view. Finally, the need for a covenant to tie this annexe to the main dwelling was stated. It is acknowledged that this is a wholly inappropriate location for an independent dwelling house, however, a condition rather than a covenant will be used to ensure that this building remains an ancillary building to 2 Parkview.

Conclusion

6.11 On balance it is considered that this development represents an appropriate development of a suitable design and scale for the location and with a residential and visual amenity impact that is within acceptable limits. A condition will ensure its retention as an ancillary building in perpetuity.

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. A09 (Amended plans)

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

4. B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

5. E15 (Restriction on separate sale)

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

6. E18 (No new windows in specified elevation)

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

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

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

- 8. The parking facilities associated with the application site shall be retained and kept available for such use.

Reason: In the interests of highway safety.

- 9. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 10. G01 (Details of boundary treatments)

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCCE2005/1642/F - DEMOLITION OF EXISTING GARAGE. CONSTRUCTION OF SINGLE STOREY EXTENSION TO REAR OF EXISTING BUILDING. LLAMEDOS, PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PB

For: Mr. & Mrs. Alder per RRA Architects, Packers House, 25 West Street, Hereford, HR4 0BX

Date Received: 19th May, 2005 Ward: Hagley Grid Ref: 55784, 47097

Expiry Date: 14th July, 2005

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a single storey side extension to Llamedos, Preston Wynne. The application site is located in Preston Wynne, an open countryside location for the purposes of planning policy. A single storey dwelling house with attached garage to the side is currently found on site.
- 1.2 The proposal seeks permission for the erection of a contemporary single storey addition. The existing garage is to be removed as part of this development. The proposal involves a rear addition with timber cladding on the east facing elevation and glazing to the south and west.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
PPG15 - Planning and the Historic Environment

2.2 South Herefordshire District Local Plan:

- GD1 - General Development Criteria
C29 - Setting of a Listed Building
SH23 - Extensions to Dwellings
T3 - Highway Safety Requirements
T4 - Highway and Car Parking Standards

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable Development
S2 - Development Requirements
S7 - Natural and Historic Heritage
DR1 - Design
H18 - Alterations and Extensions
HBA6 - New Development within Conservation Areas

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objections.

5. Representations

5.1 Preston Wynne Parish Council: No objection.

5.2 Local Residents: One letter of objection has been received raising the following points:

- Boundary line is incorrectly drawn;
- Building is over neighbour's land;
- Loss of privacy.

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

6. Officers Appraisal

6.1 It is considered that the following points represent the key issues associated with this application:

1. Principle of Development;
2. Design and Scale;
3. Residential Amenities;
4. Visual Amenities;

Each of these issues will be considered individually.

Principle of Development

6.2 South Herefordshire District Local Plan Policy SH23 and Herefordshire Unitary Development Plan Policy H18 relate to residential extensions. These policies advise that additions should be in scale and in keeping with the character of the existing building and its surroundings, provide for any increase in car parking provision, have regard to the amenities of nearby residential properties, and be in keeping with the overall character of the area.

6.3 South Herefordshire Local Plan Policy GD1 and Herefordshire Unitary Development Plan Policy DR1 relate to the design of new development. The importance of securing appropriately designed new development is emphasised.

- 6.4 In consideration of the above policies it is considered that there are no fundamental policy objections to the proposed development. The application is therefore considered acceptable in principle with the acceptability or otherwise of this scheme resting in the details.

Design and Scale

- 6.5 This application seeks a contemporary design solution. Planning policy for house extensions advises that new development should be in keeping with the existing character of the area and associated dwelling. The existing property is a typical bungalow from the middle of the last century. A more traditional addition to reflect this could be secured, however, it is considered that being 'in keeping' prevents a contemporary design approach where the design is considered appropriate for the location. It is considered that this contemporary design approach will actually improve the architectural interest of this property and from a scale perspective the contemporary approach secures floor space that would be more difficult to successfully secure with a traditional design approach. By virtue of being an appropriate design solution it is considered that this addition is indeed in keeping with the associated dwelling house. The scale and siting are considered appropriate in the context of the existing dwelling house.

Residential Amenities

- 6.6 It is considered that the siting of this addition is such that the principal property of concern from a residential amenity perspective is that of Cleeve Lodge, located to the east of the application site. The proposal is to be sited adjacent to the boundary with this property but the contemporary design solution maintains a relatively low roof height of 3.1 metres and as such it is not considered that the overbearing impact and light loss associated with this addition will be beyond acceptable limits. In relation to privacy, two bathroom openings are proposed together with a high level bedroom window strip opening. These openings will be conditioned for obscure glazing to ensure the privacy of the adjacent landowner. Turning to the west, it is considered that Rose Cottage is of a sufficient distance to ensure its privacy and the existing landscaping provides an effective screen between these properties. Notwithstanding this, a condition requiring agreement of boundary treatment is proposed.

