

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 27th July, 2005**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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# AGENDA

## for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 12
To approve and sign the Minutes of the meeting held on 29th June, 2005.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	
To note the Council's current position in respect of planning appeals for the central area.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
<b>5. DCCE2005/1917/F - 30A NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LL</b>	13 - 18
Conversion of single storey workshop into one bedroom dwelling.	
<b>6. DCCW2005/1834/F - 40 BLACKMARSTON ROAD, HEREFORD, HR2 7AJ</b>	19 - 24
Construction of two storey dwelling attached to existing property.	
<b>7. DCCW2005/1521/F - HEREFORD RUGBY FOOTBALL CLUB, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0PH</b>	25 - 30

	Proposed 25m high lattice tower equipped with 3 antennas, 2 no. 600mm transmission dishes, 2 ground based equipment cabinets and ancillary development thereto.	
8.	<b>DCCW2005/1908/F - 4 AMYAND DRIVE, HEREFORD, HEREFORDSHIRE, HR4 0LU</b>	31 - 36
	Demolition of existing conservatory and garage, erection of two storey extension to side and conservatory to rear.	
9.	<b>DCCE2005/1572/F - LAND ADJACENT TO THE GREEN, WITHINGTON, HEREFORDSHIRE</b>	37 - 44
	Demolition of existing single storey pre-fabricated structure and erection of proposed new house and ancillary garage.	
10.	<b>DCCE2005/1994/F - FLAT 5, 50 HAFOD ROAD, HEREFORD, HEREFORDSHIRE, HR1 1SQ</b>	45 - 50
	Proposed conservatory to rear of property.	
11.	<b>DCCE2005/0915/F - UNIT A2, BROOK RETAIL PARK, HEREFORD</b>	51 - 58
	Variation of condition 2 of Planning Permission HC/970294/PF/E to allow the sale of further goods.	
12.	<b>[A] DCCE2005/1271/F AND [B] DCCE2005/1281/L - 51,52,52A,&amp;52B COMMERCIAL STREET AND 3A,3B,&amp;3C UNION STREET [AND LAND BETWEEN], HEREFORD, HEREFORDSHIRE</b>	59 - 78
	Demolition of listed & non-listed buildings, erection of two/three storey building to provide new retail use, restaurant and 11 no. flats.	
13.	<b>DCCE2005/1230/RM - SITE ADJACENT 104 BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY</b>	79 - 90
	Construction of 129 dwellings, provision of public open space, and associated works.	
14.	<b>DATE OF NEXT MEETING</b>	
	The date of the next scheduled meeting is 24th August, 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, 29th June, 2005 at 2.00 p.m.**

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

**Councillors:** Mrs. P.A. Andrews, Mrs. W.U. Attfield, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, W.J.S. Thomas, Ms. A.M. Toon and R.M. Wilson

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

**10. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. E.M. Bew, Ms. G.A. Powell, G.V. Hyde, R.I. Matthews, Miss F. Short, W.J. Walling, D.B. Wilcox and A.L. Williams.

**11. DECLARATIONS OF INTEREST**

The following declaration of interest was made:

<b>Councillors</b>	<b>Item</b>	<b>Interest</b>
A.C.R. Chappell	Agenda Item 8 - DCCE2005/1501/F – Demolition of existing dwelling and erection of 7 apartments with associated car parking at: <b>Midway House, Fir Tree Lane, Rotherwas, Hereford, Herefordshire, HR2 6LA</b>	Declared a personal interest.

**12. MINUTES**

**RESOLVED:**

**That the Minutes of the meeting held on 1st June, 2005 be approved as a correct record and signed by the Chairman.**

**13. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee received an information report in respect of the planning appeals for the central area.

**RESOLVED:**

**That the report be noted.**

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

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

The Central Team Leader reported the receipt of correspondence from Councillor D.B. Wilcox and summarised its contents; Councillor Wilcox had indicated that he was satisfied with the up-dated report and the proposed amended condition.

Councillor Mrs. P.A. Andrews, a Local Member, felt that the views of the Local Members were most relevant to this application. She noted the work undertaken by the Principal Environmental Health Officer but felt that the concerns resulting from this application provided an object lesson regarding the difficulties of having industrial and residential uses in such close proximity. Councillor Mrs. Andrews noted that the Sub-Committee had given careful consideration to conditions attached to planning application CW2003/0620/F and did not feel that there was any reason to change them. Councillors Mrs. S.P.A. Daniels and Ms. A.M. Toon, the other Local Members, endorsed these views.

The Principal Environmental Health Officer noted the concerns of Members but emphasised that the intrusive noise experienced by local residents was most likely from the printing and extrusion process at Gelpack and not from the silos and feed-pipes to which this application related. He explained that, given the dominant level of noise from other parts of the operation, it was difficult to measure the noise emanating from silos and, therefore, enforcement of the condition in question would be unfeasible.

There was a brief discussion about the methods used to obtain noise measurements. Councillor Ms. Toon expressed concern that approval of this application would give the wrong impression that noise levels from Gelpack Excelsior Ltd were considered acceptable.

In response to a question from Councillor Mrs. M.D. Lloyd-Hayes, the Principal Environmental Health Officer confirmed that Environmental Health and Trading Standards had received no noise complaints recently from local residents but the letters of objection received by Planning Services indicated that there were concerns.

Councillor P.J. Edwards noted that a number of objections raised by the local residents related to noise from other activities on site and suggested that discussions be held to investigate whether some of these problems could be voluntarily ameliorated by the applicant. The Chairman suggested that this should be pursued whatever the outcome of the Sub-Committee's decision. Councillor Mrs. Andrews suggested that a way forward might be to defer consideration of the application to assess the whole issue of noise management on the site.

The Principal Environmental Health Officer commented that there might be room for discussion but this would be outside the remit of this application. He noted, however, that isolating the noise of the silos would be unachievable unless the constant activities on the site were ceased for a time.

Councillor Edwards noted that this application had been deferred before and felt that matters needed to be moved on, subject to the applicant being encouraged to address some of the other issues regarding the operation.

Councillor Ms. Toon suggested that, if the noise from the silos and feed-pipes was so insignificant, there might not actually be a need for the application in the first

place.

Councillor Mrs. Andrews proposed that the application be refused on the basis that the existing conditions were adequate. In response, the Central Team Leader urged caution as it might be difficult to defend this reason for refusal given the professional advice that had been received and he suggested that deferral for further discussions might be a better option; he added that this was regrettable given the time that the application had been in the system.

**RESOLVED:**

**That consideration of the application be deferred for further discussions with the applicant.**

**15. DCCE2005/1399/F - 205 ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RR**

*Change of use of single room (cloakroom) from residential to hair-dressing business.*

**WITHDRAWN**

**16. DCCW2005/1406/F - 50 WYEDEAN RISE, BELMONT, HEREFORD, HR2 7XZ**

*Erection of wooden fence and change of land usage to domestic.*

The Senior Planning Officer reported that paragraph 5.2 of the report should refer to 49 Wyedean Rise and not 29 Wyedean Rise. He also reported that Councillor Ms. G.A. Powell, a Local Member, had asked that her objection to the application be noted as she felt that it would be detrimental to highway safety.

In accordance with the criteria for public speaking, Mr. Palmer (the applicant) had registered to speak but decided not take the opportunity to speak at the meeting.

Councillor P.J. Edwards, a Local Member, noted that the area was characterised by open frontages and was concerned that this should not be lost. He felt that the best possible compromise was to ensure that the fence was constructed a reasonable distance back from the boundary. He noted that the land was in private ownership and, therefore, should not be maintained by the Council. Given the highway safety concerns and the need to retain visibility splays, Councillor Edwards suggested that additional conditions be added regarding vehicular parking. Councillor J.W. Newman, also a Local Member, supported these views.

**RESOLVED:**

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

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

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

**2. A09 (Amended plans) (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.

5. 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 hard surface shall be laid 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.

6. 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 means of access to a highway shall be created from any part of the land subject to this planning permission.

Reason: In the interests of highways safety and to protect the general character and amenities of the area.

7. There shall be no parking or storage of motor vehicles, trailers or caravans, on any part of the land subject to this planning permission.

Reason: In the interests of highways safety and to protect the general character and amenities of the area.

Informative:

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

17. DCCE2005/1501/F - MIDWAY HOUSE, FIR TREE LANE, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6LA

*Demolition of existing dwelling and erection of 7 apartments with associated car parking.*

The Principal Planning Officer reported the receipt of the comments of the Head of Economic Development; including the opinion that the intensification of residential use should be resisted given that Rotherwas was the main industrial estate. It was also reported that amended plans had been received which addressed a number of issues highlighted in the report; including details about access and cycle storage and a tree survey.

In accordance with the criteria for public speaking, Mr. Collins (the applicant) spoke in support of the application.

Councillor W.J.S. Thomas, the Local Member, noted that an existing dwelling would

be replaced and felt that there was no reason why this proposal should not be approved. However, he noted that industrial and residential uses in such close proximity could cause conflict and urged officers to think very carefully about noise attenuation measures; particularly given the importance of businesses in the area to the local economy.

Councillor J.W. Newman felt that the proposal was exciting and should be supported.

Councillor Mrs. P.A. Andrews noted the potential for noise disturbance from adjacent industrial uses and suggested that double-glazed windows should be a specific requirement. The Central Team Leader noted that recommended condition 4 would require a scheme of noise attenuating measures and suggested that an additional informative note could be added to highlight the issue further.

In response to a suggestion from Councillor Ms. A.M. Toon that an elevator could help residents with young children, the Chairman noted that the intention of the proposal was to provide low cost housing and this might not be achievable if an elevator was required. The Principal Planning Officer noted that revised plans would be required. The Legal Practice Manager added that the construction and ongoing maintenance charges of an elevator might negate the other benefits of the application and it might be difficult to defend such a requirement on appeal.

Councillor P.J. Edwards noted the need for the development to work from the outset and welcomed the recommended conditions, particularly 4 and 6.

In response to a question from Councillor Mrs. M.D. Lloyd-Hayes, the Principal Planning Officer advised that a 2 metre wide footway along the frontage of the site, as recommended by the Traffic Manager, had been included in the amended plans. In response to another question, the Principal Planning Officer explained which trees were considered worthy of retention.

#### **RESOLVED:**

**That 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.**

**2. For the purposes of discharging Condition 4, the local planning authority considers that the installation of double glazing should form part of the submission.**

**18. DCCW2005/1602/F - 99 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZW**

*New boundary fence.*

The Senior Planning Officer reported that Councillor Ms. G.A. Powell, a Local Member, had asked that her objection to the application be noted as she felt that the land should be retained as open space and that the proposal would be detrimental to the highway safety. He also reported the receipt of a letter from the applicant which refuted a number of issues raised by objectors.

Councillor P.J. Edwards, a Local Member, disagreed with Officers that the realigned fence would not represent an unacceptable obstruction to visibility during the use of the driveway and felt that the application should be refused on highway safety grounds in its current form. Councillor J.W. Newman, also a Local Member, noted that vehicles travelled at pace along this road and felt that safety should not be compromised.

In response to a question from Councillor Ms. A.M. Toon, the Central Team Leader clarified the permitted development rights in relation to access.

Councillor Mrs. J.E. Pemberton noted that a number of applications at this meeting had been determined without specific mention of the representations of the relevant town or parish council and asked the Sub-Committee to bear the comments in mind.

Councillor P.J. Edwards expressed concern about openness and suggested that a lower fence height would afford users of the driveway, footway and highway some degree of vision.

Councillor W.J.S. Thomas felt that the open character of the area was pleasant and should be preserved.

The Central Team Leader explained the permitted development rights of the applicant in relation to boundary treatments but suggested that Officers could have further discussions with the applicant to determine whether the fence could be repositioned to satisfy Members' concerns.

**RESOLVED:**

**That consideration of the application be deferred for further discussions with the applicant.**

**19. DCCW2005/1559/F - 14 BAGGALLAY STREET, HEREFORD, HR4 0DZ**

*Proposed demolition of detached garage and existing extension and erection of 3 no. two bedroom houses.*

**WITHDRAWN**

**20. DCCE2005/1687/F - THE FREELANDS, MITCHMORE, HOLME LACY, HEREFORDSHIRE, HR2 6LJ**

*Replacement dwelling.*

The Principal Planning Officer reported the receipt of the comments of Holme Lacy Parish Council; no objections subject to the proposal addressing the refusal reasons of a previous application. He reported that the receipt of the comments of the Environment Agency; no objections subject to conditions. He also reported the receipt of a letter of objection from H. Gurney and summarised its contents.

In accordance with the criteria for public speaking, Mrs. Cluett (a local resident) spoke against the application.

The Principal Planning Officer explained the recommended reasons for refusal.

Councillor W.J.S. Thomas, the Local Member, thanked Officers for their work on the application. He noted that a number of properties had been developed in the vicinity in recent years and that this site represented a 'final piece of the jigsaw'. He suggested that a site visit be undertaken as he felt that a judgement was required on visual impact and that the setting and surroundings were fundamental to the determination.

The Central Team Leader commented that the delay resulting from a site visit would mean that the application would not be determined within the 8 week target.

Other Members felt that a site visit was unnecessary in this instance and a motion to hold a site visit failed.

In response to questions, the Principal Planning Officer illustrated the size and scale of the existing property compared to the proposed replacement dwelling.

**RESOLVED:**

**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.

**21. DCCW2005/1609/O - 14 MOOR PARK ROAD, HEREFORD, HR4 0RR**

*Demolish existing building, redevelop site as 2 houses.*

The Central Team Leader reported the receipt of an additional letter of objection from F. Edinborough and summarised its contents. He emphasised that this application was in outline form.

In accordance with the criteria for public speaking, Mr. Swancott and Mr. Field (local residents) spoke against the application.

The Central Team Leader advised the Sub-Committee that the plans submitted were purely indicative and that many of the concerns of local residents could be addressed when the designs of the new dwellings were submitted under a Reserved Matters application.

Councillor Mrs. P.A. Andrews, a Local Member, noted the current trend of demolishing existing, serviceable buildings for redevelopment. She suggested that, should a Reserved Matters application come forward in the future, the new development should be located on the approximate footprint of the existing dwelling at the forefront of the site and be no higher than the existing dwelling; to protect the amenities of the area and to prevent overshadowing. Councillors Mrs. S.P.A. Daniels and Ms. A.M. Toon, the other Local Members, endorsed these views.

The Central Team Leader suggested an additional informative note could be added to highlight the issues raised by the Local Members.

Councillor Mrs. Andrews commented that the Reserved Matters application should be considered by the Sub-Committee in due course.

**RESOLVED:**

**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. The reserved matters application should respect the area covered by the existing buildings in terms of the siting of the new dwellings and distance from the road. It should also be noted that the indicative plans submitted would not be considered acceptable and that dwellings more in keeping with the local character of the area and of a similar height as the existing dwelling would be expected.

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

22. DCCE2005/1583/F - 2 PARK VIEW, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BX

*Proposed bungalow for dependant relative.*

In accordance with the criteria for public speaking, Mr. James (a local resident) spoke against the application and Mrs. Williams (the applicant) spoke in support of the application.

The Principal Planning Officer explained that this revised scheme represented a 'toned down' proposal to that originally submitted and would not compete visually with the main dwelling or other structures in the area. He also explained the proposed landscaping scheme and advised that the path of electricity cables via an objector's boundary was a civil matter.

Councillor R.M. Wilson, a Local Member, noted that the revised scheme was considered acceptable and that no objections had been received from the Conservation Manager or the Traffic Manager.

**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. **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**

23. **DCCE2005/1642/F - LLAMEDOS, PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PB**

*Demolition of existing garage. Construction of single storey extension to rear of existing building.*

In accordance with the criteria for public speaking, Ms. Timmel (the applicant's

agent) had registered to speak but decided not take the opportunity to speak at the meeting.

**RESOLVED:**

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

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

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

**2 B01 (Samples of external materials)**

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

**3 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**

**24. DCCE2005/1130/RM - LAND AT BRADBURY LINES, BULLINGHAM LANE, HEREFORD**

*Proposed residential development mix of 2,3,4 and 5 bed houses, flats, car parking/garages, roads and sewers thereto and landscaping (Phase 2).*

The Principal Planning Officer reported the receipt of the following comments:

- the Highways Agency was now satisfied with the scheme;
- the Strategic Housing Manager was generally happy with the mix of housing;
- the Traffic Manager suggested minor adjustments to turning heads; and
- the Landscape Officer had given an indication of support for the landscaping scheme which included the retention of a number of trees and an area of open space.

The Principal Planning Officer advised that authorisation to approve the application was being sought as the majority of concerns had been or could be overcome.

In accordance with the criteria for public speaking, Mr. Powell (a local resident) had registered to speak but had left the meeting before the item was considered.

Councillor A.C.R. Chappell, a Local Member, felt that Members should visit the area given the significant amount of development being undertaken or was planned on this site. Councillor Mrs. W.U. Attfield, also a Local Member, supported a site visit to enable Members to see how development was being progressed on the ground.

The Chairman sought clarification from the Local Members that this application was satisfactory subject to the resolution of a number of matters and the purpose of a site visit would be for informative purposes only about general development issues at Bradbury Lines. Councillor Chappell commented on the need for Members to be aware of the potential problems with the continued development of the site.

A number of Members spoke in support of a site visit to key parts of Bradbury Lines, particularly given that substantial further development was expected to come forward at this site and the consequential need to ensure that the mix and density of housing was appropriate, that there were sufficient infrastructure improvements and that there were adequate traffic management measures.

Councillor Chappell noted that the Residents' Association had made a valuable contribution to the plans and requested that no substantial changes be made without further consultation with them.

**RESOLVED:**

**That 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 applicant's 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**

**25. DATE OF NEXT MEETING**

It was noted that the next scheduled meeting was Wednesday 27th July, 2005.

