

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 24th August, 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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Tel: 01432 261882*

*e-mail: [bbaugh@herefordshire.gov.uk](mailto:bbaugh@herefordshire.gov.uk)*

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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 - 18
To approve and sign the Minutes of the meeting held on 27th July, 2005.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	19 - 20
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 and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda item 5 is an application that was deferred for a site inspection at the last meeting and the remainder are new applications.	
<b>5. DCCW2005/1908/F - 4 AMYAND DRIVE, HEREFORD, HEREFORDSHIRE, HR4 0LU</b>	21 - 26
Demolition of existing conservatory and garage, erection of two storey extension to side and conservatory to rear.	
Ward: <b>St. Nicholas</b>	

<b>6.</b>	<b>DCCW2004/0394/M - PART OF O.S. PARCEL 2980, UPPER LYDE GRAVEL PIT, UPPER LYDE, HEREFORDSHIRE</b>	27 - 38
	Variation of conditions 4, 12, 14, 19, 22, 23, 26 & 27 on pp ref CW2001/0769/M - for the extraction of sand and gravel.	
	Ward: <b>Burghill, Holmer &amp; Lyde</b>	
<b>7.</b>	<b>DCCW2004/0393/F - MORETON ROAD, UPPER LYDE, HEREFORD</b>	39 - 44
	Variation of condition 6 on CW2001/1427/F - widening of carriageway and construction of 6 passing bays.	
	Ward: <b>Burghill, Holmer &amp; Lyde</b>	
<b>8.</b>	<b>DCCW2005/2334/F - STARTING GATE TRAVEL INN, HOLMER ROAD, HEREFORD, HR4 9RS</b>	45 - 50
	Two storey extension to hotel.	
	Ward: <b>Three Elms</b>	
<b>9.</b>	<b>DCCE2005/1530/F - WALNEY BARN, AYLESTONE HILL, HEREFORD, HR1 1JJ</b>	51 - 58
	Demolition of existing Dutch barn erection of new private residence and attached double garage.	
	Ward: <b>Aylestone</b>	
<b>10.</b>	<b>DCCE2005/2124/O - NETHWAY, LOWER BULLINGHAM, HEREFORD, HEREFORDSHIRE, HR2 6EE</b>	59 - 68
	Site for ten new dwellings.	
	Ward: <b>St. Martins &amp; Hinton</b>	
<b>11.</b>	<b>DCCE2005/2321/F - 4 CARTER GROVE, HEREFORD, HEREFORDSHIRE, HR1 1NT</b>	69 - 74
	First floor extension to existing dwelling.	
	Ward: <b>Aylestone</b>	
<b>12.</b>	<b>DCCW2005/2176/O - LAND ADJACENT TO FOURTH MILESTONE HOUSE, SWAINSHILL, HEREFORD, HR4 7QE</b>	75 - 84
	Erection of two dwellings.	
	Ward: <b>Credenhill</b>	
<b>13.</b>	<b>DATE OF NEXT MEETING</b>	
	The date of the next scheduled meeting is Wednesday 21st September, 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, 27th July, 2005 at 2.00 p.m.**

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

**Councillors:** Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, P.J. Edwards, J.G.S. Guthrie, 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, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson

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

**26. APOLOGIES FOR ABSENCE**

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

**27. DECLARATIONS OF INTEREST**

The following declarations of interests were made:

Councillors	Item	Interest
Mrs. W.U. Attfield, Mrs. M.D. Lloyd-Hayes* and Ms. A.M. Toon*	Item 6 - DCCW2005/1834/F <b>40 Blackmarston Road, Hereford, HR2 7AJ</b>	Declared personal interests
J.C. Mayson and R.M. Wilson*	Item 7 - DCCW2005/1521/F <b>Hereford Rugby Football Club, Belvedere Lane, Hereford, Herefordshire, HR4 0PH</b>	Declared personal interests
Mrs. M.D. Lloyd-Hayes	Item 8 - DCCW2005/1908/F <b>4 Amyand Drive, Hereford, Herefordshire, HR4 0LU</b>	Declared a personal interest.
D.J. Fleet	Item 12 - [A] DCCE2005/1271/F and [B] DCCE2005/1281/L – <b>51,52,52A,&amp;52B Commercial Street and 3A,3B,&amp;3C Union Street [and Land Between], Hereford, Herefordshire</b>	Declared a personal interest.

(\* Declared personal interests during the items)

Mr. K. Bishop, Principal Planning Officer, declared personal interests in respect of items 5 (DCCE2005/1917/F) and 7 (DCCW2005/1521/F) and left the meeting for the duration of these items.

**28. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 29th June, 2005 be approved as a correct record and signed by the Chairman.

**29. ITEM FOR INFORMATION - APPEALS**

An information report was circulated in respect of the planning appeals for the central area.