Visual Amenities

- 6.7 The siting of this addition ensures limited views from the roadway will be afforded to it. The design has already been noted for its acceptability and in light of this, and in consideration of the character and appearance of the locality, it is considered that the visual amenities of the locality will be preserved through this development.

Conclusion

- 6.8 It is considered that this application represents a scheme of architectural merit that will enhance the character and appearance of the existing dwelling. It is considered that the design is appropriate and the scale and siting acceptable having regard to visual and residential amenities.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 E17 (No windows in side elevation of extension)

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

4 E19 (Obscure glazing to windows)

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

5 G01 (Details of boundary treatments)

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

Informatives:

1 N03 - Adjoining property rights

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

15 DCCE2005/1130/RM - PROPOSED RESIDENTIAL DEVELOPMENT MIX OF 2,3,4 AND 5 BED HOUSES, FLATS, CAR PARKING/ GARAGES, ROADS AND SEWERS THERETO AND LANDSCAPING (PHASE 2) LAND AT BRADBURY LINES, BULLINGHAM LANE, HEREFORD

For: Andrew Bowen, per George Wimpey South West, Copse Wood, Cardiff Gate Bus Park, Cardiff

Date Received: 11th April, 2005 Ward: St. Martins & Hinton Grid Ref: 51054, 38173

Expiry Date: 6th June, 2005

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

1. Site Description and Proposal

- 1.1 The site forms part of the former SAS Camp known as Bradbury Lines south of the city and falls between Hoarwithy Road to the east and Web Tree Avenue to the north. Semi-detached properties border the north eastern corner of the site along with mature/semi mature trees with the remainder of the site being relatively open. Ground levels fall away from the site to the north and east and fall from north to south within the site.
- 1.2 Outline planning permission for a mixed use development to provide housing, open space, community and local retail facilities was issued on the 10th February, 2005 following committee approval in December 2003. The master plan associated with this outline envisaging a three phased development. Two permissions totalling 160 dwellings were approved in June 2004 comprising Phase 1 of the development and work is progressing on the construction of these units. This application, although not described as such, is essentially Phase 2a of the development and is for the construction of 134 dwellings. It includes details of the siting, design and external appearance of the dwellings along with the areas of open space and landscaping, internal infrastructure and associated vehicular parking areas. A separate application for the principal infrastructure routes through the site has been submitted (reference DCCE2005/1463/RM). The housing mix is as follows:

| | 1-bed | 2-bed | 3-bed | 4-bed | 5-bed |
|--|-------|-------|-------|-------|-------|
| Private housing | 3 | 7 | 33 | 26 | 17 |
| Affordable housing (for rent and shared ownership) | 0 | 17 | 4 | 3 | 0 |
| Low cost market housing | 3 | 17 | 4 | 0 | 0 |
| TOTAL | 6 | 41 | 41 | 29 | 17 |

2. Policies

2.1 Planning Policy Guidance:

- PPS1 - Delivering Sustainable Development
- PPG3 - Housing
- PPG13- Transport

2.2 Hereford Local Plan:

- ENV9 - Energy Conservation
- ENV14- Design
- ENV16- Landscaping
- H3 - Design of New Residential Developments
- H4 - Residential Roads
- H5 - Public Open Space Provision in Larger Schemes
- H7 - Communal Open Space
- H8 - Affordable Housing
- H12 - Established Residential Areas – character and amenity
- H14 - Established Residential Areas – site factors
- T11 - Pedestrian Provision
- T12 - Cyclist Provision
- T13 - Pedestrian and Cycle Routes
- R4 - Outdoor Playing Space Standards
- R8 - Children’s Play Areas

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- H2 - Hereford and the Market Towns: Housing Land Allocations
- H9 - Affordable Housing
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Car Parking
- H19 - Open Space Requirements
- T6 - Walking
- T7 - Cycling
- T11 - Parking Provision
- RST3 - Standards for Outdoor Playing and Public Open Space

3. Planning History

- 3.1 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 10th February, 2005
- 3.2 DCCE2005/1463/RM - Principal roads and drainage infrastructure (Phase 2). Application undetermined.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Recommends condition concerning foul and surface water drainage.
- 4.2 Environment Agency: No objection.
- 4.3 Highways Agency:

Based on the increased density proposed there is approximately 3.4 hectares of remaining development land, which continuing the current density would take the total site to over 600 dwellings. The Highways Agency is concerned that the trip rates presented are considerably lower than the accepted trip rates in the traffic assessment associated with the original outline permission to justify the 500 units and are not representative of the proposed development site. The agency therefore request that the applicants undertake an assessment based upon a combination of the agreed trip rates and a trip rate for the 36% approved affordable housing i.e 64/36% split.