The Chairman noted that a meeting for Scrutiny Chairmen and Vice-Chairmen had been arranged to take place at the same time as the scheduled site visit on 12th July, 2005 and it was suggested that the site visit be undertaken on 19th July, 2005 instead.

The meeting ended at 3.50 p.m.

**CHAIRMAN**

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCE2004/4191/F**

- The appeal was received on 6th July, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. R. White
- The site is located at Tower Hill, Upper Dormington, Hereford
- The development proposed is Re-roofing of agricultural storage buildings.
- The appeal is to be heard by Hearing

**Case Officer: Simon Withers on 01432 260756**

**Application No. DCCW2004/4080/F**

- The appeal was received on 23rd June, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. I.C. Joseph
- The site is located at OS No. 7209, Lower Lyde, Hereford
- The development proposed is Retrospective application for siting of caravan
- The appeal is to be heard by Written Representations

**Case Officer: Peter Clasby on 01432 261947**

**Application No. DCCE2005/0248/F**

- The appeal was received on 4th July, 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Ms. J. Brown
- The site is located at 175 Aylestone Hill, Hereford, Herefordshire, HR1 1JJ
- The development proposed is Two storey extension to provide double garage and study with two bedrooms over. Pitched roof over existing kitchen.
- The appeal is to be heard by Written Representations

**Case Officer: Russell Pryce on 01432 261957**

## APPEALS DETERMINED

### Application No. DCCW2004/2278/F

- The appeal was received on 12th January, 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. & Mrs. Devereux
- The site is located at 11 Deerhurst Drive, Hereford, Herefordshire, HR2 7XX
- The application, dated 21st June, 2004, was refused on 19th October, 2004
- The development proposed was Change of use of land to residential and construction of decking area
- The main issue is whether or not the proposed development would unacceptably harm the landscape and nature conservation value of the area.

**Decision:** The appeal was DISMISSED on 2nd 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 DCCE2005/1917/F - CONVERSION OF SINGLE STOREY WORKSHOP INTO ONE BEDROOM DWELLING 30A, NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LL**

**For: Mr. J.W. Ball, 123A Edgar Street, Hereford, HR4 9JR**

**Date Received: 13th June, 2005**

**Ward: Central**

**Grid Ref: 51055, 40886**

**Expiry Date: 8th August, 2005**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

- 1.1 The site is located to the rear of 30 Newtown Road within Hereford City. A building constructed from brick under a slate mono-pitch roof measuring 13 metres in length by 4.7 metres in width by 4.2 metres in height to the ridge of the roof occupies the southern end of the site and has most recently been used as a joinery workshop making bespoke kitchen units. Immediately south are residential properties with a hairdressers fronting on to Newtown Road, to the north is Burcott Road and the eastern and western boundaries are bordered by gardens. Pedestrian access only to the site is gained by a passageway located between numbers 28 and 30 Newtown Road.
- 1.2 The application proposes the conversion of the building to form a one bedroom self-contained residential unit. The application is a re-submission following the withdrawal of a similar proposal earlier this year.

**2. Policies**

2.1 Hereford Local Plan:

ENV14	-	Design
H12	-	Established residential areas - character and amenity
H14	-	Established residential areas - site factors
H21	-	Compatibility of non-residential uses
H22	-	Existing non-residential uses
ENV1	-	Land liable to flood

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR13	-	Noise
H14	-	Re-using previously developed land and buildings
E5	-	Safeguarding employment land and buildings

### 3. Planning History

- 3.1 DCCE2005/0716/F - Conversion of single storey workshop into two-bedroom dwelling. Application withdrawn 27th April, 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: The Agency objects as the site lies within a Flood Zone 3 and is therefore at risk of flooding during the 1 in 100 year flood event. However, the Agency's flood records indicate that the site has not flooded historically and the site is at the edge of Flood Zone 3.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection subject to a condition requiring the provision of secure cycle storage on site.

### 5. Representations

- 5.1 Hereford City Council: Recommends refusal and considers the development to be unacceptable backland development without reasonable amenities (no objection was submitted by the City Council to the application withdrawn earlier this year for the conversion of the building to a two bedroom property).

- 5.2 One letter of objection has been received from Mr. A.K. Joynt and Mr. A. Foster of 32 Newtown Road, Hereford. The main points raised are:

- Our privacy would be lost as all but one of the windows look in and on to our property, patio area and garden;
- The property has no off-street parking. Newtown Road has many residents and businesses in the area and parking is very limited;
- Neighbouring properties all have a right of access across the application site;
- The building should remain as a workshop as it was originally intended to be (first use as a bakery);
- The application states that there will be no felling or pruning of trees but a silver birch overhangs on to the application site and therefore cutting of branches is likely to be necessary.

- 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 most recent use of the premises was a joinery workshop manufacturing bespoke kitchens and prior to that, it was used as an upholstery workshop. Although not subject to any formal planning approvals, these uses have operated from the premises for some time and consequently, the lawful planning use of the premises is for general industrial purposes. Both adopted and forthcoming planning policies generally seek to segregate incompatible uses such as general industrial and residential development as in this instance. Whilst Environmental Health have no records of any complaints being made regarding the previous uses of the premises, there are no planning controls over



the general industrial use of the building. It is therefore considered that the re-use of the building for residential purposes is a more acceptable and neighbourly use in residential amenity terms than the current lawful use. Therefore, the principle of losing this employment site is accepted.

- 6.2 An application submitted earlier this year for conversion of the building to a two-bedroom unit was subsequently withdrawn as it was considered that the development would result in an unacceptable loss of privacy for the nearest property; No. 32 Newtown Road. The applicant has subsequently agreed various amendments to the proposal including removal of the rear extension and reduction in the size of the property to one bedroom and removal of both existing windows directly opposite neighbouring property. This now means that there are no direct window to window relationships and consequently no direct overlooking of the objectors property. The only window opposite the objector's property serves a bathroom, which would be obscure glazed. An existing window and door is to be retained serving the kitchen and these openings do overlook the neighbouring garden. However, the objectors garden along with other neighbouring gardens are already overlooked by one another and therefore it is not considered that there will not be any increased loss of privacy for the immediate neighbours. In fact, the removal of some of the existing windows will provide a greater degree of privacy for No. 32 Newtown Road. As such the impact on the nearest neighbours is considered acceptable.
- 6.3 The Traffic Manager is satisfied with the proposal subject to the provision of secure cycle storage, which can be provided within the existing shed at the end of the garden. The reduction in the size of the property from two to one bedroom will also lead to less pressure for on street parking on Newtown Road. The Environment Agency are presently objecting as the application site falls within the Flood Plain for Widemarsh /Tan Brook. Discussions and negotiations are on-going with the Environment Agency and it is understood that their objection will shortly be removed as the risk of the site being flooded is minimal.
- 6.4 Whilst the proposal will lead to the loss of an albeit very small existing general industrial employment use, the residential amenity benefits offered by the alternative use are of sufficient weight in this instance to justify the change of use. The amended design of the proposal will safeguard a satisfactory level of privacy for the nearest neighbours. The proposal is considered acceptable in accordance with the relevant development plan policies.

## **RECOMMENDATION**

**That subject to there being no objection by the Environment Agency the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:**

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

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

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

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

**3 B05 (Alterations made good)**

**Reason: To maintain the appearance of the building.**

**4 E16 (Removal of permitted development rights)**

**Reason: To enable the local planning authority to control any future alterations and enlargements of the premises in the interests of residential amenity.**

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

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

**6 E19 (Obscure glazing to windows)**

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



HEREFORDSHIRE  
COUNCIL

Planning Services

Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB



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**APPLICATION NO:** DCCE2005/1917/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 30A, Newtown Road, Hereford, Herefordshire, HR4 9LL

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**6 DCCW2005/1834/F - CONSTRUCTION OF TWO STOREY DWELLING ATTACHED TO EXISTING PROPERTY AT 40 BLACKMARSTON ROAD, HEREFORD, HR2 7AJ**

**For: Mr. Andrews, 10 Rosedale Close, Belmont, Hereford, HR2 7ZD**

**Date Received: 3rd June, 2005**

**Ward: Belmont**

**Grid Ref: 50046, 38848**

**Expiry Date: 29th July, 2005**

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

**1. Site Description and Proposal**

1.1 No. 40 Blackmarston Road is located at the northern end of a terrace of four dwellings fronting onto the eastern side of the road in the Established Residential Area of Hunderton. The proposal is to remove the single storey garage at the side of the dwelling and replace with a two storey, two bedroom dwelling in matching external materials of brick and tile.

**2. Policies**

2.1 National:

PPG3 - Housing

2.2 Hereford Local Plan:

Policy ENV14 - Design  
 Policy H3 - Design of New Residential Development  
 Policy H12 - Established Residential Areas – Character and Amenity  
 Policy H13 - Established Residential Areas – Loss of Features  
 Policy H14 - Established Residential Areas – Site Factors

2.3 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 relevant planning history.

#### **4. Consultation Summary**

##### Internal Council Advice

- 4.1 The Traffic Manager - no objection in principle but confirms that off-street parking will be sub-standard as proposed.

#### **5. Representations**

- 5.1 Hereford City Council has considered this application and has no objection to the same.
- 5.2 Herefordshire Housing – “Herefordshire Housing Ltd., as owners of Nos. 36 and 38 Blackmarston Road, objects to this proposal, which had not even been notified to us direct, on the grounds of intensification of residential development, spoiling the symmetric design of the blocks of four houses fronting on to the open space here (most of which is in our ownership), and the adverse effects of additional development on our tenants of the inner houses in this block of four houses.

Further, we are not aware of our consent having been obtained for this development, as would have been required under the terms of the Conveyance when the house, No. 40 was sold. Perhaps this last comment might be passed onto the applicants as they would be well advised to contact us in this connection.”

- 5.3 Four letters of objection have been received from Mrs. J. Davis, 33 Merryhill Crescent; Mrs. P. Rees, 38 Blackmarston Road; Mr. R. Eames and Miss T. Preece, 42 Blackmarston Road and Mr. C. Wildig, 31 Merryhill Crescent.

The main planning points raised are:

1. The new dwelling will block light from houses to the rear on Merryhill Crescent.
2. It may not be used as a 'family home'.
3. Privacy to adjoining neighbouring would be impacted upon.
4. The two-bed dwelling will not fit into the streetscene of all three bed dwellings.
5. Space for the existing dwelling will be reduced.
6. The new dwelling will protrude into the building line at the rear by one metre thus making the appearance of the dwelling out of keeping with the existing dwellings.

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

#### **6. Officers Appraisal**

- 6.1 This site is located within an Established Residential Area where the principle of development is considered acceptable subject to consideration of the impact on neighbours, design and the local highway network.

Neighbouring Amenity

- 6.2 The proposal provides for an extension of the existing terrace of four dwellings where distance between the new dwelling and the surrounding dwellings are similar to that presently enjoyed between houses on Blackmarston Road and Merryhill Crescent. Therefore any impact is similar to that already achieved and considered acceptable. The new dwelling will have a rear garden depth of approximately 7.5 metres and a width of approximately 4.00 metres. 40 Blackmarston Road will retain a garden area similar to 36 and 38 Blackmarston Road and in the light of the above it is considered that the amenities of existing residents and future occupiers of the proposed dwelling will be satisfactorily preserved.

Design

- 6.3 The form of the new dwelling is similar to the existing terraced housing with the same ridge height and front wall. The rear wall protrudes approximately one metre which is less than the single storey additions to the rear of the terrace. Fenestration details are similar with a vertical emphasis given to windows. The design is therefore considered to be compatible with the character of this Established Residential Area.

Local Highway Network

- 6.4 The front of the existing and new dwelling is proposed to be hard surfaced to provide off-street parking. Whilst this will be slightly sub-standard there is ample on-street parking capable of taking the increase in vehicular traffic created by this proposal. It is not considered that the parking arrangements as proposed represent grounds for refusing permission in this context.

Conclusion

- 6.5 The impact of this proposal has been fully considered in respect of adjoining neighbours, design and highway safety and considered to accord with the policies laid down in the Hereford Local Plan and emerging Unitary Development Plan.

**RECOMMENDATION**

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

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

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

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

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

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

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

- 4. E16 (Removal of permitted development rights).**

**Reason: In order to protect the amenities of adjoining residents.**

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

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

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

**Reason: To protect the amenity of local residents.**

- 7. **G01 (Details of boundary treatments).**

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

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

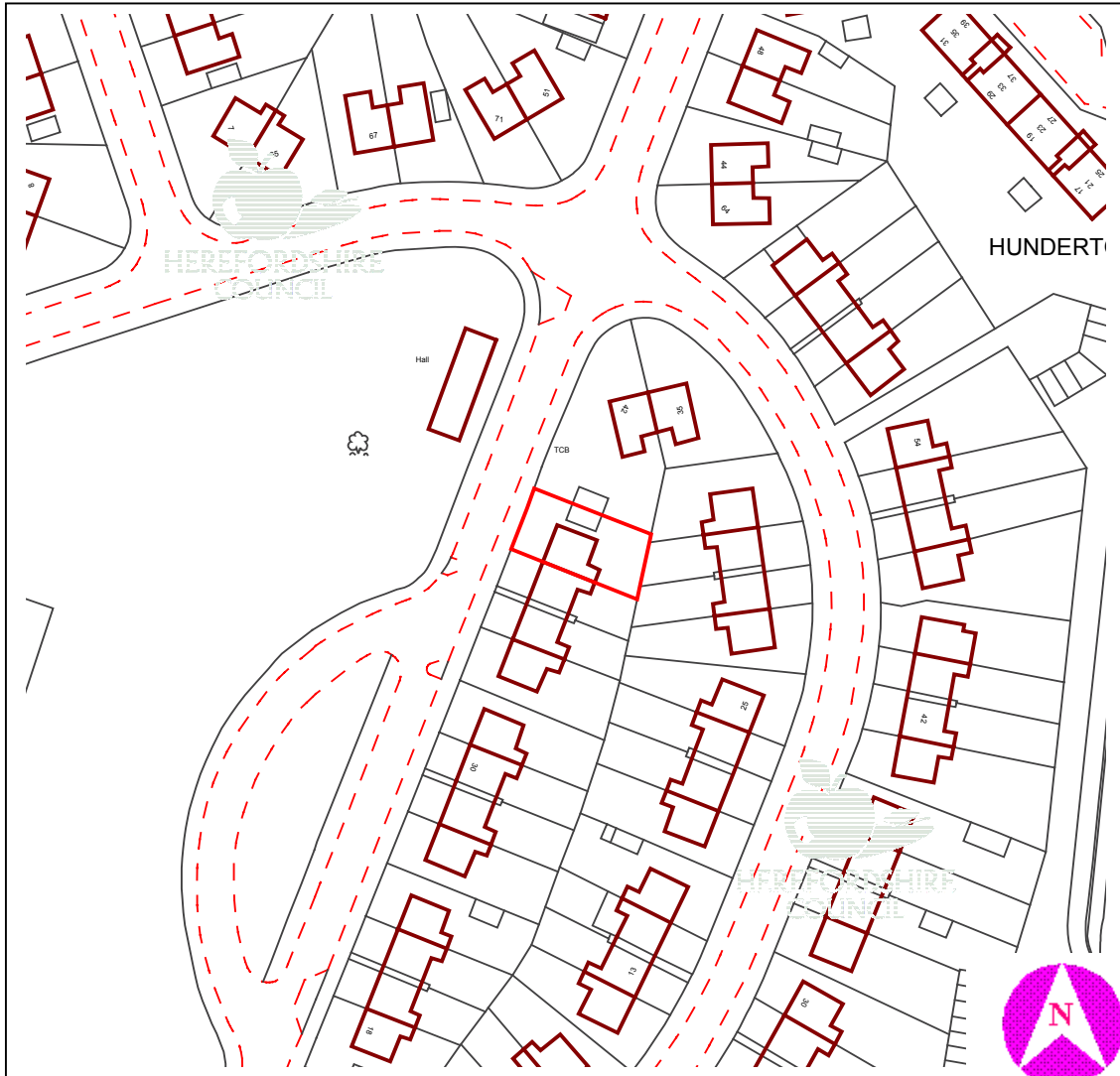




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COUNCIL**

**Planning Services**

Blueschool House  
Blueschool Street  
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HR1 2ZB



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**APPLICATION NO:** DCCW2005/1834/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 40 Blackmarston Road, Hereford, Herefordshire, HR2 7AJ

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**7 DCCW2005/1521/F - PROPOSED 25M HIGH LATTICE TOWER EQUIPPED WITH 3 ANTENNAS, 2 NO. 600MM TRANSMISSION DISHES, 2 GROUND BASED EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO AT HEREFORD RUGBY FOOTBALL CLUB, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0PH**

**For: O<sub>2</sub> UK Ltd per Stappard Howes, 8 Windsor Court, Clarence Drive, Harrogate, North Yorkshire, HG1 2PE**

**Date Received: 9th May, 2005**

**Ward: St. Nicholas**

**Grid Ref: 50295, 39531**

**Expiry Date: 4th July, 2005**

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

## **1. Site Description and Proposal**

- 1.1 The application site forms part of the playing fields and grounds of Hereford Rugby Club, which is located in the Broomy Hill area of the City of Hereford. The site lies within a Conservation Area.
- 1.2 The application seeks consent to erect a 25 metre lattice tower for O<sub>2</sub> to infill an area of identified poor coverage in their 3G service network. It is proposed to replace one of the lighting columns with the lattice mast, which will carry both the O<sub>2</sub> equipment and floodlights to serve the rugby club. Two ground based cabinets and other ancillary structures are proposed.
- 1.3 The supporting information includes a statement of ICNIRP compliance and an appraisal of why the application site has been selected.