**RESOLVED:** That the report be noted.

**30. DCCE2005/1917/F - 30A NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LL**

*Conversion of single storey workshop into one bedroom dwelling.*

The Principal Planning Officer reported that the objection of the Environment Agency had been withdrawn.

In accordance with the criteria for public speaking, Miss. A.K. Joynt (32 Newtown Road) spoke against the application.

The Principal Planning Officer confirmed that the Traffic Manager was satisfied with the proposal subject to the provision of secure cycle storage. He added that the change of use might result in less parking congestion than that associated with the existing joinery workshop.

The Chairman, speaking in his capacity as the Local Ward Member, felt that the site was cramped and parking was an issue but noted that there were no planning policy reasons to refuse the application.

In response to a question, the Principal Planning Officer advised that the provision of parking to the rear of the development would require access across land not in the ownership of the applicant and, therefore, this had not been put forward as a viable option. The Principal Planning Officer also commented on the residential amenity benefits offered by the change of use.

In response to a suggestion regarding the height of a boundary fence, the Principal Planning Officer advised that a condition could be included requiring details of boundary treatments in order to protect the residential amenity of the immediate neighbour.

**RESOLVED:**

**That planning permission be granted subject to the following conditions and any further conditions considered necessary by Officers:**

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

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

**2 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**

**31. DCCW2005/1834/F - 40 BLACKMARSTON ROAD, HEREFORD, HR2 7AJ**

*Construction of two storey dwelling attached to existing property.*

In accordance with the criteria for public speaking, Mr. C. Sanderson (the joint owner of the property) spoke in support of the application.

Councillor P.J. Edwards, a Local Ward Member, expressed concerns about the proximity of the proposal to existing dwellings and the loss of privacy that may result. Councillor Ms. G.A. Powell, a Local Ward Member, also expressed concerns about the space between dwellings and the potential for overlooking. Councillor J.W. Newman, also a Local Ward Member, drew attention to the objections of Herefordshire Housing.

In response to a suggestion that the application be deferred for further negotiations with the applicant and in discussion with immediate neighbours, the Principal Planning Officer advised the Sub-Committee that the application should be determined on its merits and refused if Members felt that the proposal would be contrary to planning policies.

Some Members expressed concern about parking and asked for clarification regarding off-street and on-street parking provision. In response, the Principal Planning Officer advised that off-street parking was slightly sub-standard but there was ample on-street parking available. A number of Members felt that on-street parking should not be encouraged given the problems experienced in many other parts of Hereford.

The Central Team Leader noted that deferral of the application would not necessarily result in the outcomes wanted by Members given the limits of land ownership and the layout of the application site. The Central Team Leader noted that Members' concerns about the impact on the character of the street scene and overdevelopment potentially resulting in loss of privacy were planning policy

considerations.

**RESOLVED:**

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

- 1. impact on the character of the street scene; and**
- 2. the proposal would be an overdevelopment of the site**

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

*[Note: Following the vote on the above resolution, the Central Team Leader advised that he would not refer the decision to the Head of Planning Services given the reasons for refusal provided by Members.]*

**32. DCCW2005/1521/F - HEREFORD RUGBY FOOTBALL CLUB, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0PH**

*Proposed 25m high lattice tower equipped with 3 antennas, 2 no. 600mm transmission dishes, 2 ground based equipment cabinets and ancillary development thereto.*

The Central Team Leader advised that an application had been inadvertently omitted from the planning history section of the report. It was noted that application 01/1111 related to a 15m mast and associated equipment which had been refused due to the impact on the character and appearance of the Conservation Area and the loss of flood plain. In respect of the current application, the Central Team Leader advised that the Environment Agency did not object on the grounds of flood risk, subject to conditions, following changes in categorization.

The Central Team Leader reported the receipt of 22 letters of objection from local residents and other parties. He advised that the letters raised similar concerns to those summarised in the representations section of the report; particularly in relation to the perceived adverse impact on the Conservation Area, health risks, flooding susceptibility and inappropriate location.

The Central Team Leader also reported that the applicant had indicated that some of the proposed transmission dishes would not be required and could be removed from the proposal.

In accordance with the criteria for public speaking, Mr. R.F. Mudge (Barton West, Barton Road) spoke against the application and Mr. C. Searle (applicant's agent) spoke in support of the application.

Councillor Mrs. E.M. Bew, a Local Ward Member, felt that local residents had raised some serious concerns and questioned why a telecommunications mast had been removed from a site nearby if coverage and capacity was still needed. In response, the Central Team Leader advised that he understood that the mast referred to had not been granted permanent planning permission.

Councillor Ms. A.M. Toon felt that telecommunications companies operating in Herefordshire had not complied with PPG8, particularly in respect of consultation, planning and sharing of masts. Other Members felt disappointed that the assurances given by some representatives of the industry had not always been carried through in the County.

In response to questions, the Central Team Leader confirmed that one of the existing lighting columns would be replaced with the lattice mast which would carry both the telecommunications equipment and floodlights to serve Hereford Rugby Club.