- 4.4 In addition, the signal scheme identified for the A49 Bullingham Lane junction has capacity problems with 500 units due to revisions to improve pedestrian crossing facilities. The Agency is concerned that any further increase in traffic will exacerbate these problems and mean the signals would not appropriately mitigate the impact of the proposed development. Further work is required on the signal scheme to ensure that the signals can cope with any increase in traffic generation. The master plan for this site has materially changed and the Agency needs to understand what these changes are, what effect they are likely to have upon the safe and free flow of traffic upon the trunk road. In view of the above concerns, the Agency have issued a TR110 form preventing the council from granting planning permission.

Internal Council Advice

- 4.5 Traffic Manager: No principle objections but some changes are likely to be necessary to the internal road layouts. Comments awaited on amended plans.
- 4.6 Conservation Manager: Advises that there are no comments/objections to the archaeological and ecological aspects of the development.
- 4.7 Landscape Officer: The planning layout which appears to reflect the landscape concept and strategy agreed with outline masterplan. Additional details or control over the specific landscape scheme is required. Comments awaited on amended plans.
- 4.8 Environmental Health and Trading Standards Manager: No objection subject to condition restricting working hours (already imposed on outline permission).

- 4.9 Drainage Engineer: Consulting engineer HSL have identified the site as being part of the overall development and as such the drainage requirements have been taken into account and included within the appropriate surface water drainage strategy. I therefore have no objections or further comment to make on the proposals.
- 4.10 Forward Planning Manager: Paragraph 5.4.7 of the UDP (Revised Deposit Draft) highlights the requirement of any proposals submitted for the development site, including open space, community facilities and affordable housing. Any development will be expected to deliver 36% affordable housing. Regarding density, Policy H15 seeks a target of at least 30 dwellings per hectare. The proposed development of 134 dwellings on 3.12 hectare site equates to 42.9 dwellings per hectare which is in accordance with local and national planning policy. However, the outline application submitted for the development as a whole contained a developers master plan outlining a total of 500 dwellings, which reflects the allocation of 500 dwellings within the specified Policy H2. Given that this figure of 500 was one set out by the developers as part of the original overall application along with public open space, community facilities, the densities on the piecemeal reserved matters applications will need to be carefully assessed to ensure conformity with the outline permission.

Policy H19, regarding open space requirements, stipulates that residential development will be required to incorporate outdoor playing space and public open space in accordance with the minimum standards set out in Policy RST3. For schemes in excess of 60 dwellings, proposals will be expected to be provided with a small children's/infants' play area, properly equipped and fenced, an older children's play space, and, an outdoor playing space for youth and adult use and public open space to at least the minimum standard. This development was intended by the Council to be produced on a comprehensive basis as opposed to a piecemeal approach. The consequence of such a piecemeal approach is that comment on open space provision is difficult due to separate applications being submitted for various areas of the development.

- 4.11 Strategic Housing Manager: We are looking for a wide range of house types similar to that provided in Phase 1 to meet the range of needs of the people of Herefordshire. The overall numbers of affordable homes follows the requirements of the 106 Agreement associated with the outline permission. The mixed proposed is not yet detailed enough for agreement, we need further details of the rent/shared ownership split. There is also a distinct lack of 2-bedroom bungalows which are needed in Hereford. We are seeking four 2-bedroom bungalows from Phase 2 mirroring those provided in Phase 1. These can be provided across Phase 2 as a whole. There is a reasonable locational spread of the affordable housing across the development. Comments awaited on amended plans.
- 4.12 Parks and Countryside Manager: No comments received.

5. Representations

- 5.1 Hereford City Council: No objections. Comments awaited on amended plans.
- 5.2 Lower Bullingham Parish Council: The Parish Council is concerned about density, open space and traffic matters and is worried about the piecemeal way in which the applications have been submitted. There is such a great deal of detail in the drawings submitted that it is difficult to understand many of the proposals. However, since all matters that concern the Council density, open space and traffic have all been

previously approved there is little that the Parish Council can comment upon. Comments awaited on amended plans.