## **2. Policies**

### **2.1 National:**

PPG8 - Telecommunications

### **2.2 Hereford Local Plan:**

Policy ENV13 - Telecommunications

Policy ENV14 - Design

Policy H21 - Compatibility of Non-Residential Uses

### **2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):**

Policy DR1 - Design

Policy CF3 - Telecommunications

### **3. Planning History**

3.1 None of relevance to this application.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 None.

#### Internal Council Advice

4.2 Conservation Manager - no objection.

4.3 Traffic Manager - no objection.

4.4 Head of Environmental Health and Trading Standards - no objection.

4.5 Public Rights of Way Manager - no objection.

### **5. Representations**

5.1 Hereford City Council - concerns about the presence of Redcap Prep School in Broomy Hill and the perceived health risk associated with the proximity of the equipment are raised.

5.2 A letter of objection has been received from John Roger on behalf of Broomy Hill Residents Association, summarised as follows:-

- Mast is too high.
- Possible health hazard.
- Mast design is unsightly.
- Should be sited elsewhere.
- If permitted limited hours of use should be imposed by condition, and the structure painted green.

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 Conservation Area and the wider locality. Reference to health and safety issues will be made later in the appraisal.

#### Siting

6.2 Prior to submitting the application, the applicant considered other potential locations in the locality and identified two other sites, but on investigation these both proved to be

unsuitable. The first site identified, was a rooftop location in Barton Road, however the owner of the property did not wish to enter into an agreement to host the telecommunications equipment. The second site was a possible mast share on the Vodafone/Orange mast located on the sports ground, but more detailed investigation revealed that the operator has subsequently removed their mast from site.

- 6.3 Visually it is considered that the proposed location is well sited, as it is close to an existing group of mature trees as well as being co-located in close proximity to the buildings and associated equipment belonging to the rugby club. Therefore, it is not considered that the proposed mast will cause demonstrable harm to the visual amenity of the Conservation Area or wider locality. Furthermore, the siting would not overshadow or dominate any private residential property, the closest of which lies approximately 115 metres to the northwest.

#### Design

- 6.4 The mast is of a relatively standard design and in itself is not considered that it will be demonstrable harmful to the visual amenity of the locality, particularly since it will be seen within the landscape in association with the lighting columns sited around the rugby club grounds which stand at 20 metres in height, as well as being viewed against the urbanised area of Broomy Hill on higher ground to the north. Notwithstanding the views expressed by the Residents' Association, it is considered that the painting of the mast green would potentially draw more attention to its presence and as such the standard grey metal finish is regarded as being preferable.

#### Health and Safety

- 6.5 Although concern about the possible safety implications of the equipment has been raised in the consultations received, a statement of ICNIRP compliance supports the application, and Members are advised that the guidance given in PPG8 (Telecommunications) states that:-

"97. Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

98. However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application for planning permission or prior approval, to consider further the health and safety concerns about them."

- 6.6 In this case the relative distance of the mast from existing property, the presence of existing structures of equivalent height and the screening/backdrop provided by mature trees is such it will have a minimal impact on the perception of local residents. Therefore, it is considered that the issue of safety has been properly addressed in the application, in accordance with Government Guidance.

6.7 Overall the proposal complies with the relevant policies in the Hereford 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.**

**Informative:**

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

Decision: .....

Notes: .....

.....

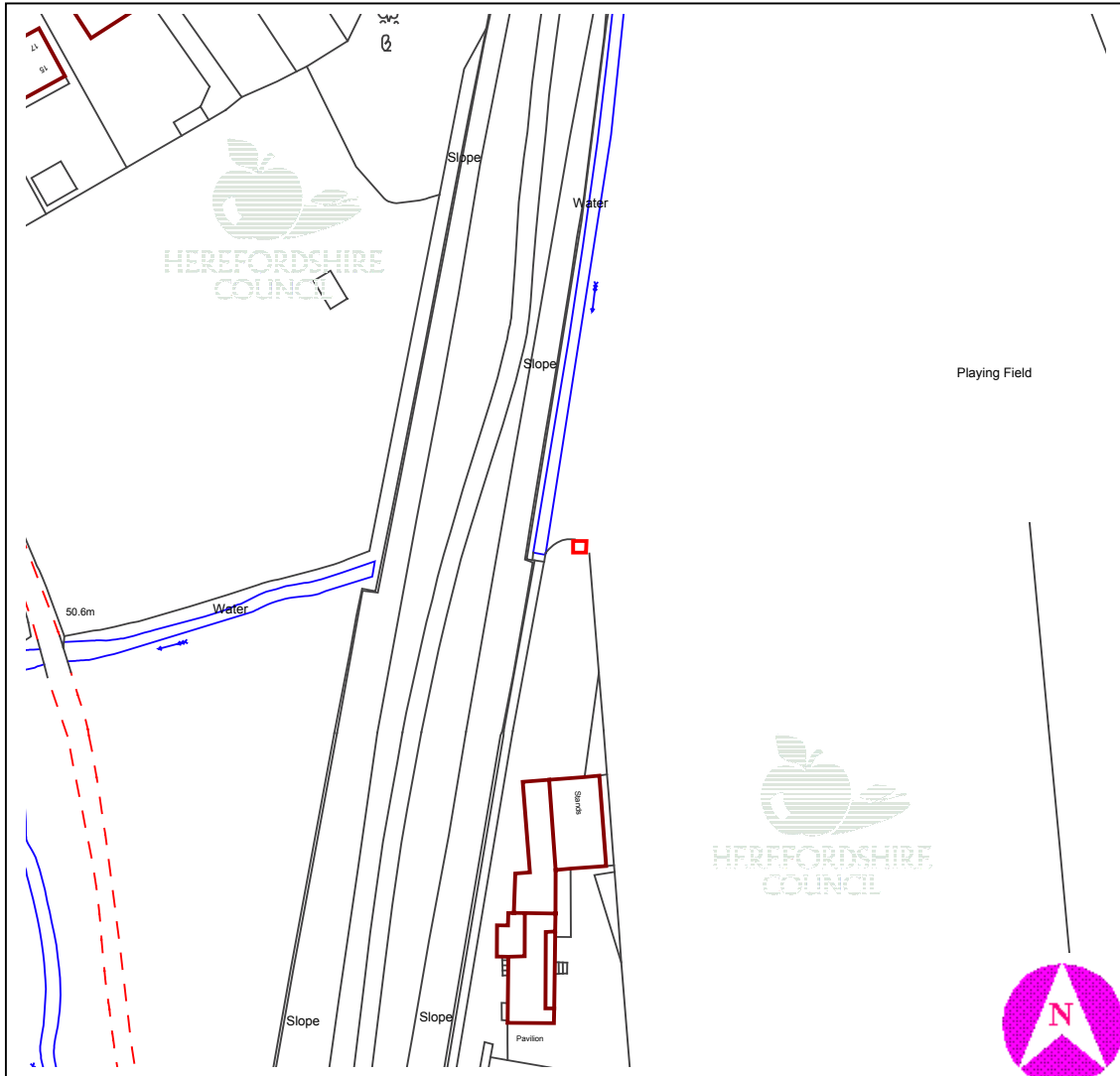
**Background Papers**

Internal departmental consultation replies.



**Planning Services**

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**APPLICATION NO:** DCCW2005/1521/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Hereford Rugby Football Club, Belvedere Lane, Hereford, Herefordshire, HR4 0PH

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**8 DCCW2005/1908/F - DEMOLITION OF EXISTING CONSERVATORY AND GARAGE, ERECTION OF TWO STOREY EXTENSION TO SIDE AND CONSERVATORY TO REAR AT 4 AMYAND DRIVE, HEREFORD, HEREFORDSHIRE, HR4 0LU**

**For: Mr. S. Wilson, 4 Amyand Drive, Whitecross, Hereford, HR4 0LU**

**Date Received: 10th June, 2005    Ward: St. Nicholas    Grid Ref: 49638, 40408**

**Expiry Date: 5th August, 2005**

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

**1. Site Description and Proposal**

1.1 The application site is a two storey, three bedroom, semi detached house, fronting the north side of the turning head to Amyand Drive, a residential cul-de-sac off the south side of Whitecross Road. It is within an established residential area. Immediately to the rear are the gardens of houses fronting Whitecross Road, including No. 179 and No. 181 which is a Grade II listed building. Adjoining to the east is No. 5 Amyand Drive, a similar semi detached dwelling with single storey side extension, sited at an angle in relation to the application site and fronting the end of the turning head with a splayed shared boundary.

1.2 Attached to the side of the existing house is a porch/conservatory alongside which, parallel to the splayed boundary, there is a detached garage with access from the turning head to Amyand Drive. The space to the front of the house is laid out as a hard standing area and shown on the submitted drawings as parking space for two cars. It is proposed to demolish these existing single storey structures and erect a two storey pitched roof extension with a drop down ridge line to provide a new garage and a box room in the roof space. Two small velux style windows are proposed in the front roof slope and an obscure glazed window is indicated in the proposed side elevation, some 2.00 metres away from the side boundary with No. 5. Dimensions of the extension are as follows:-

Width - 3.54 metres; Depth - 7.90 metres; Eaves height - 3.70 metres; Ridge height - 6.40 metres (1.70 metres lower than the existing ridge). Facing materials would be bricks and roof tiles to match existing.

1.3 It is also proposed to erect an orthodox lean-to style conservatory projecting 4.00 metres with a width of 2.90 metres from the rear of the house, in a position adjacent to the boundary with No. 3 Amyand Drive. Having all round glazing on a brick plinth, its overall height would be 2.983 metres.

**2. Policies**

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H14	-	Established Residential Areas – Site Factors
Policy H16	-	Alterations and Extensions
Policy T5	-	Car Parking
Policy CON2	-	Listed Buildings – Development Proposals
Policy CON3	-	Listed Buildings – Criteria for Proposals

## 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy H18	-	Alterations and Extensions
Policy HBA4	-	Setting of Listed Buildings

## 3. Planning History

- 3.1 DCCW2005/0314/F Demolition of existing side porch/conservatory and garage, erection of two storey extension to side and conservatory to rear. Refused - 21st March, 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None.

### Internal Council Advice

- 4.2 Conservation Manager - this proposal would have a minor impact on the setting of the listed building and is therefore acceptable.
- 4.3 Traffic Manager - recommends conditions.

## 5. Representations

- 5.1 Hereford City Council - no objections.
- 5.2 A letter of objection has been received from 181 Whitecross Road. The grounds of objection are the same as a letter dated 28th February, 2005 in response to the previous similar application reference DCCW2005/0314/F, summarised as follows:-
- 1) Concerned that the height of the building is going to block considerably, if not totally, the view and the light affecting any office (on the ground floor), in which I spend most of my days, since I work from home.
  - 2) Also even from our first floor windows, the view will be blocked. Erecting a two storey building almost on our garden will make us feel penned in and will certainly depreciate our property.
- 5.3 A letter of objection has also been received from 179 Whitecross Road, summarised as follows:-

- 1) The addition of an extension to No. 4 Amyand Drive would add to the already claustrophobic setting of our bungalow.
- 2) The house next door have built an extension that now blocks completely one window and greatly obscures any view through the other. Surrounded as we are, by taller multi-storey buildings to have this new two storey extension would greatly add to the sense of confinement and lack of privacy, not to mention the loss of currently visible sky.

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 is a resubmission following the refusal of application reference DCCW2005/0314/F for a similar proposal, the grounds for refusal were:-

- 1) Inadequate provision is made, within the curtilage of the site, for vehicular access to the proposed garage and the off-street parking and manoeuvring of cars. This is likely to result in an unacceptable risk of displaced parking within the turning head of the adjoining highway.
- 2) The proposed window to the first floor box room would be in close proximity to the adjoining residential property, No. 5 Amyand Drive. The window is the sole source of natural light to and outlook from the room and it is considered that it will result in an unacceptable risk of overlooking with consequent loss of privacy and amenity to the occupiers of the neighbouring property.

6.2 Following the refusal, a meeting was held at the request of the applicant to explore an amended scheme which addressed the reasons for refusal.

6.3 The current proposal incorporates the following revisions:-

- 1) Garage door opening increased and pier width decreased.
- 2) Front of extension moved back and reduced in length by 0.5 metres, width increased by 0.3 metres.
- 3) The gable end window to be obscure glazed and two small velux windows introduced in the front roof slope.

6.4 Revision 1 and 2 will now enable satisfactory vehicular access into the proposed garage together with adequate parking provision on the front hard standing. In the light of these amendments the Traffic manager no longer recommends refusal and it is considered that ground 1 has been addressed.

6.5 With regard to the second ground of refusal, it is considered that the use of obscure glazing in the gable window will overcome the concerns in this reason also.

6.6 Because the first floor "box room" is contained within the roof space the ridge line and eaves level of the extension are significantly lower than those of the existing dwelling. The respective dimensions scaled off the submitted drawings are 6.40 metres and 3.70 metres (extension), 8.10 metres and 4.70 metres (existing dwelling). The only window

proposed in the rear elevation of the extension is an obscure glazed window to the garage.

- 6.7 An impact assessment has been previously carried out from inside and outside of No. 181 Whitecross road and No. 179. Bearing in mind the physical characteristics of the extension, in particular the reduced roof line referred to above, the building to building distance and the existing building backdrop, it is considered that the proposed extension would not cause undue harm to the amenity of the occupiers of dwellings in Whitecross Road at the rear of the site. Notwithstanding the fact that it will be visible, the loss of any view is not a material consideration and it is judged that there would not be a significant loss of natural light and it would not appear over dominant in the townscape.
- 6.8 The amenity and impact consideration in relation to the Whitecross Road dwellings are the same as those in the previous application, which was also the subject of an impact assessment. It will be noted that the reasons for refusal did not include any negative impact consequences in relation to the Whitecross Road dwellings.
- 6.9 It is considered that the design of the proposed extension is compatible with the scale, character and appearance of the existing dwelling and the character of the established residential area.
- 6.10 With regard to the proposed conservatory, it is considered that it would be compatible with the character and appearance of the host dwelling and the character of the surrounding area. It is also considered that it will not have an adverse impact on the setting of the nearby listed building and will not have any undue amenity impact on neighbouring residential properties.
- 6.11 In the light of the above-mentioned considerations 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. A07 (Development in accordance with approved plans).**

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

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

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

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

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

5. E19 (Obscure glazing to windows).  
Reason: In order to protect the residential amenity of adjacent properties.

6. H05 (Access Gates).  
Reason: In the interests of highway safety.

**Informatives:**

- 1. N03 - Adjoining property rights.
- 2. HN5 – Works within the highway.
- 3. HN10 – No drainage to discharge to highway.
- 4. N14 - Party Wall Act 1996.
- 5. N15 - Reason(s) for the Grant of PP.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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Blueschool House  
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Hereford  
HR1 2ZB



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**APPLICATION NO:** DCCW2005/1908/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 4 Amyand Drive, Hereford, Herefordshire, HR4 0LU

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**9 DCCE2005/1572/F - DEMOLITION OF EXISTING SINGLE STOREY PRE-FABRICATED STRUCTURE AND ERECTION OF PROPOSED NEW HOUSE AND ANCILLARY GARAGE. LAND ADJACENT TO THE GREEN, WITHINGTON, HEREFORDSHIRE**

**For: Border Oak Design & Construction Ltd, Kingsland Sawmills, Kingsland, Leominster, HR6 9SF**

**Date Received: 12th May, 2005**

**Ward: Hagley**

**Grid Ref: 56543, 43446**

**Expiry Date: 7th July, 2005**

Local Member: Councillor R.M. Wilson

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the erection of a detached dwelling and ancillary garage at The Green, Withington. The application site originally formed part of the garden area serving The Green itself, but has since been divided off. The site therefore falls between The Green and St Peter's Church. The site falls within the Conservation Area of Withington and is in close proximity to a number of Listed Buildings, including both The Green and St Peter's Church. A prefabricated building is currently found on site.
- 1.2 The proposal involves the demolition of the existing prefabricated structure and the erection of a two storey detached property with a detached garage located to the front. The new dwelling is proposed to be located to the south east of The Green and is a Border Oak property. The proposed dwelling is broadly 'L' shaped and is characterised by a stone facing front elevation with timber and rendered sides and rear. A side addition is proposed with a timber clad finish.

**2. Policies**

2.1 Planning Policy Guidance:

- PPS1 - General policy and principles  
PPG15 - Planning and the historic environment

2.2 South Herefordshire District Local Plan:

- GD1 - General development criteria  
C20 - Protection of historic heritage  
C22 - Maintain character of conservation areas  
C23 - New development affecting conservation areas  
C29 - Setting of a listed building  
C33 - Scheduled ancient monuments  
SH6 - Housing development in larger villages  
SH8 - New housing development criteria in larger villages  
T3 - Highway safety requirements

- T4 - Highway and car parking standards
- 2.3 S1 - Sustainable development  
S2 - Development requirements  
S3 - Housing  
S6 - Transport  
S7 - Natural and historic heritage  
DR1 - Design  
DR2 - Land use and activity  
H4 - Main villages: settlement boundaries  
H16 - Car parking  
HBA4 - Setting of a listed building  
HBA6 - New development within conservation areas  
ARCH3 - Scheduled ancient monuments

### 3. Planning History

- 3.1 DCCE2004/3548/F - Erection of detached house and garage. Withdrawn 20th December, 2004.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions.  
4.2 English Heritage: No objection.

#### Internal Council Advice

- 4.3 Conservation Manager: Raised no objections subject to conditions.  
4.4 Traffic Manager: Raised no objections subject to conditions.

### 5. Representations

- 5.1 Withington Parish Council: Object on the following grounds:

1. Adverse impact upon The Green;
2. Visually intrusive;
3. Inappropriate design within the Conservation Area;
4. Existing boundary fence is unauthorised;
5. Landscaping details should be required;
6. Garage is unacceptable;
7. Access is inadequate.

- 5.2 Local Residents: Four letters of objection have been received. The points raised can be summarised as follows:

- Inappropriate design in this location;
- New buildings should not be allowed within a Conservation Area;
- Traffic generation;
- Loss of green space;



- Access unacceptable.

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

## 6. Officers Appraisal

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

- (a) Principle of development;
- (b) Design and scale;
- (c) Residential amenities;
- (d) Visual amenities and Conservation Area impact;
- (e) Highway issues.

### Principle

6.2 The application site falls within the defined settlement boundary of Withington. The South Herefordshire District Local Plan categorises Withington as a larger village under Policy SH6. Within such designations the principle of new residential development is accepted subject to issues including design and scale, access, and impact in relation to environmental, historical, ecological and landscape considerations. The stance is echoed within the Herefordshire Unitary Development Plan (Revised Deposit Draft) wherein Withington is considered a main village within which appropriate new residential development can be supported.

### Design and Scale

6.3 The previous application on this site (DCCE2004/3548/F) was withdrawn due to concerns over the design and scale, as well as, the access. This application was submitted following negotiations into the potential of this site. This scheme essentially represents the outcome of these negotiations. The proposal as submitted was revised to include a stone elevation to the front to increase the ability of this property to integrate into the locality. It is considered that this scheme represents an appropriate scale of property that is sited such that it will not detract from or compete visually with The Green. The design of this building is considered appropriate for this sensitive location utilising traditional materials and design characteristics. The proposed garage is simple and modest in design and is considered appropriate for this locality. The siting is considered acceptable having regard to settlement pattern and the desire to avoid a suburban style layout. It is further suggested that the siting of the garage contributes to the minimisation of the intrusiveness of the main property, as well as, reducing the area of hard standing needed on site.

### Residential Amenities

6.4 The application site is located such that it is considered that the sole property within the sphere of influence of this development is The Green. The proposed development has been revised to remove a dormer opening and re-orientate the building by 10 degrees to the east. This will ensure that the privacy of The Green is not compromised to an unacceptable extent. It is considered that no unacceptable overbearing impact or loss of light will occur as a result of this development. It is therefore considered that

the residential amenities of the affected adjoining neighbour will be preserved through this development.

#### Visual Amenities and Conservation Area Impact

- 6.5 The sensitive nature of this site is acknowledged and it is considered that the development has recognised this fact. The proposed dwelling is set well back into the application site and the design concept includes a low ridge with dormer openings. Although the predominance of stone is noted it is not considered that the concept is inappropriate in this setting. The front elevation has been revised to include a stone facing front elevation such as this. The Conservation Manager was involved in the evolution of this proposal from the previous application on this site to the scheme now proposed. It is considered that this proposal will preserve the character and appearance of the Conservation Area and will not result in any detrimental impact upon the setting of adjacent and nearby Listed Buildings. The importance of landscaping to this site is recognised and strict conditioning will ensure that an effective scheme is secured. It is therefore considered that the visual amenities of the locality will be maintained through this development.

#### Highway Issues

- 6.6 The previous application on this site sought to utilise the existing access. Concerns were expressed in relation to this and as such an access linking through to St Peter's Church was proposed to enable the property to utilise the existing access associated with the Church. This access, for reasons connected to land ownership, proved more problematic than the original scheme and as such the use of the existing access was returned to for further consideration. Although the interaction of the existing access was that of the Church is considered an issue, the Traffic Manager is satisfied that through an appropriate condition a splay can be created so as to ensure that the access is not hazardous. On the basis of this, and through the attaching of the requested condition, it is considered that the access will not prove detrimental to highway safety. In relation to parking and turning facilities the scheme is considered acceptable.

#### Other issues

- 6.7 The two metre close boarded fence erected on site is unauthorised and this has been acknowledged by the agent for this application. It has been confirmed that this boundary treatment will be removed and can be replaced with an enclosure meeting the satisfaction of the Conservation Manager. A condition will ensure that this is the case.

### **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 B01 (Samples of external materials)**

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

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

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

**6 C05 (Details of external joinery finishes)**

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

**7 C10 (Details of rooflights)**

**Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.**

**8 D03 (Site observation - archaeology)**

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

**9 E08 (Domestic use only of garage)**

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

**10 E09 (No conversion of garage to habitable accommodation)**

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

**11 E16 (Removal of permitted development rights)**

**Reason: To enable effective control over the future development of this sensitive site.**

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

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

**13 F16 (Restriction of hours during construction)**

**Reason: To protect the amenity of local residents.**

**14 G01 (Details of boundary treatments)**

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

**15 G04 (Landscaping scheme (general))**

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

**16 G05 (Implementation of landscaping scheme (general))**

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

**17 G06 (Scope of landscaping scheme)**

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

**18 G10 (Retention of trees)**

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

**19 G17 (Protection of trees in a Conservation Area)**

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

**20 H06 (Vehicular access construction)**

**Reason: In the interests of highway safety.**

**21 Before any other works hereby approved are commenced, a visibility splay will be provided in accordance with details to be submitted to and agreed in writing by the local planning authority. Nothing shall be planted, erected and/or allowed to grow on the area of land so formed which would obstruct the visibility agreed.**

**Reason: In the interests of highway safety.**

**22 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.**

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

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

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

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

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

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

**Informatives:**

- 1 N01 - Access for all**
- 2 N03 - Adjoining property rights**
- 3 N04 - Rights of way**
- 4 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds**
- 5 N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats**
- 6 ND03 - Contact Address**
- 7 HN01 - Mud on highway**
- 8 HN02 - Public rights of way affected**
- 9 HN05 - Works within the highway**
- 10 HN10 - No drainage to discharge to highway**
- 11 HN13 - Protection of visibility splays on private land**
- 12 If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155**
- 13 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

**Background Papers**

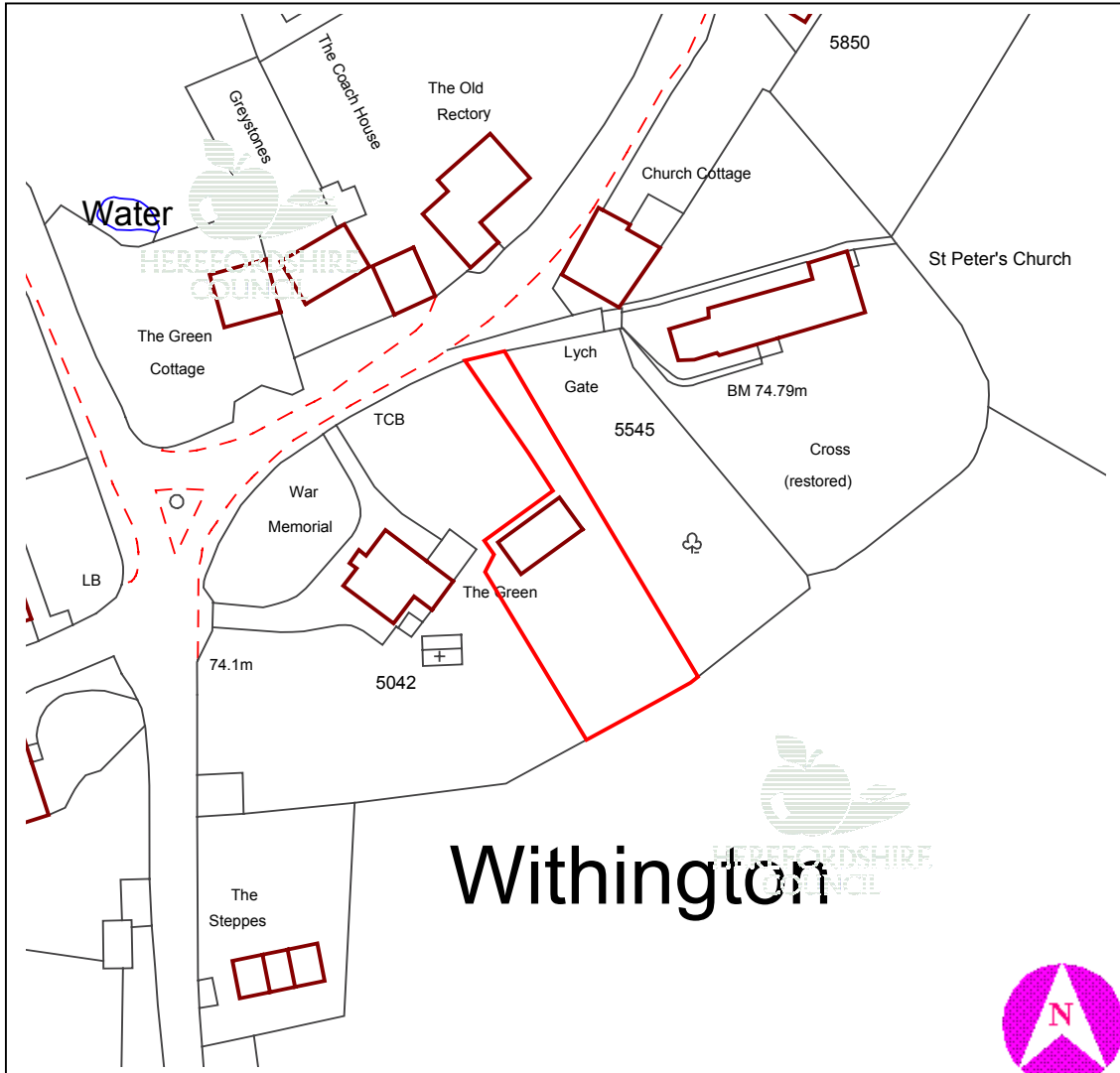
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**APPLICATION NO:** DCCE2005/1572/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to The Green, Withington, Herefordshire

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**10 DCCE2005/1994/F - PROPOSED CONSERVATORY TO REAR OF PROPERTY FLAT 5, 50 HAFOD ROAD, HEREFORD, HEREFORDSHIRE, HR1 1SQ**

**For: Mr. D. Wilkins, Anglian Home Improvements, Conservatories Admin Dept, P.O. Box 65, Norwich, NR6 6EJ**

**Date Received: 16th June, 2005    Ward: Tupsley    Grid Ref: 52404, 39609**

**Expiry Date: 11th August, 2005**

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

**1. Site Description and Proposal**

- 1.1 50 Hafod Road is a Victorian building with a modern addition to the side situated within the Established Residential Area of Hereford City and is within a Conservation Area. The building has been sub-divided into five flats. Flat 5 is located at the ground floor.
- 1.2 This application seeks consent to erect a conservatory at the rear of the property. It is proposed that the conservatory will be constructed with white PVCU frames and double-glazing with a tinted glass roof.

**2. Policies**

2.1 Hereford Local Plan:

ENV14	-	Design
H12	-	Established residential areas - character and amenity
H14	-	Established residential areas - site factors
H16	-	Alterations and extensions
CON12	-	Conservation areas
CON13	-	Conservation areas - development proposals.

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1	-	Design
DR2	-	Land use and activity
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 objection.
- 4.3 Conservation Manager: The proposed conservatory will span the two constructional periods namely the Victorian building and the modern addition. The roof is located right against the underside of the Victorian bay. The scheme is generally thwarted from an alternate design due to the position of the two bays. From the conservation aspect albeit a non-listed building I am unable to give this application my support.

**5. Representations**

- 5.1 Hereford City Council: No comment received at the time of writing..
- 5.2 A letter of objection has been received from Mrs. Daphne Moore, resident at Flat 3, Hafod Road. The main points raised are:
- Noise level - as the proposed conservatory will be located underneath their living room window; it will generate unacceptable noise during the bad weather, which would be distressing.
  - Privacy - due to the location of the communal drying area and washing lines a right of way exists at the side of the house, which passes Flat 5's kitchen and utility. Concern that the addition of a conservatory may intrude into her privacy.
  - Attractiveness and Appearance - concern that the size of the proposed conservatory will add to the already unbalanced and untidy appearance of the building.
  - Liability and Fire Escape - concern with liability in instances of accidental damage to the conservatory if anything is inadvertently dropped from one of the upper storey windows. Also there is only one exit from Flat 3, concerns that in an emergency, if trapped in the room at the rear of the building, the escape route will be seriously hindered.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

**6. Officers Appraisal**

- 6.1 The key considerations in the determination of this application are as follows:
- (a) Principle of development.
  - (b) The impact on residential amenities.
  - (c) The impact on the character and visual amenities upon the Conservation Area.

Principle of Development

- 6.2 Hereford Local Plan Policy CON12 and CON13 indicate that special attention will be paid to the desirability of preserving or enhancing the character and appearance of conservation areas within the city. Development proposals within the conservation areas should be of a high standard of design, in scale and constructed in material and finishes appropriate to the character of the area.



- 6.3 Development Plan policy also states that alterations and extensions to existing dwellings should be in scale and in keeping with the character of the existing building, its surroundings and to the amenities of nearby residential properties.

The Impact on Residential Amenities

- 6.4 It is considered that the proposed conservatory would not have any overbearing impact or block light from the neighbouring properties. There will be no loss of privacy resulting from the proposal. The sole objection is from the upper floor resident. However, many of the concerns raised are civil matters and not material considerations in respect of the determination of this application.

The Impact on the Character and Visual Amenities of the Conservation Area

- 6.5 The proposed conservatory is situated at the rear of the building, and as such it will not be seen from public vantage points. The Conservation Manager raises objections to the design and appearance of the conservatory. Whilst the design is not ideal, the scale will have a minimal impact on the rear elevation of the building or the visual amenities of the Conservation Area and as such it is not considered that the refusal of planning permission would be justified in this case.

Conclusion

- 6.6 The proposed conservatory would not have a detrimental impact on visual amenities of the Conservation Area or neighbouring amenity and as such the proposed conservatory is considered to accord with the relevant policies and is recommended for approval.

## 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.**

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

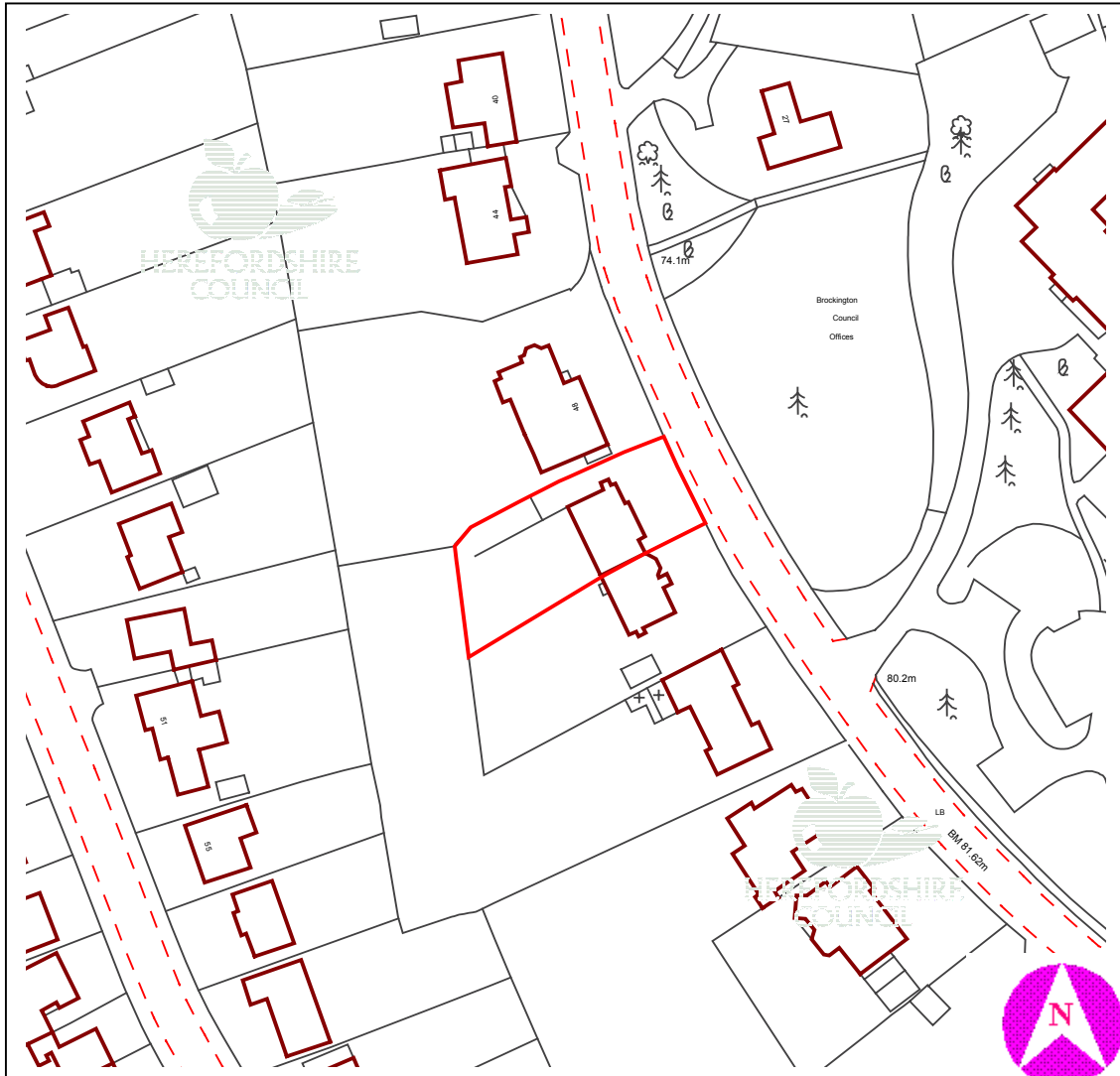
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**APPLICATION NO:** DCCE2005/1994/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Flat-5, 50 Hafod Road, Hereford, Herefordshire, HR1 1SQ

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**11 DCCE2005/0915/F - VARIATION OF CONDITION 2 OF PLANNING PERMISSION HC/970294/PF/E TO ALLOW THE SALE OF FURTHER GOODS UNIT A2, BROOK RETAIL PARK, HEREFORD**

**For: MacArthur Wilson per White Young Green,  
Ropemaker Court, 12, Lower Park Row, Bristol, BS1  
5BN**

**Date Received: 21st March, 2005**

**Ward: Central**

**Grid Ref: 51671, 40365**

**Expiry Date: 16th May, 2005**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

1.1 This application seeks planning permission for a change of use to Unit A2 on the Brook Retail Park. The Brook Retail Park is located to the north east of the central area of Hereford City Centre on the eastern side of Commercial Street. The railway forms the northern boundary with a Kentucky Fried Chicken fast food outlet found to the south. The site is located in an area designated for large scale retail development in the Hereford Local Plan, though this is now slightly less relevant as the site has been developed in accordance with this allocation. The land is not designated within the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) and as such is 'white land' where proposals should be considered on their specific merits. The unit forms part of a complex of four units which are currently in A1 use as defined by the Town and Country Planning (Use Classes Order) 1987 (as amended 2005). These four units are, however, significantly restricted by condition attached to the permission to control the range of goods that may be sold from the premises. Unit A, of which the application forms one half, is subject to a condition which precludes the sales of the following:

1. Food and drink to be consumed off the premises;
2. Clothing and footwear;
3. Cutlery, crockery, and glassware;
4. Jewellery, clocks and watches;
5. Toys, camping and travel goods;
6. Books, audio and visual recordings, and stationary (except office related);
7. Medical goods, cosmetics and toiletries;
8. Sports goods, equipment and clothing;
9. All categories A1 b) to f) of Class A1 except where ancillary (that is use for all or any of the following purposes -
  - (a) for the retail sale of goods other than hot food,
  - (b) as a post office.
  - (c) for the sale of tickets or as a travel agency,
  - (d) for the sale of sandwiches or other cold food for consumption off the premises,
  - (e) for hairdressing,
  - (f) for the direction of funerals.)