5.2 Two letters of objection along with a third letter accompanied by a petition signed by four dwellings (64-70 Web Tree Avenue) which border the site have been received. The main points raised are:

- We object to the location of the playground adjacent to our properties as it is elevated well above our gardens removing our privacy, it abuts our rear fences which will end up being used to kick balls against causing noise nuisance, undesirable teenagers may use the playground swearing and throwing items into our gardens until late hours of the night and the playground will allow easy access for burglars to raid our properties.
- Existing trees on the site of the playground provide privacy, if removed the new houses on top of the slope will look down into our bedroom windows.
- The playground is not for our use yet it directly effects us, if a playground must be built it should be built next to the houses that will benefit from it.
- The initial planning application identified an undisturbed wooded area adjacent to our properties.
- At a public meeting with Wimpeys, it was agreed that slab levels of existing dwellings would be the same as adjoining properties. The housing already built and proposed is to be three to four times higher than the levels of adjoining properties which is totally unacceptable and would invade our privacy.
- The present capacity of the storm drain and sewerage system in the area is inadequate. The extra load created by the development will only compound the problem.
- Additional traffic via the Hoarwithy Road junction will create chaos.
- Wimpeys have gone ahead with the development without little regard for neighbouring properties or for Hereford Planning Department. Plot No. 223 to the rear of 38-40 Hoarwithy Road is a three floored dwelling measuring 10 metres in height. Being so close to the boundary, it will undoubtedly dominate the skyline of the properties in the locality particularly if the finished floor level is much higher than those of existing properties.
- No details are provided of the landscape planting for the boundaries or any additional screening proposed. This is required to provide some privacy for existing properties bordering the site.

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

6. Officers Appraisal

6.1 The application site has the benefit of outline planning permission and is also allocated within the Unitary Development Plan for residential development. As such the principle of the development is acceptable. The key issues for consideration are as follows:

1. Density and Highway Impact
2. Layout, Design and Materials
3. Housing Mix and Affordable housing
4. Infrastructure
5. Open Space and Landscaping
6. Conclusion

Density and Highway Impact

- 6.2 The site lies near the southern fringes of Hereford City and cannot be regarded as a town centre or edge of centre location. As such it would not be appropriate to have a very high-density development (i.e. 50 dwellings per hectare) on this site. Nevertheless, the site is classified as brownfield; Policy H15 requires the efficient use of previously developed land and sets an indicative minimum net density of 30 dwellings per hectare. The proposed development is at a density of 42.9 dwellings per hectare, which is at the upper limit of what is considered appropriate for this site given its location.
- 6.3 Members should be aware that the master plan envisaged that the site would be developed for around 500 houses and this figure is identified within Policy H2 of the UDP. Wimpey's being the site owner have identified that the site may have additional capacity through developing at a higher density and are now working towards the development of around 600 dwellings based upon the density of both approved and proposed phases. Neither the outline planning permission or legal agreement identified a specific number of units and therefore there is some flexibility over the numbers. This is subject to firstly, a satisfactory residential environment being created in terms of the layout, housing scales, design and materials, infrastructure, level of open space and secondly, the traffic assessment and more specifically junction capacity and the highway network being able to accommodate the possible additional traffic.
- 6.4 The total number of approved and proposed dwellings does not yet exceed the figure of 500. However, the Highways Agency is presently objecting to the application due to concerns over the capacity of the A49 Bullingham Lane junction, which is the only vehicular access to the site. The access on to Hoarwithy Road is for use by buses only and will be restricted using a bus gate system. Information has been provided to justify the higher density and the Highways Agency are at present unhappy with the trip generation data provided and secondly, have concerns with the signal arrangements for the principal junction to the site on the A49. Discussions are on going between the various parties and further information on this matter will be reported to Members at Committee. If the junction capacity is ultimately a total of 500 units, this could leave around 3.4 hectares of land to be developed for 76 dwellings at a density of 22 units per hectare.

Layout, Design and Materials

- 6.5 The acceptability or otherwise of a higher density is only appropriate if the overall layout is successful. The layout has been almost entirely redesigned to take on board concerns expressed by your Officers, Highways and objectors. The principle theme of the layout is that properties generally front on to and address the roads and central park with parking and gardens to the rear. This assists in creating a sense of place and gives the development a greater degree of enclosure. A number of the gardens are relatively small, however, this must be accepted if a more efficient use of the land is to be achieved and window-to-window relationships are generally within acceptable tolerances. Concerns remain regarding the proximity of some of the properties in the north eastern corner of the site to existing dwellings on Web Tree Avenue and Hoarwithy Road. This is particularly the case as slab levels are likely to be considerably higher than garden levels within properties adjoining the site. This issue could be resolved through changing some of the properties nearest the boundaries to bungalows as has occurred elsewhere along the Web Tree Avenue boundary. This

will also broaden the mix of house types within the site and the conclusion and recommendation below reflect the desire to secure further amendments to the layout.