- 1.2 The application seeks a change of use to an A1 use with sales of the above unrestricted. The application does, however, include the provision for the unit to be restricted by condition to a catalogue retailer only.

## 2. Policies

### 2.1 Planning Policy Guidance:

- PPS1 - General policy and principles
- PPS6 - Town centres and the rural development

### 2.2 Regional Planning Policy:

- RPG11 - Regional Spatial Strategies

### 2.3 Hereford Local Plan:

- S1 - Role of central shopping area
- S11 - Criteria for large scale retail development
- S12 - Land for large scale retail development

### 2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable development
- S2 - Development requirements
- TCR1 - Central shopping and commercial areas
- TCR2 - Vitality and viability
- TCR9 - Large scale retail and leisure development outside central shopping and commercial areas

## 3. Planning History

- 3.1 HC97/0292/PF/E - Erection of two buildings for Class A1, one building for Class A1 non-food retail and a building sub-divided for Class A1 food and Class A1 non-food with ancillary works. Approved 11th September, 1997.
- 3.2 HC94/0072/PF - Erection of retail food store including 2 no. concessionary shops. Erection of building for the A1 retail with ancillary office and ancillary works. Approved 3rd February, 1995.
- 3.3 HC95/0134/PF - Development of site for industrial units and new warehouse. Refused 24th August, 1995 (Appeal dismissed 12th November, 1996).

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None.

### Internal Council Advice

- 4.2 Traffic Manager: No objections.

- 4.3 Forward Planning Manager: Objection on the basis that in terms of the sequential test the Herefordshire Unitary Development Plan identifies the Eign Gate Regeneration Area for A1 type development. Granting permission for the variation of conditions on the Brook Retail Park would be contrary to the Plans retail policies and the Edgar Street Grid proposals.

## 5. Representations

- 5.1 Hereford City Council: Objection 'on account of the potential detrimental effect on established retail units in the city centre'.

## 6. Officers Appraisal

- 6.1 This application essentially seeks permission for the partial lifting of the restrictive conditions currently imposed on the Brook Retail Park. Policy S1 of the Hereford Local Plan seeks to protect the Central Shopping Area in order to ensure its long term vitality and viability. The application site falls outside of the designated Central Shopping Area and effectively represents a new large scale retail proposal. The Council seeks to encourage such proposals in locations so as to complement the overall function of the city centre, rather than compete with it. Policy S11 of the Plan advises that large scale retail development outside of the city centre should:

- (a) be easily and safely accessible to the general public by means of public and private transport and be sited so as to encourage economy in fuel consumption and permit a choice of means of transport;
- (b) be acceptable in terms of its effect on the local highway network, access, circulation, and the provision of car parking and operational space;
- (c) not seriously affect the vitality and viability of any nearby town centre as a whole (including Hereford City Centre), either by itself or in conjunction with other recent and proposed retail development;
- (d) not normally be sited in the open countryside or on land allocated for residential or employment development, having regard to the supply of land for residential development and to Policy E6 in the case of employment land;
- (e) be environmentally acceptable and not lead to unacceptable adverse effects on the amenity of neighbouring properties and uses, particularly in respect of residential and other sensitive uses; and
- (f) be in accordance with other relevant policies of this plan, particularly in respect of such matters as design, the provision of infrastructure, landscaping, safety and security, and provision for cyclists and pedestrians.

Turning to the Herefordshire Unitary Development Plan, Policies TCR1 and TCR2 effectively take a similar stance and seek to ensure that the Central Shopping and Commercial Area remain the focus for retail activity. The Brook Retail Park also falls outside of this area.

- 6.2 PPS6 advises that where need can be demonstrated then a sequential test to selecting sites should be used. In addition, any proposal is required to demonstrate the likely effect upon city centre vitality and viability. This stance is echoed in both the adopted and emerging Development Plans, although it should be pointed out that the Hereford Local Plan pre-dates PPS6.
- 6.3 The Herefordshire Unitary Development Plan (Revised Deposit Draft) identifies a need for increased provision in city centre comparison and retail warehousing floorspace.

This application seeks permission for an A1 unit for comparison goods sales, for which there is an identified need for a further 14-16,00 square metres of floorspace over the plan period. It therefore seems reasonable to conclude that a general need for further floorspace such as that proposed has been recognised and accepted. With need accepted the sequential test must be applied. The Herefordshire Unitary Development Plan (Revised Deposit Draft) identifies the Eign Gate Regeneration Area for A1 type retail development, this area being located within the Central Shopping and Commercial Area. This would therefore be the preferred sequential site. It is of further note that Policy TCR9 identifies Holmer Road for large scale retail developments.

- 6.4 In consideration of Policy TCR9 relating to Holmer Road, it is considered that this policy is geared specifically towards retail warehousing. This proposal does not fall into this category with the proposal clearly seeking the sale of comparison goods as found in the city centre. It is of further note that this location is further away from the Central Shopping and Commercial Area than the Brook Retail Park, making its location less desirable from the sequential test perspective
- 6.5 In relation to the sequential test and the Herefordshire Unitary Development Plan the Eign Gate Regeneration Area is considered to be the preferred location. However, this is a long-term scheme contained within a yet to be approved Development Plan. It is further the case that the Eign Gate Regeneration Area is unable to meet the needs of this application in the here and now. PPS6 specifies that the sequential test should first consider:

'locations in appropriate existing centres where suitable sites or buildings for conversion are, or are likely to become, available within the development plan document period'.

As the Herefordshire Unitary Development Plan is not the adopted plan and the current Hereford Local Plan does not identify the Eign Gate Regeneration Area, it is considered that this area cannot be reasonably assessed as the preferred location to meet demand on the grounds that it is not currently available and there is not yet certainty that it will become so. On this basis it is considered that alternative locations can be considered.

- 6.6 In light of the above, it must be concluded that the most appropriate way of assessing this application at this time is to consider the sequentially most appropriate location currently available or likely to become available in a reasonable time frame. When this test is applied it is considered that the more sequentially appropriate location is in fact the Brook Retail Park.
- 6.7 The impact upon the vitality and viability of the existing city centre area is a further key consideration in this application. A retail impact assessment was presented with this application. A retail impact assessment considers the potential impact of a proposal upon the city centre. In this case, the assessment considered the potential impact of the lifting of the existing restrictive condition, principally in relation to turnover. The report suggests that the impact upon the city will be minimal, equating to an overall reduction in the turnover of the city centre of 1.3%. This figure is based on the trade draw of this unit being deducted from the city centre turnover. Put simply, the predicted turnover of this unit with the restrictive condition removed is deducted from the turnover of the city centre. The associated drop in the city centre turnover is a crude indication of the potential impact of this application upon the vitality and viability of the city centre. Such a calculation is relatively crude as it does not consider the



'one-stop-shop' phenomenon which can occur in edge of centre locations. This phenomenon essentially consists of shoppers being able to visit an out of centre unit, carry out all their shopping, and leave without entering the city centre area. Such activity can have a disproportionate impact upon the city centre beyond that suggested in the turnover calculation outlined above. However, as a subsequent submission from the applicant advises, the calculation does not consider the potential draw of the unit. It is acknowledged that the potential exists for this unit to act as a pull factor for Hereford, leading to increased visits to the city centre area based on visitors drawn by this unit. The validity of this claim will be related to the locational factors of the site, as well as, the specific occupier of the unit. It is of note that the site is located between the railway station and town, is found in close proximity to the County Bus Station, and is located at the end of a relatively weak retail street. From a sustainability perspective the location is considered appropriate and it is suggested that there is potential for linked trips (trips encompassing a visit to the unit and the city centre) to be generated by this unit.

- 6.8 The factual demonstration of impact upon vitality and viability is notoriously difficult, however, the site does have location advantages that cannot be ignored. A further consideration must be the fact that a need has been identified. The demonstration of need is considered to reflect the fact that the town centre can accommodate additional floorspace without detriment to its vitality and viability, subject to an appropriate location. In this instance it is considered that this location is the most appropriate in the current policy environment. Finally the restriction of this unit to a catalogue retailer must be considered. It is considered that such a restrictive condition will reduce the potential exposure of the Central Shopping and Commercial Area. A catalogue retailer, even one which is commonplace on the high street, will not be utilised by shoppers in the same manner as a traditional shop. It is considered that this will therefore reduce the potential direct competition of this unit with city centre comparison shopping and as such reduce its potential impact upon the vitality and viability of it.
- 6.9 The objections of the Forward Planning Manager are acknowledged and it is conceded that this scheme represents a proposal that is not in accordance with the provisions or objectives of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). However, the proposal is considered to be in accordance with the adopted Hereford Local Plan and in the context of this plan is considered to represent an acceptable form of development in an appropriate location. The potential concerns over the impact of it upon the future spatial planning strategy for the area are recognised but the status of the emerging Development Plan, together with the current inability to confirm a likely available site in the Eign Gate Regeneration Area, are of note. On balance it is considered that this is inadequate defence at this time on which to resist this 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 The application site premises shall be occupied by a catalogue showroom retailer (defined for the purposes of interpreting this condition as a retailer selling a wider range of goods selected by the visiting public primarily from a catalogue and supplied to them fully packaged). In the event of the site premises ceasing to be occupied by a catalogue showroom retailer, it shall revert to the restrictions currently placed on it by virtue of the conditions associated with planning permission hC97/0294/PF/E. In any event the premises shall not be used for the sale of fashion clothing or footwear.

Reason: In order that the occupancy of this unit can be controlled in the interests of the vitality and viability of the central shopping area of Hereford.

- 4 The permission hereby granted is an amendment to planning permission HC97/0294/PF/E and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.

Reason: For the avoidance of doubt.

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

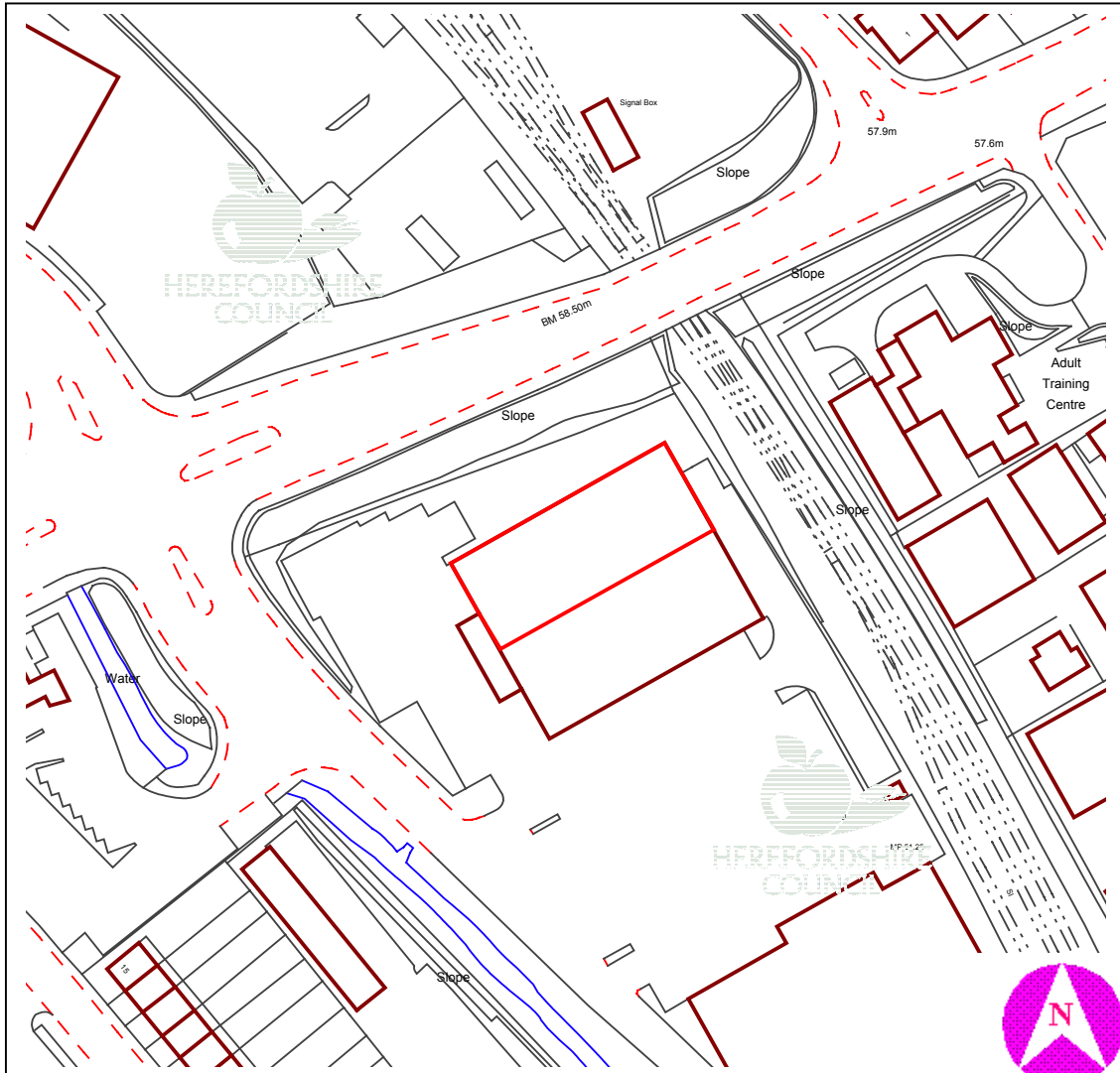
Internal departmental consultation replies.



HEREFORDSHIRE  
COUNCIL

Planning Services

Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB



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**APPLICATION NO:** DCCE2005/0915/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Unit A2, Brook Retail Park, Hereford

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**12[A] DCCE2005/1271/F - DEMOLITION OF LISTED & NON-LISTED BUILDINGS, ERECTION OF TWO/THREE STOREY BUILDING TO PROVIDE NEW RETAIL USE, RESTAURANT AND 11 NO FLATS 51,52,52A,&52B, COMMERCIAL STREET & 3A,3B,&3C UNION STREET (AND LAND BETWEEN), HEREFORD, HEREFORDSHIRE**

**For: Woodbury Park Ltd per Glazzard Architects, Building C2, Perdiswell Park, Droitwich Road, Worcester, WR3 7NW**

**12[B] DCCE2005/1281/L - DEMOLITION OF LISTED & NON-LISTED BUILDINGS, ERECTION OF TWO/THREE STOREY BUILDING TO PROVIDE NEW RETAIL USE, RESTAURANT AND 11 NO FLATS 51,52,52A,&52B, COMMERCIAL STREET & 3A,3B,&3C UNION STREET (AND LAND BETWEEN), HEREFORD, HEREFORDSHIRE.**

**For: Woodbury Park Ltd per Glazzard Architects, Building C2, Perdiswell Park, Droitwich Road, Worcester, WR3 7NW**

**Date Received: 22nd April, 2005    Ward: Central**

**Grid Ref: 51171, 40062**

**Expiry Date: 17th June, 2005**

Local Member: Councillor D.J. Fleet

### **1. Site Description and Proposal**

- 1.1 The site occupies a double frontage bordering both Commercial Street and Union Street in the centre of Hereford City. More specifically, the site includes Nos 51, 52, 52a and 52b Commercial Street, the land to the rear (south) of these properties and No's. 3a, 3b and 3c Union Street. The majority of the Commercial Street frontage is occupied by a 18th Century, Grade II Listed three storey brick building under a pitched slate roof (Nos 52, 52a and 52b). This is presently sub-divided into three retail units at ground floor, a Chinese Restaurant at first floor and residential accommodation at second floor. No. 51 is also grade II listed and is believed to be principally 17th Century with an 18th Century facade and is two storey in height with a slate roof. This is presently used as Toni & Guy Hairdressers at ground floor with ancillary staff accommodation at first floor. North of No 51 is a 15th Century mediaeval hall, to the

rear of which is an attractive 19th Century soup kitchen and heptagonal building historically used as a bakehouse.

- 1.2 To the rear of these properties are a range of modern single and two storey extensions constructed over the last 30 years or so. One exception is the three storey building located to the rear of 51 Commercial Street. This was originally believed to have been constructed as a warehouse but now transpires to have been constructed as a dwelling in the mid-19th Century and subsequently re-used for various commercial uses. This building is also Grade II Listed by virtue of its relationship and location within the curtilage of listed buildings fronting Commercial Street. Immediately south of the site is the Grade II\* Listed St Peter's Church.
- 1.3 Although presenting an impression of two independent buildings, Nos. 3a, 3b and 3c Union Street is in fact a single building dating from the late 19th/early 20th Century. Nos. 3b and 3c has a mock half-timber frontage with dormer windows at second floor. 3a Union Street has Elizabethan detailing including stone lintels and quoins around the windows and leaded glass and constructed from brick with a parapet flat roof design. The ground floor of these properties is sub-divided into three retail units along with an archway providing vehicular access to the rear. Only one unit is now being occupied and the upper floors are largely vacant and in some respects uninhabitable. South of 3a Union Street is a new two storey take-away restaurant constructed from brick and number 4-8 Union Street to the north is a three storey grade II listed Victorian brick terrace now occupied residentially and managed by a local Housing Association.
- 1.4 The majority of the central area of the site has most recently been used as a petrol filling station and vehicle repair garage and the planning authority is aware that the disused petrol tanks still remain below ground. The entire site lies within the Conservation Area, an Area of High Archaeological Importance, and the Central Shopping Area. In addition, the Commercial Street properties are designated Primary Shopping Frontage and Union Street is classified Secondary Shopping Frontage.
- 1.5 The proposal is for a mixed use development to create new retail units, a restaurant and residential flats. More specifically the proposal is for the alteration and renovation of the core of the listed buildings fronting Commercial Street to create the frontage for two retail units on two floors. The more modern extensions to the rear are to be demolished including the Grade II Listed dwelling to allow the construction of the new build retail on two floors extending off, and attached to, the rear of the Commercial Street Listed Buildings.
- 1.6 The existing properties on Union Street are to be demolished and replaced with a contemporaneously designed three storey building creating a new Chinese Restaurant at ground and part of first floor with a one bedroom flat on the remainder of the first floor and one No. 1 bedroom and one No.2 bedroom flat at second floor. A further eight one bedroom flats are to be provided at second floor above the retail units. This report covers both the Planning and Listed Building/Conservation Area Consent applications.

## **2. Policies**

### **2.1 Planning Policy Guidance:**

- PPS1 - Delivering Sustainable Developments
- PPG3 - Housing

- PPS6 - Planning for Town centres
- PPG15 - Planning and the Historic Environment

## 2.2 Hereford Local Plan:

- ENV4 - Groundwater
- ENV8 - Contaminated land
- ENV14 - Design
- ENV15 - Access for all
- ENV17 - Safety and security
- ENV18 - External lighting
- H3 - Design of new residential developments
- H21 - Compatibility of non-residential uses
- H23 - City centre residential accommodation
- S1 - Role of the central shopping area
- S2 - Retail development within the central shopping area
- S5 - Primary shopping frontages
- S6 - Secondary shopping frontages
- S8 - Window displays
- CON1 - Preservation of buildings of architectural and historic interest
- CON2 - Listed buildings – development proposals
- CON3 - Listed buildings – criteria for proposals
- CON6 - Listed buildings – demolition
- CON7 - Listed buildings – condition on demolition
- CON10 - Under use of historic buildings
- CON12 - Conservation areas
- CON13 - Conservation areas – development proposals
- CON14 - Planning applications in conservation areas
- CON15 - Enhancement schemes
- CON16 - Conservation area consent
- CON17 - Conservation area consent – demolition
- CON18 - Historic street pattern
- CON19 - Townscape
- CON20 - Skyline
- CON24 - Shopfronts
- CON27 - Shopfronts – design
- CON28 - Shopfronts – materials
- CON29 - Advertising
- CON35 - Archaeological evaluation
- T11 - Pedestrian provision
- T12 - Cyclist provision
- T3 - Traffic calming

## 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft);

- S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S5 - Town centres and retail
- S6 - Transport
- S7 - Natural and historic heritage
- DR1 - Design
- DR2 - Land use and activity

- DR3 - Movement
- DR4 - Environment
- DR5 - Planning obligations
- DR10 - Contaminated land
- DR14 - Lighting
- H1 - Hereford and the Market Towns: settlement boundaries and established residential areas
- H3 - Managing the release of housing land
- H13 - Sustainable residential design
- TCR1 - Central shopping and commercial areas
- TCR2 - Vitality and viability
- TCR3 - Primary shopping frontages
- TCR4 - Secondary shopping frontages
- TCR6 - Non-retail uses
- TCR8 - Small scale retail development
- TCR9 - Large scale retail and leisure development
- T6 - Walking
- T7 - Cycling
- T16 - Access for all
- HBA1 - Alterations and extensions to listed buildings
- HBA2 - Demolition of listed buildings
- HBA4 - Setting of listed buildings
- HBA6 - New development within conservation areas
- HBA7 - Demolition of unlisted buildings within conservation areas
- HBA10 - Shopfronts
- ARCH1 - Archaeological assessments and field evaluations
- ARCH2 - Foundation design and mitigation for urban sites
- ARCH7 - Hereford AAI

### **3. Planning History**

- 3.1 Numerous approvals exist for the site as a whole over the last thirty years or so for various alterations to the listed buildings, new signage and changes of use.

### **4. Consultation Summary**

#### Statutory Consultations

#### 4.1 Environment Agency:

The site is situated on a minor aquifer which potentially provides a base flow to surface water in the area and/or a resource for supplying the area. The Environment Agency therefore consider this to be a potentially sensitive location with respect to the protection of controlled waters. Previous land uses including the former garage with underground petroleum tanks may have caused contamination of soil and groundwater. In order to ascertain the degree of the contamination and to avoid the possibility of contaminants being released into groundwater or surface water as the site is developed, further information is required including a desktop contaminated land study.

#### 4.2 English Heritage:

The site is an assemblage of several plots in the historic heart of the Conservation Area. The uniting of these plots does not appear to be objectionable in principle - land to the rear was historically gardens and outbuildings rather than burgage plots or



another such layout of historical significance. We note the potential benefit to the city centre of having some larger retail units to ensure its continued vitality.

The demolition of the Union Street buildings would be regrettable as they do make a positive contribution to the character of the Conservation Area. Their loss would only be justifiable if the Council is convinced that the proposed new building is itself of sufficient quality to enhance the character of the Conservation Area more than the buildings that would be lost. We defer to the Council on this matter but have to say that this will be a finely balanced decision.

The interior of the upper floors of 52 Commercial Street retain much of the architectural and historic interest in their fabric, features and layout, including a fine 18th Century stair from first to second floor, many original doors, frames, architraves, skirtings and chimney pieces. Other features may be concealed behind linings and suspended ceilings on the first floor. The extent of stripping out implicit in the proposed scheme would not be appropriate but the detailed agreement of the design and scope of the works would have to await fuller access and investigation on vacation of the property. We do not envisage that this would affect the overall concept of the scheme, but it would require more retention of the historic room layout and internal features.

A greater understanding is also required on the 19th Century Listed Building to be demolished before a decision can be taken on its retention.

English Heritage recommends that further information is required on the outbuilding to be demolished and the internal works to 52 Commercial Street should be less disruptive. On that basis we must recommend refusal of the applications in their present form, but can review that advice given satisfactory further information. Comments awaited on the amended plans.

#### 4.3 Ancient Monuments Society:

We have no objection in principle to the idea of retail development spread in between the two street frontages but have some reservations about the proposals as submitted. These are as follows:

1. The proposals show the removal of most of the ground floor party walls between Nos 51 and 52 Commercial Street. We would prefer a scheme which would retain more of the historic property divisions, which presumably reflect the burgage plots of the mediaeval city.
2. The scheme removes the warehouse at the rear of No. 51. This is specifically mentioned in the list description and is an important part of the site which should be incorporated into the development if possible.
3. Two unlisted buildings in Union Street contribute to the character of the Conservation Area. In our view the proposed flat roof building with such a strong horizontal emphasis is not an appropriate replacement and seems unlikely to be an enhancement of the Conservation Area..

#### 4.4 The Georgian Group:

It is the view of the group that the proposed works are unacceptable in terms of the alteration and loss of fabric and plan form of 51 and 52 Commercial Street. The degree of alteration to Nos. 51 and 52 would make the Listed Buildings no more than an adjunct to the new commercial development, it should be the case that the existing listed building is retained as is and any new buildings married in a sympathetic way to

it. This approach is not only damaging to the listed buildings but is also strictly against the guidance laid out in PPG15 para 3.12 and 3.15.

In terms of the replacement Union Street frontage, the proposed elevations do not contribute in any positive way to the overall street scene of Union Street, the use of strident architectural forms combined with modern and vaguely traditional materials presents too much of a contrast with the surrounding property. It is for these reasons that we strongly recommend the Authority refuse Listed Building Consent for this application.

4.5 Hereford City Partnership:

The Partnership is in agreement with the development as this will improve the city's retail offer. However, we feel that the rear service yard needs to be changed to provide safe and clean access for residents of the flats and also provide adequate storage for the commercial and domestic waste and vehicular access to the area by the waste contractors.

4.6 Chamber of Commerce: No comments received.

Internal Council Advice

4.7 Traffic Manager:

The opportunity should be taken to achieve pedestrian connectivity to Union Street and Commercial Street through the development. Contributions should be sought for highway improvements in the locality and secure cycle storage should be provided for the flats within the site.

4.8 Conservation Manager:

The information provided to justify the demolition of the listed dwellings/warehouse is unacceptable and the information provided within the design statement is misleading. In particular, Conservation Policy 6 and PPG15 state that listed building consent for the demolition or substantial demolition of a listed building will only be granted in exceptional circumstances. We contend that the building is capable of being successfully incorporated into a scheme and would add to the scheme. We recommend that this area of the proposal be reviewed.

The proposed new facade would be an appropriate response to the streetscape. The design is contemporary and picks up the horizontal emphasis with vertical features provided by the large window openings picking up the form of adjacent listed buildings. It is also subservient to this building. This aspect of the proposal is therefore acceptable.

The proposed refurbished facade to Commercial Street is in principle welcomed but we recommend that the design of the new shopfronts conform to Hereford City Council's Shopfronts and Advertisements Guide. The depth of the stallriser should be increased and the scale of the transom lights reduced to improve the overall appearance. The proposed lantern lights to the rear of No. 51 should be pitched at the same angle as the roof rather than flat which would allow light to defuse in a more interesting manner.

In terms of the internal alterations to the listed buildings, there are internal features such as door surrounds, skirtings, fireplaces etc that are worthy of retention within the proposed scheme. These buildings should not be gutted and existing sub-divisions retained. Further analysis is also required as to the age of No. 51 as parts of the

timber beams appear to be 17th rather than 18th Century. Some form of watching brief or exploration of the internal alterations is required. For example, the dividing wall between 51 and 52 behind the existing building line is over 1.5 metres thick and would appear to be medieval. The age of this feature should be discovered and incorporated within the scheme if found to be medieval. As currently submitted the scheme is contrary to development plan policies and therefore is recommended for refusal. Comments awaited on the amended plans.

4.9 Environmental Health - Petroleum and Explosives Officer:

The underground tanks at the site must be permanently made safe to this departments satisfaction. A Safety Method Statement must be submitted and approved by the Petroleum Officer prior to any work being undertaken within the vicinity of the tanks. This can be dealt with by condition.

4.10 Environmental Health/Landfill and Pollution Officer:

Due to the previous use of the site as a former petrol filling station and vehicle repair garage I recommend that a contaminated land condition is placed on the planning permission to require assessment of the site and any necessary remedial works to be undertaken to ensure the site is suitable for use. It is also recommended that conditions be imposed restricting the demolition and construction working hours along with a Method Statement to minimise dust emissions from the site during the construction phase.

4.11 Forward Planning Manager:

The site is located within the Central Shopping Area as defined in the Hereford Local Plan. Policy S2 stipulates that small scale retail development proposals within the Central Shopping Area including change of use proposals will be permitted. The proposed land use of Class A1 Retail fronting Commercial Street which constitutes a Primary Shopping Frontage satisfies Plan Policy S5. The proposals for Class A3 Food and Drink along the Secondary Shopping Frontage of Union Street would also be consistent with Plan Policy S6. Policy H23 encourages the provision of dwellings above retail units in the Central Shopping Area.

The site falls within the Central Conservation Area. Conservation Policy 15 regarding enhancement schemes identifies the frontage along Union Street as part of the Conservation Area that would benefit from enhancement. Such enhancement may embrace the maintenance and repair of individual buildings as well as improvements to the wider street scene.

In terms of the UDP, the site is located within the Central Shopping and Commercial Area under Policy TCR1. Policy TCR3 requires Primary Shopping Frontage to be dominated by Class A1 retail units which the scheme proposes. Policy TCR4 stipulates that Class A3 uses at ground floor within the Secondary Shopping Frontage will be permitted providing they would not result in a continuous frontage of more than two non-retail units and will not cause a proportion of non-retail uses in the relevant frontage to exceed 50%. This will need to be examined. There are exceptions to this policy if the premises are vacant or under used and it can be demonstrated that they are unlikely to be used for retailing. Policies S5 and TCR2 encourage housing above shops.

Chapter 7.7R of the Revised Deposit Draft UDP identifies a retail requirement of an additional 14-16,000 sq metres net of city centre comparison retail floorspace in the plan period, with a qualitative need for larger and suitably configured units to attract

modern multiple retailers within the Central Shopping and Commercial Area. The proposed development would provide approximately 2,300 sq/m (net) of floorspace. This combined with the existing units on the site with the additional use of the upper floor would provide a creditable increase in provision and provide more attractive and flexible units.

In summary, the proposal satisfies and promotes both national and local town centres policy. Much of the proposed site is currently under utilised for such a prominent town centre site, and a mixed use development of this nature would compliment such a site. There are issues surrounding conservation that will require consultation with the Conservation Department, if these issues can be overcome then the Forward Planning Department supports the proposal.

4.12 County Archaeologist:

An archaeological assessment and evaluation has been undertaken which has not revealed significant archaeological remains within the site. In view of this, archaeological conditions are recommended to allow a watching brief on the excavations and foundation depths and design.

4.13 CBA: No comments received.

4.14 Victorian Society: No comments received.

4.15 SPAB: No comments received.

## 5. Representations

5.1 Hereford City Council:

The city council objected to the original submission on the grounds that increased pedestrian linkage between Commercial Street and Union Street is required, the scheme should incorporate more residential and that the application might be considered premature due to the more wide ranging plans for the city block.

In response to the amended plans; Hereford City Council welcomes the proposed development and has no objection.

5.2 Conservation Advisory Panel:

1. The extra large retail space is welcomed and the need was agreed.
2. More information is needed concerning the listed building to be demolished.
3. Opening of the site would increase foot fall to the benefit of everyone and give extra window space.
4. New elevations to Union Street did not conform to the existing and the penthouse looks ugly and massing is wrong and the horizontality is not good.

The Panel is also concerned about the piecemeal way in which such proposals have been brought forward. It is important that if we are to get the development of the city right, all proposals within the Walled City are looked at objectively and considered collectively. The Panel presently recommend refusal and await further information. Comments awaited on amended plans.

5.3 Hereford Civic Society:

Whilst the revised scheme is an improvement, we do not feel the development is of sufficient quality or interest for this location. This site gives the opportunity to develop

an interesting mix of housing, retail and public spaces. Whilst the revised scheme goes some way towards this we believe that small retail units, greater public access and more housing would be a further improvement. The site is, with the present proposals, being overdeveloped, with poor access for servicing the shops while the public passageway and courtyard give all the appearance of these being the afterthought that they are.

The proposed elevation to Union Street does not, we feel, fit with the existing elevations on this frontage and should be reconsidered. We also hear rumours that the "Pride of India" restaurant is for sale, bringing this property into the development site would have many advantages.

We believe the application should be rejected.

5.4 Hereford Access for All Committee:

Lifts within the retail units and for the flats are noted with approval.

5.5 A letter has been received from Felicity Mackenzie, 50a Commercial Street who requests that a means of escape be provided via the development to the rear of her property.

5.6 Two letters of support have been received from Robin Elt, Director, Robin Elt Shoes, 1 Alvin Street, Gloucester and Alex Coppock, RRA Architects, Packers House, 25 West Street, Hereford. The main points raised are:

- As an existing tenant of this property for some two-and-a-half years I cannot applaud demolition/renovation of the buildings sufficiently. We have had repeated problems with the health and safety environment and ingress of sewage and other liquid items into the cellar. The buildings are well passed their sell by date.
- We welcome the creation of a courtyard and possible pedestrian link through the rear of the site as it will provide the opportunity for greater connectivity with other parts of the urban block at a later date and promote the idea of city living within Herefordshire.

5.7 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 proposals have been subject to several revisions and amendments in order to address concerns of your officers, consultees, City Council and other interested groups. The various amendments will be referred to in the course of the report. The key issues for consideration in the assessment of these applications are:

1. The principle of the development.
2. Demolition of the listed building.
3. Union Street re-development.
4. Alterations to the listed building.
5. Other matters.
6. Conclusion.