- 6.6 Eighteen different house types are proposed including one-bedroom apartments, two-storey dwellings, 2 ½ and 3 storey town houses as well as more conventional dwellings. This will ensure an interesting and diverse residential environment is created subject to a careful palate of materials being selected. The materials identified thus far are to be predominantly brick under a tile roof interspersed with some render. The designs are fairly typical of a development of this size but in general, they follow Hereford's vernacular.

Housing Mix and Affordable Housing

- 6.7 The mix of house types is generally acceptable although a higher proportion of 1 and 2-bed private housing would be desirable particularly as the need for a higher number of smaller units was identified when approval was given for the Phase 1a and 1b developments which are currently under construction. Thirty-six percent of the total number of dwellings are also to be affordable dwellings as required by the 106 Agreement associated with the outline application. This creates a total of 48 units with 12 being available for rent, 12 available for shared ownership and 24 as subsidised open market housing. Strategic Housing are still evaluating the specific mix of affordable provided in terms of size and type of each unit and whether it meets the Housing Corporation Scheme Development Standards as in phase 1. They have specifically identified a need for at least two 2-bedroom bungalows to be provided within this site. This, as outlined earlier, could be provided along the boundaries with existing properties. The affordable units are to be pepper potted around the site, which is acceptable to Strategic Housing and creates a more integrated community.

Infrastructure

- 6.8 An informal internal road network is proposed following the home zone principle. This is where pedestrians have equal priority with cars, there is no pavement delineation and traffic speeds are reduced through a more tortuous alignment of roads and strategically positioned houses and street furniture. This form of layout avoids the development being visually dominated by the highway network. The site is also to be relatively permeable with strategically placed cycle and footpaths allowing both access through the site and linking the development with the surrounding areas including the central park area. With regard drainage, Welsh Water have not identified any capacity issues with regards foul drainage and the surface water infrastructure is considered satisfactory to the councils drainage engineer.

Open Space and Landscaping

- 6.9 The landscape strategy for the site has been amended to be more in line with that envisaged when the master plan was produced. This being a large area of open space along the eastern boundary with Hoarwithy Road and landscape strips of tree lined avenues radiating out from the central open space. Properties fronting the central park are also set back to allow additional landscaping creating a softer transition from the park to the high-density development. Additional native tree planting is also proposed along the north eastern boundary where there are existing dwellings in order to provide additional privacy for these properties. Whilst the specific planting schedule has not yet been submitted for the approval of the Landscape Officer, no objection is raised thus far.

6.10 The outline planning permission identified a total of 10 suitably equipped toddlers play areas be provided across the development as a whole in addition to the central open space and multi user games area. On this basis, two such areas should be provided within this application. However, it has been agreed that only one such area needs to be provided on the basis that additional tree planting following the landscape master plan is identified, this has been achieved. Through the revisions already made the local area of play (LAP) has been moved away from the boundary as requested by objectors. The LAP is overlooked by dwellings, which will provide passive surveillance minimising the risk of anti-social behaviour. The location of the LAP is also considered to be the most appropriate given it is the furthest point away from central park and other play facilities. The applicants do not propose to develop this area with any form of play equipment. This is not acceptable given that it is the only such area serving the northern part of the site and therefore amended plans are required identifying this area being suitably equipped with a range of toddlers play equipment.

Conclusion

6.11 The amended layout is subject to a re-consultation exercise and in light of the late receipt of the plans; comments are still awaited from key consultees including the Parish Council, adjoining residents, Highways and Strategic Housing. However, the general principles identified on the amended layout are considered acceptable and satisfy the necessary policy requirements subject to the further amendments identified within this report being addressed. These include the provision of bungalows along the north eastern boundary, the equipping of the play area and further landscape and tree planting details including a tree survey. The decision taken on the application will also be subject to the resolution of the Highways Agency concerns regarding the density and junction capacity.

RECOMMENDATION

Subject to the receipt of suitably amended plans, no further objections raising additional material planning considerations by the end of the consultation period and the Highways Agency objection being overcome the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers.

Informatives:

- 1 The applicants attention is drawn to conditions attached to Outline Planning Consent reference CE2001/2757/O which require further details to be submitted and agreed prior to commencement of the development.**
- 2 N02 - Section 106 Obligation**
- 3 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