### **The Principle of the Development**

- 6.2 The site lies within the Central Shopping Area as defined in the Hereford Local Plan and the Central Shopping and Commercial Area as described in the Unitary Development Plan (UDP). Commercial Street is a key retail frontage, which is supported from a policy perspective by its designation as Primary Shopping Frontage with Union Street being designated as Secondary Shopping Frontage. Policy S1 of the Local Plan and TCR1 of the UDP state that the Central Shopping and Commercial Area should be retained and protected as the prime focus for retail, leisure and commercial activity in order to ensure the continued vitality and viability of the city centre.
- 6.3 The retail floor space is to be divided into two units, each on two floors. Unit A is proposed to be 16,300 sq ft or 1520 sq metres and Unit B is proposed to be 8400 sq ft or 780 sq metres. Research undertaken as part of the preparation of the UDP has revealed a need for an additional 14-16,000 sq/m net of city centre retail floor space and more specifically, a need for larger and suitably configured units to attract modern multiple retailers within the Central Shopping and Commercial Area. Therefore, both the adopted local plan and the UDP support the principle of retail development as being the primary land use of the site. Moreover, the policies support the principle of larger retail units with bigger floor plates.
- 6.4 The proposal also incorporates an A3 restaurant on two floors, ancillary offices for the retail units and 11 flats above the restaurant and retail units. PPS6 indicates that for a town centre to be commercially attractive and vibrant both day and night a mixture of uses should be promoted. Likewise, PPG3 also promotes residential development in town centre locations and particularly above shops for the same reasons. Therefore, the principle of alternative uses of the site is also fully supported by development plan policies and government guidance.

### **Demolition of Listed Building**

- 6.5 In order to accommodate the new build retail to the rear of the listed buildings fronting Commercial Street, the applicants propose the demolition of a stand-alone building to the rear of 51 Commercial Street. This building is constructed from brick under a pitched slate roof and is three stories in height. Both English Heritage and the Conservation Manager have objected to this aspect of the proposal partly due to the lack of justification. As a result, the applicants have undertaken a historical conservation analysis of the building to establish its date of construction and subsequent alterations, reason for construction and subsequent uses and relationship with other buildings. This is a factual assessment only, based on evidence gathered from various sources and is currently being assessed by English Heritage and the Conservation Manager.
- 6.6 The conclusions are that the building was constructed by Thomas Day as a dwelling some time between 1858 and 1871. The building was originally constructed as a single room on three floors. It was then extended sometime between 1937 and 1967 and more recently has been used for commercial purposes. It has not been used for any purpose since the mid 70's and is now in a poor state of disrepair although it is believed to still be structurally sound. The building is not accessible internally due to pigeon infestation. The report states that the building has some historic interest in association with 'Hereford Society for Aiding the Industrious' but is not architecturally distinctive or rare in terms of its construction or materials. It also advises that some

key features included in windows, doors and chimney stacks have been removed/replaced.

6.7 The report does not provide any specific opinions. However, based on the factual evidence available the report has identified that the building is a Victorian house typical of many other Victorian properties in Hereford and is likely to be listed by virtue of its location within the curtilage of other listed buildings rather than its particular architectural or historic merit. In view of this information it is considered that the building may be of less interest both individually and in terms of its relationship with surrounding buildings than originally thought. However, Members should be aware that this is your Officers opinion and may not echo comments from the Conservation Manager or English Heritage.

6.8 Conservation Policy 6 of the Hereford Local Plan lists a number of criteria under which possible demolition of a listed building must be assessed:

1. The importance of the building in terms of architectural and historic interest and rarity.
2. The features of the building which contribute to its listing.
3. The setting of a building and its contribution to a local scene.
4. The merits of alternative proposals for the site including the extent to which the proposed works would bring substantial benefits to the community.
5. The condition of the building and the cost of repair and maintenance in relation to its importance and value derived from its continued use.
6. The adequacy of efforts made to retain the building in use.

PPG15 entitled Planning and the Historic Environment also states that the Secretary of State would not expect consent for demolition to be given simply because redevelopment is economically more attractive to the developer than repair and reuse of the historic building. Therefore, the local and government policy explicitly states that significant justification is required for demolition of a listed building and a more economically attractive redevelopment of the site is not a reason in itself for supporting the demolition of the listed building. However, the merits of the alternative proposals including the community benefits are nevertheless a strong material planning consideration in this instance. Support cannot be given for the demolition of the building until further comments have been received from the Conservation Officer and English Heritage and further information in this regard will be reported to Members at Committee.

6.9 Finally, the applicants/developers have listed possible problems with trying to incorporate the building within the retail floor space which are as follows:

1. Seriously interrupt the open retail space of the proposed developments required by the national retailers, which have an agreement to occupy the units subject to planning permission.
2. Existing floor levels and headroom would be entirely different to those within the new retail floor space and existing listed buildings.
3. Existing windows to north east pose significant problems with overlooking and potential spread of fire through internal layouts.
4. Its isolation from other listed buildings mean its retention would have little or no context.
5. Unlike the buildings fronting Commercial Street and other buildings to the north, there is no obvious use to which the building can be converted.

### **Union Street Redevelopment**

- 6.10 The scheme proposes the demolition of numbers 3a, 3b and 3c Union Street. Despite their appearance, it is believed that they are in fact a single building dating from the late 19<sup>th</sup> Century/early 20<sup>th</sup> Century. A mock Tudor half-timber façade has been applied to Numbers 3b and 3c giving this part of the building a separate identity. Whilst these buildings do contribute towards the character and appearance of the Conservation Area, it is not considered that they make such a positive contribution as to warrant their retention. The Conservation Officer supports this view. Any consent for demolition will be subject to the replacement building being of equal or enhanced value to the Conservation Area.
- 6.11 Rather than trying to replicate the buildings to be demolished or other buildings of merit in the locality, the developers have chosen to adopt a more contemporary approach with a relatively bold design in order to create a direct contrast with other buildings within Union Street and make an architectural statement. This, in principle, is an acceptable approach.
- 6.12 The scale and form has been designed to respect and flow with other buildings in the locality and particularly No. 4-8 Union Street immediately to the north, which is a late Victorian terrace house. Horizontal emphasis has been achieved through the use of a bold red sandstone façade at first floor punctured with symmetrically located window openings and balcony railings providing a degree of verticality to the design. The red sandstone is balanced at second floor with recessed penthouse flats capped with an overhanging canopy. Whilst the materials and design are very modern, the overall scale is subservient to adjoining listed buildings and consequently, their character and intrinsic merit will not be diluted or overpowered by the proposal. It is considered that the proposed design and materials will enliven this part of Union Street and will lead to a positive enhancement of the Conservation Area.

### **Alterations to Listed Buildings**

- 6.13 In providing the new retail space, the listed buildings fronting Commercial Street are to be altered and renovated. This includes the opening up of ground and first floors by removing internal partitioning, dividing walls and parts of the rear elevation to create a more open plan retail floor plate, provision of three new shopfronts on Commercial Street and the general refurbishment of the buildings such as replacement/renovation of sash windows, re-roofing, new services e.t.c. Parts of the building are generally in a poor state of repair and in need of restoration and therefore the works generally proposed under this scheme are welcomed.
- 6.14 However, both the Conservation Officer and English Heritage have expressed concerns regarding the extent of 'stripping out' proposed particularly at ground and first floor. This not only relates to the removal of the dividing walls and internal partitioning but also the extent of removal of some of the original features such as skirting boards, architraves, doors etc. The applicants are happy to accept a condition to enable the planning authority and conservation officer to control and ensure the extent of 'stripping out' is minimised or where this is absolutely necessary, existing fabric is reused elsewhere within the listed buildings.
- 6.15 Notwithstanding this, the scheme still entails relatively significant alterations to the ground floor of the listed building. A number of original internal dividing walls and sections of the rear elevation of the building are to be removed to allow the free flow of



customers through the retail unit. In response to this concern the developers have reduced the amount of alterations particularly at first floor. At ground floor, where sections of wall are to be removed, the walls will be revealed below ceiling height in order that the historic room proportions are still defined. Whilst this is not an ideal situation and has generated an objection from both the Victorian and Georgian Societies, it is considered to be a satisfactory compromise and subject to conditions as outlined above, will safeguard the integrity of the listed buildings.

- 6.16 The designs of the new shop fronts have been amended to address the concerns of the conservation officer and to ensure they accord with the council's supplementary planning guidance on shopfronts. All features worthy of retention including the Tony and Guy shopfront, original cornice detailing and the ornate door serving the existing restaurant are to be retained. Whilst the specific detailing and materials including details of the advertisements will be controlled by condition, the design now respects the appearance and proportions of the listed building.

### **Other Matters**

- 6.17 One of the principle amendments which has been negotiated is the incorporation of additional residential accommodation above the retail units. The number of flats has now increased from 3 to 11 comprising one No. two bedroom flat and 10 No. one bedroom flats. PPS6, Para 2.21 promotes mixed use developments in town centre locations including flats above shops as they increase activity, stimulating and contributing to the vitality and viability of a city centre such as Hereford. The size and type of accommodation proposed is appropriate for a town centre location and Highways are satisfied with the residential development being car free. This is subject to secure cycle storage being provided which the developers have now proposed through the amended plans.
- 6.18 A contemporary design has also been adopted for the flats above the shops with the exterior being clad with zinc, modern fenestration and cantilevered galvanised stainless steel access stairs. Each flat will have their own outdoor amenity space provided by balconies. A lift is now also proposed not only for the retail units but also to serve the flats making them potentially accessible for the less mobile, which is welcomed by the access committee. The flats are also essentially one storey, which ensures that the overall scale of the development will not be visible from outside of the site or more importantly, will not dominate the setting of adjoining listed buildings and particularly St Peter's Church.
- 6.19 Another amendment that has been negotiated is the creation of a possible pedestrian link off Union Street through the rear of the site, via a new internal courtyard with the possibility of linking in to Gilbies alley and through to St Peter's Square. Whilst this pedestrian link is unlikely to be forthcoming in the short term, the opportunity has been provided and facilitated through the development should agreement be reached between the relevant landowners in the future. This would also then create a more permeable development and replicate historic street patterns and passageways evident elsewhere in Hereford.
- 6.20 A rear service yard is provided which will incorporate an appropriate refuse storage and delivery loading/unloading bay to serve the retail units and restaurant. The new retail unit has been stepped away from the rear of 4 Union Street in order to minimise the impact of the development on the amenity of the occupants of these properties.

- 6.21 Due to the previous use of the site as a petrol filling station and vehicle repair garage, the site may well be contaminated. As a result, Environmental Health and the Environment Agency have requested conditions to ensure that the possible contamination of the land is thoroughly investigated and appropriate mitigation undertaken prior to any development commencing on the site. This can be satisfactorily dealt with via conditions. Similarly, the preliminary archaeological investigation undertaken has revealed minimal archaeological interest and therefore this matter can also be adequately dealt with via conditions.
- 6.22 The applicants have also agreed to provide a financial contribution towards possible Conservation Area and Highway improvements in the vicinity of the site. It is envisaged that if Planning and Listed Building/Conservation Area Consent is approved such contributions would be used towards CCTV cameras on Union Street and Union Passage, improved lighting and possible resurfacing of Union Passage and part of Commercial Street to the frontage of the site, removal of brick planters and provision of new street furniture on Commercial Street, traffic calming on Union Street and a possible conservation 'feature' on Commercial Street. The townscape improvements would be undertaken alongside the wider re-furbishment proposals for the centre of Hereford. This is not intended to be an exhaustive list of how or where the money could be used and other relevant and necessary projects may materialise. The sums, which have been negotiated, are £70,000 for townscape improvements and £40,000 for highway improvements. This would be secured by a Section 106 or other appropriate legal agreement should permission be approved.

### Conclusion

- 6.23 The proposal will lead to the redevelopment of this important town centre site for a mixed use development, the principle of which is fully supported by local and national policies. The architectural and historic merit and general appearance of the listed buildings fronting Commercial Street will be satisfactorily safeguarded and the proposed renovation works will ensure their long-term use and survival. The proposed Union Street redevelopment will provide a much needed uplift to this part of the Conservation Area and with the addition of possible financial contributions, will lead to an enhancement of the Conservation Area. The new retail units along with the residential accommodation above will increase the vitality and viability of the commercial and shopping area both during the day and in the evenings. Therefore, subject to Conservation Officer and English Heritage being broadly satisfied with the principle of demolishing the Victorian listed house and the alterations to the Commercial Street listed buildings, the proposals are considered acceptable.

### RECOMMENDATION

1. **Subject to there being no objection from English Heritage and the Conservation Manager at the end of the consultation period the County Secretary and Solicitor be authorised to complete a planning obligation or unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards:**
  1. **Conservation Area/townscape improvements**
  2. **Highway related improvements on Union Street.**

**And any additional matters and terms as she considers appropriate.**

2. On completion of the aforementioned planning obligation or unilateral undertaking the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

**Conditions – DCCE2005/1271/F**

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

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

- 2 A06 (Development in accordance with approved plans)

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

- 3 B01 (Samples of external materials)

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

- 4 D01 (Site investigation - archaeology)

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

- 5 D03 (Site observation - archaeology)

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

- 6 D04 (Submission of foundation design)

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

- 7 Prior to commencement of development the applicants shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during the construction phase. The construction works shall be carried out in accordance with the agreed Method Statement.

Reason: To safeguard the amenities of the locality.

- 8 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 9 F32 (Details of external lighting)

Reason: To safeguard local amenities.

- 10 F41 (No burning of materials/substances during construction phase)

**Reason: To safeguard residential amenity and prevent pollution.**

- 11 Development approved by this planning permission shall not be commenced unless:**

**a) A desk top study has been carried out which shall include the identification of previous site use, potential contaminants that might reasonable be expected given those uses and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors have been produced.**

**b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:**

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and**
- refinement of the Conceptual Model, and**
- the development of a Method Statement detailing the remediation requirements.**

**c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.**

**d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.**

**Reason: To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health.**

- 13 The development of the site should be carried out in accordance with the approved Method Statement.**

**Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.**

- 14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of that Method Statement.**

**Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.**

- 15 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and report shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 16 A Method Statement and Risk Assessment for the safe removal of the underground petrol tank shall be submitted to and approved in writing by the local planning authority. The tank shall be removed in accordance with the approved Risk Assessment and Method Statement.

Reason: In the interest of protection of the environment and harm to human health under the Public Health Act 1961 and Health and Safety at Work Act 1974.

- 17 H21 (Wheel washing)

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

- 18 H27 (Parking for site operatives)

Reason: In the interests of highway safety.

- 19 Prior to the commencement of the construction of a new retail units, details including scaled plans, and a schedule of materials and details of the proposed signage for the new shopfronts on Commercial Street shall be submitted for approval in writing by the local planning authority. The new shopfronts and signage shall be installed in accordance with the approved details prior to occupation of the development hereby permitted.

Reason: To enable the local planning authority to control the specific detail and materials for the shopfronts in the interests of safeguarding the character and appearance of the listed building and Conservation Area.

**Informative:**

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

**Conditions – DCCE2005/1281/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.

- 2 C02 (Approval of details)

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

**3 C14 (Signing of contract before demolition)**

**Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**4 C15 (Salvage recording)**

**Reason: To enable a record to be made of this building of historical and/or architectural interest.**

**5 C16 (Detailed scheme of demolition operations)**

**Reason: To minimise the risk of damage to the existing building.**

**6 Prior to the carrying out of any works/alterations to the listed buildings fronting Commercial Street, the developer shall provide for approval in writing by the local planning authority an investigative schedule including timescales for the proposed ‘stripping out’ works to the listed buildings. The stripping out shall be carried in accordance with the agreed schedule and timescales. The developer shall afford access to the local planning authority/conservation manager at all reasonable times in order to observe and record the investigative works.**

**Reason: To ensure the architectural and historic interest of the listed buildings are recorded and safeguarded as necessary.**

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**APPLICATION NO:** DCCE2005/1271/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 51,52,52a,&52b, Commercial Street & 3a,3b,&3c Union Street (and Land Between), Hereford, Herefordshire.

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**13 DCCE2005/1230/RM - CONSTRUCTION OF 129 DWELLINGS, PROVISION OF PUBLIC OPEN SPACE, AND ASSOCIATED WORKS. SITE ADJACENT 104 BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY**

**For: Laing Homes Midlands Ltd, Foxley Tagg Planning Ltd. 37 Rodney Road, Cheltenham, Gloucestershire, GL50 1HX**

**Date Received: 18th April, 2005    Ward: St. Martins & Hinton    Grid Ref: 50903, 37939**  
**Expiry Date: 13th 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 is split into three separate parcels of land, Areas A and B are immediately east of the Bullingham lane and Area C lies to the west of Bullingham Lane. South of the site is the railway line, bordering the south western corner is Glenmore mobile home park and to the north west are existing semi-detached and terraced properties. Levels are generally flat with the exception of the south western corner where the levels rise steeply towards the mobile home park. There are a number of semi-mature trees within and bordering the three parcels of land comprising 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 10th February, 2005 following Committee approval in December 2003. The master plan associated with the outline proposed that the site as a whole would be developed in three phases, two permissions totalling 160 dwellings were approved in June 2004 comprising Phase 1 and delegated approval was granted at Central Area Planning Sub-Committee on 29th June, 2005 for a further 135 dwellings under Phase 2A.
- 1.3 This application is essentially Phase 2B and is for the construction of a further 129 dwellings and apartments. It includes details of the siting, design and external appearance of the properties 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 was approved on 27th June, 2005 and a further application for the Bullingham Lane roundabout is currently with the authority but is undetermined. The housing mix is as follows:

	1-bed	2-bed	3-bed	4-bed	5-bed
Private housing	3	12	35	21	12
Affordable housing (for rent and shared ownership)	3	15	7		
Low cost market housing	9	12			
TOTAL	15	39	42	21	12

## 2. Policies

### 2.1 Planning Policy Guidance:

- PPS1 - Delivering Sustainable Development
- PPG3 - Housing

### 2.2 Hereford Local Plan:

- ENV7 - Noise
- 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
- NC6 - Criteria for development proposals
- NC7 - Development proposals – habitat creation and enhancement
- NC8 - Protected species

### 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and historic heritage
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- DR13 - Noise

- 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
- NC5 - European and nationally protected species
- NC6 - Biodiversity action plan priority habitats and species
- NC7 - Compensation for loss of biodiversity

### **3. Relevant 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). Reserved Matters approval 27th June, 2005.
- 3.3 DCCE2005/1961/RM - Construction of roundabout and access road. Application undetermined.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Welsh Water: Recommends conditions concerning foul and surface water drainage.
- 4.2 Network Rail: No objections subject to various issues being considered including the erection of the 1.8 metre high trespass resistant fence along the site boundary with the railway line, development should be at least 2 metres away from the boundary fence with the railway line, the design of the dwellings should take account of railway noise, and Network Rail should be advised of any change in ground levels and drainage arrangements adjacent to the railway line.
- 4.2 Environment Agency: No objections.
- 4.3 Highways Agency: The Agency initially objected to the application as they had concerns over the capacity of the principal junction to the site off the A49 to accommodate the number of dwellings proposed and envisaged for the site as a whole. Following further discussions the Highways Agency comment as follows:

"I confirm the Highways Agency has now received and had an opportunity to review the additional information submitted by the applicants consultants and we are now satisfied that the additional assessment undertaken by HSL comply with our previous recommendations in terms of trip rates and revised junction modelling. As a result of

this we are content that the degree of saturation at the junction is shown to be less than 90%, meaning that the junction can accommodate the development traffic linked to this application.

Internal Council Advice

- 4.4 Traffic Manager: Generally no objections to the internal road layout, parking provision and pedestrian/cycle routes. Comments are awaited on the amended plans, minor amendments may be necessary.
- 4.5 Conservation Manager: There are no objections to the archaeological and ecological aspects of the development.
- 4.6 Landscape Officer: I am disappointed that Areas A and B of this application take no account of the overall landscape strategy and concept that was agreed at the outset of the development. We were originally very supportive of the outline application which demonstrated a strong landscaping design concept and conceptual framework and I would have expected this application to have resulted in a stronger landscape design reinforcing the original landscape strategy. Instead the landscape strategy is almost unrecognisable and the overall concept has been entirely lost. The main concerns are:
1. The road layout does not conform to the original strategy of radial routes from the central formal open space;
  2. The formal avenue planting along wide radial routes has been lost;
  3. The peripheral screening planting in Area A has been omitted;
  4. Many existing trees originally shown to be retained are to be removed;
  5. The indicative planting is entirely inadequate both in respect of quantity and location.
- These comments apply to Areas A and B, there is no objection to Area C. Comments are awaited on the amended plans.
- 4.7 Environmental Health and Trading Standards Manager: No objections subject to a scheme being submitted to protect the dwellings affected by noise disturbance from the railway line.
- 4.8 Drainage Engineer: Consultant 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 have no objections or further comments to make on the proposals."
- 4.9 Forward Planning Manager: Paragraph 5.4.7 of the UDP (Revised Deposit Draft) highlights requirements of any proposals submitted for the development site including open space, community facilities and affordable housing. Any development will be expected to deliver 36% of affordable housing. Regarding density, Policy H15 seeks a target of at least 30 dwellings per hectare. The proposed development of 130 units on 2.78 hectares equates to 46.7 dwellings per hectare which is in accordance with the 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 open space and 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 would be required to incorporate outdoor playing space and public open space in accordance with the minimum standards set out in Policy RST3. The scheme is in excess of 60 dwellings, proposals will be expected to be provided with a small childrens infants play area properly equipped and fenced, and an older childrens play space, and outdoor playing space for youth and adult use and public open space to at least the minimum standard.

- 4.10 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 Section 106 Agreement associated with the outline planning permission. The proposed mix is not yet detailed enough for agreement, we need further details of the number of bedrooms and persons to be housed in the apartments. There is also a distinct lack of two bedroom bungalows which are needed in Hereford. We are concerned with the location of the affordable housing and we would want to see the affordable spread across all three sites. Comments awaited on the amended plans.
- 4.11 Parks and Countryside Manager: No comments received.

## **5. Representations**

- 5.1 Lower Bullingham Parish Council: The Parish Council is concerned with the density of the development and the impact of traffic in the locality. Despite the submissions made in the report, practical observations suggest that there will be a substantial traffic impact we would oppose this application at this level of density. We also like the application submitted on the whole of the site and not piecemeal parts as this one is.
- 5.2 Hereford City Council: No objections subject to there being no unnecessary destruction of trees.
- 5.3 Three letters of objection have been received from D. Blackstone & Son, Glenmore Park, 293 Ross Road, Hereford; B.H. Williams, 40 Glenmore Park, 40 Ross Road, Hereford; B. Howey, 24 Glenmore Park, Ross Road, Hereford. The main points raised are:
- We object to the housing being built directly against Glenmore Mobile Home Park.
  - A green area should be incorporated between the boundaries which would be socially and environmentally acceptable to residents of the park.
  - There are slow-worms at the end of the existing orchard south of Glenmore Park and the application site. These are a protected species and should be thoroughly investigated before any development is allowed.
  - Having two storey dwellings so close to the boundary will take away our light and privacy and view which we have enjoyed for 17 years.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The 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 traffic 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 development proposes the construction of 129 dwellings and apartments at a net density of 47 units per hectare. Policy H15 of the Unitary Development Plan requires the efficient use of previously developed land and sets an indicative minimum net density of 30 dwellings per hectare rising up to 50 dwellings per hectare on town centre sites. This density is at the upper limit of what was envisaged at the outline stage and what is appropriate for the site given its location being on the southern fringes of the city. However, the density is uplifted by the number of proposed apartments and consequently, the density is considered reasonable and in line with the relevant policy.
- 6.3 Members should be aware that the master plan envisaged that the site would be developed for 500 houses and this figure is identified within Policy H2 of the UDP. Whilst the total number of approved and proposed dwellings does not exceed the figure of 500, Wimpey's being the site owner have identified that the site has additional capacity through developing at a higher density and reducing the amount of open space. Both approved and proposed schemes are now working towards the development of around 600 units for the site as a whole. Neither the outline planning permission or legal agreement identifies the specific number of units or density 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, an acceptable Traffic Assessment to demonstrate that the local road network and principle junction to the site can accommodate the vehicle movement associated with 600 units.
- 6.4 The Highways Agency and Traffic Manager initially had concerns regarding the capacity of the A49 Bullingham Lane junction to accommodate the density proposed. However, the Highways Agency has now withdrawn their objection and formally confirmed that from a traffic assessment point of view, the site can accommodate approximately 600 units.

### **Layout, Design and Materials**

- 6.5 The layout has been redesigned to address the concerns of your Officers, Traffic Manager and the Landscape Officer. The principal theme of the layout is that properties generally front on to, and address the roads, central park and other open space with parking and gardens to the rear. This will assist in creating a sense of place and community for the residents and lead to more interesting street scenes. The properties bordering the central park within Areas A and B are orientated so as to overlook the park with a mix of house designs, materials and scales. The same layout principles have been adopted for Area C with houses being sited around, and overlooking a centrally located green.

- 6.6 A number of the gardens are relatively small and no private amenity space is proposed for the apartments. However, in order to achieve a more efficient use of the site, private amenity space must be sacrificed. This approach would not always be acceptable but as all of the housing is within a short walk of the central park and other play/sport facilities, this is considered acceptable in this instance.
- 6.7 The objectors concerns regarding the possible impact of the development on their amenity are noted. However, there will be no direct overlooking or unacceptable window to window relationships with properties, which border the mobile home park. Furthermore, the levels within the south western corner of the site are considerably lower than existing levels within the mobile home park where the objectors reside and therefore, subject to the dwellings being constructed at lower levels, there will be no loss of light and unlikely to be a significant interference with their outlook. A slight amendment to the layout and relationship between plot 66 and 104 Bullingham Lane is required in order to minimise the impact of the new dwelling on the amenity of existing property and the applicants have agreed to the necessary amendment but amended plans are awaited.
- 6.8 A 5 metre wide strip of land adjoining the railway line will also remain undeveloped as it was identified at the outline stage that there are slow worms present in this area. Furthermore, a Reptile Mitigation Strategy has already been submitted and approved by English Nature and the Council's Ecologist to ensure that the slow worms and their habitat are not adversely affected by the development.
- 6.9 20 different house types are proposed including one and two bedroom apartments, two-and-a-half and three storey town houses as well as more conventional dwellings in the form of detached, semi-detached and terraced properties. The design and scale of a number of the units was initially considered to be unacceptable. Negotiations have taken place to reduce the height and particularly the visual mass of the apartments to create more acceptable street scenes and harmonious relationships between properties. The changes undertaken now also ensure that the scales are commensurate with that which has already been approved and built under Phase 1.
- 6.10 The elevational treatment of the apartments has been amended to incorporate a greater degree of architectural symmetry and balance. The designs now have a Georgian appearance which will complement this higher density part of the site and add to the mix of house types across the development as a whole. The designs elsewhere take a more conventional form fairly typical of this scale of development. However, a relatively broad mix of materials is proposed including buff and red brick, render, soft wood boarding and red and black/grey pitched tiled roofs. The specific materials will be controlled by conditions attached to the outline planning permission.

#### **Housing Mix and Affordable Housing**

- 6.11 A broad housing mix is proposed comprising one, two, three, four and five bedroom units. The highest proportion is made up of two, three and four bedroom properties but this proposal also incorporates a larger number of apartments. The general mix of house types is considered acceptable.
- 6.12 36% of the total number of units are to be affordable dwellings as required by the Section 106 Agreement associated with the outline application. This equates to a total of 46 units in the form of 36 apartments and 10 houses all within Area B. Strategic Housing are still evaluating the specific mix of affordable housing in terms of the size,

type and location of each unit. The affordable housing is proposed to be taken over by Marches Housing Association who have identified a specific need in Hereford for apartments, which are a more affordable option. This mix of affordable housing has not been proposed elsewhere on the site and therefore subject to the approval of the Strategic Housing Officer, a high proportion of apartments is considered acceptable.

### **Infrastructure**

- 6.13 Much of the internal road network will not be adopted and the maintenance will be controlled by management companies set up by the developers. This offers a greater degree of flexibility over the road layout and enables the more unsightly parts of the development such as communal parking areas and garaging to be concealed behind the frontage properties. An average of 1.2 parking spaces per dwelling is proposed which is acceptable to the Traffic Manager and falls within guidance set out within Policy H16 of the UDP.
- 6.14 All three sites are relatively permeable with footpath and cycle links between and through the areas to be developed linking in with the central park. This will ensure that even the dwellings furthest away from the central park will be easily and safely accessible by foot or bicycle. The principal footpath/cycle way corridor through Area A is also overlooked by proposed dwellings providing natural surveillance allowing the safe use of this link both day and night. The principal infrastructure linking the three areas comprising this application has now been approved and again, a pedestrian friendly environment with slow traffic speeds has been a priority. With regards to drainage, Welsh Water have not identified any capacity issues with regards to foul drainage and surface water infrastructure is considered satisfactory to the Council's Drainage Engineer.

### **Open Space and Landscaping**

- 6.15 The landscaping proposals have been amended to reflect that envisaged by the master plan at outline stage and whilst comments on the amended plans are still awaited it is suggested that the revisions address the Landscape Officers concerns. The properties which front on to the central park have been set back a minimum of 4 metres from the edge of the pavement in order to create a softer transition from the central park to the high density housing. The shared pedestrian/cycle link through Area A has been formalised to create a tree lined avenue effect planted with Hornbeams. When mature, these will enhance the green avenue appearance and enable the pedestrian and cycle link to be clearly legible. Minimal landscaping is proposed within Areas A and B besides that described above. However, the changes to the layout have been specifically undertaken to ensure the development is more in line with the original landscape strategy and therefore, a slightly lesser amount of open space and soft landscaping is accepted within these two parcels. The level of open space within Area C is in line with the outline planning permission. The Green will become the focal point for the development overlooked by all the properties which surround it. A landscaped area adjacent to Bullingham Lane is also proposed in order to continue the green buffer, which presently exists between the road and existing properties. This will also soften the views in to Area C both along Bullingham Lane and from the main development site.
- 6.16 The open space in Area C will incorporate an equipped toddlers play area. The outline planning permission identified a total of 10 suitably equipped toddlers play areas to be provided across the development as a whole in addition to the central open space and



multi-user games area. As Area C is the furthest away from the central park, the provision of a play area within this area only is adequate. It is unfortunate that some of the existing trees previously identified as being worthy of retention could not be retained as part of the development. However, planting schedules have been submitted for Areas A, B and C and the Landscape Officer is currently assessing these. It will be important to ensure and require that the new planting and particularly tree species are of an adequate size and in appropriate locations to compensate for the loss of the existing trees that are being removed.

**Conclusion**

6.17 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 Parish Council, adjoining residents, the Transport Manager, Landscape Officer and Strategic Housing. Nevertheless, the general principles identified on the amended plans are considered acceptable and satisfy the necessary policy requirements and guidance contained within PPG3 concerning the creation of mixed sustainable communities.

**RECOMMENDATION**

**That subject to no further objections raising additional material planning considerations by the end of the consultation period the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions/notes and any additional conditions/notes considered necessary by Officers.**

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


Decision: .....

Notes: .....

.....

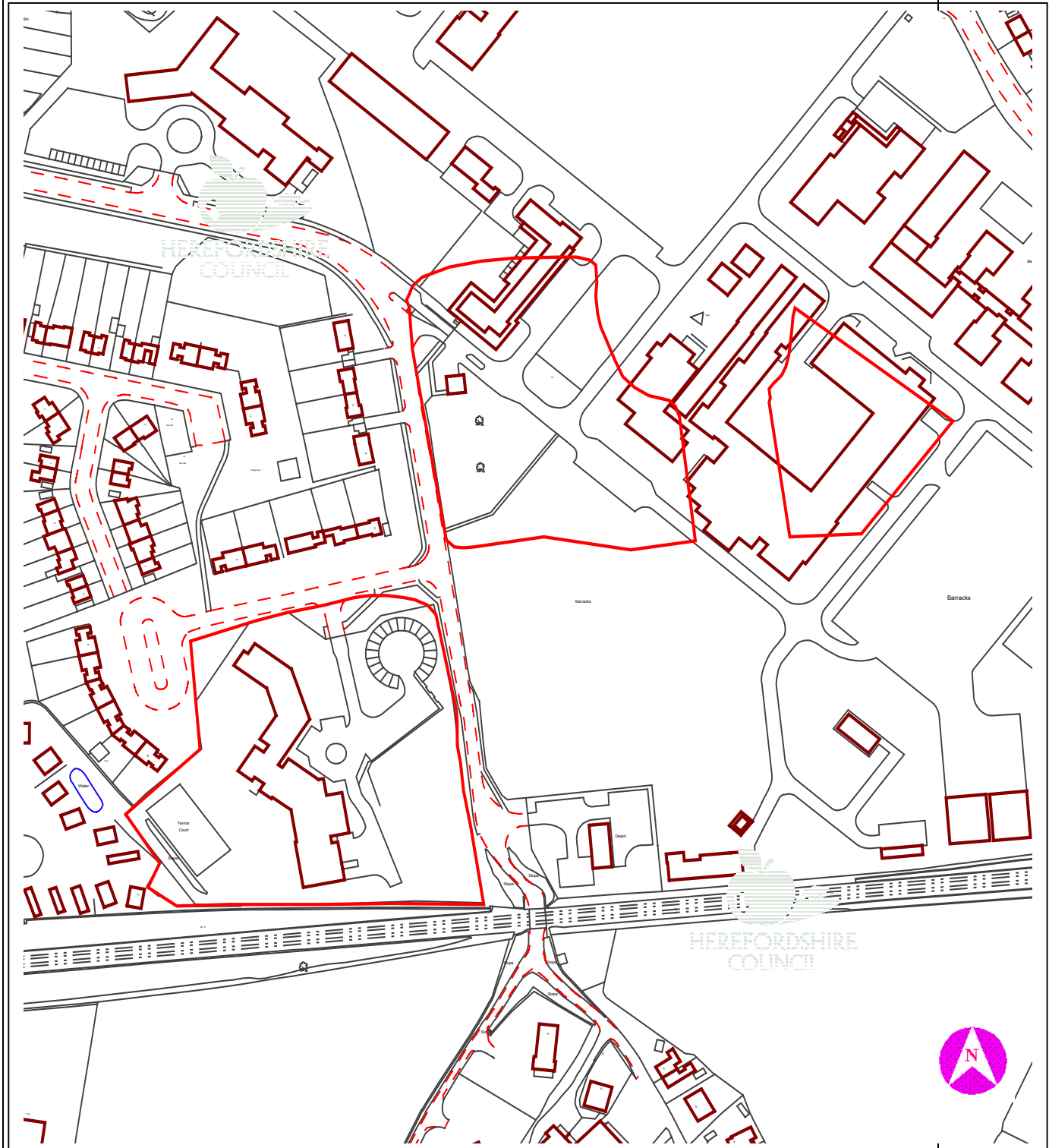
**Background Papers**

Internal departmental consultation replies.

 **HEREFORDSHIRE COUNCIL**

**Planning Services**

Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB



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**APPLICATION NO:** DCCE2005/1230/RM

**SCALE :** 1 : 2500

**SITE ADDRESS :** Site adjacent 104 Bullingham Lane, Hereford, Herefordshire, HR2 7RY

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