Some Members felt that operators should be made to share masts and, if this application was approved, that no further masts should be erected in the vicinity.

Whilst the Sub-Committee noted current Government Guidance, some Members noted the concerns of residents about potential health risks of such equipment.

Councillor P.J. Edwards noted the importance of Great Western Way as a pedestrian and cyclist route and felt that the proposal would have a detrimental impact on the visual amenity of the locality. It was noted that the mast would be visible above the tree line.

In response to Members' concerns, the Central Team Leader commented that there was no evidence to suggest non-compliance with PPG8 and that the Environment Agency had not raised significant objections on the grounds of flood risk. It was noted, however, that the impact on the character and appearance of the Conservation Area was an important planning consideration in this instance.

**RESOLVED:**

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

**1. detrimental impact on the character and appearance of the Conservation Area**

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

*[Note: Following the vote on the above resolution, the Central Team Leader advised that he would not refer the decision to the Head of Planning Services given the reason for refusal provided by Members.]*

**33. DCCW2005/1908/F - 4 AMYAND DRIVE, HEREFORD, HEREFORDSHIRE, HR4 0LU**

*Demolition of existing conservatory and garage, erection of two storey extension to side and conservatory to rear.*

In accordance with the criteria for public speaking, Mr. P.C. Catherineau (181 Whitecross Road) spoke against the application.

Some Members expressed concerns about the proposal and a site visit was proposed.

**RESOLVED:**

**That consideration of the application be deferred for a site visit on the following grounds:**

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

**34. DCCE2005/1572/F - LAND ADJACENT TO THE GREEN, WITHINGTON, HEREFORDSHIRE**

*Demolition of existing single storey pre-fabricated structure and erection of proposed new house and ancillary garage.*

The Central Team Leader reported the receipt of the following:

- further comments from Withington Parish Council in response to revised plans, the proposed external materials were satisfactory but concerns regarding the safety of the access remained;
- a letter of objection from Dr. Roberts of Church House expressing concern about visibility at access point and stressing the importance of retaining existing trees; and
- a letter of support from Mr. Telford.

In response to a question from Councillor R.M. Wilson, the Local Ward Member, the Central Team Leader explained the changes that had been made to the proposal since application DCCE2004/3548/F was withdrawn and noted that the Traffic Manager had no objections subject to conditions. Councillor Wilson noted that the applicant had worked hard to overcome the problems associated with the previous application and welcomed the conditions recommended by officers.

**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 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
35. DCCE2005/1994/F - FLAT 5, 50 HAFOD ROAD, HEREFORD, HEREFORDSHIRE, HR1 1SQ

*Proposed conservatory to rear of property.*

The Principal Planning Officer reported the receipt of a further letter of objection from the occupant of Flat 1 expressing concern that the conservatory would result in a loss of privacy and could hinder a fire escape route. In response, the Principal Planning Officer reported that it was understood that the building complied with the relevant regulations and was not required to have such an escape route.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Ward Member, felt that there were no planning policy reasons to refuse the application but urged neighbours to work together as much as possible. Councillor W.J. Walling, also a Local Ward Member, noted the concerns of neighbours but did not feel that the proposal would have a significant detrimental impact on amenity.

In response to a suggestion that the colour of the conservatory should be subject to a condition, the Central Team Leader commented that the frames in the elevations of the building were predominantly white and that any other colour might appear incongruous.

**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.**

**Informatives:****1 N03 - Adjoining property rights****2 N15 - Reason(s) for the Grant of PP/LBC/CAC****36. DCCE2005/0915/F - UNIT A2, BROOK RETAIL PARK, HEREFORD**

*Variation of condition 2 of Planning Permission HC/970294/PF/E to allow the sale of further goods.*

The Central Team Leader advised that paragraph 6.3, page 54 should be amended to read ‘...there is an identified need for a further 14-16,000 square metres of floorspace...’.

In accordance with the criteria for public speaking, Mr. D. Lowin (the applicant’s agent) spoke in support of the application.

The Chairman, speaking in his capacity as Local Ward Member, noted the need to protect retail policies and that the proposed restriction on occupation to a catalogue showroom retailer should address this issue.

**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 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**

- 37. [A] DCCE2005/1271/F AND [B] DCCE2005/1281/L - 51,52,52A,&52B COMMERCIAL STREET AND 3A,3B,&3C UNION STREET [AND LAND BETWEEN], HEREFORD, HEREFORDSHIRE**

*Demolition of listed & non-listed buildings, erection of two/three storey building to provide new retail use, restaurant and 11 no. flats.*

The Principal Planning Officer reported the receipt of the following:

- comments from the Conservation Area Advisory Committee which recommended refusal;
- comments from Hereford Civic Society which claimed that the Officer's report was misleading and asked for a more complete and balanced summary as the report had not given sufficient weight to the comments and concerns of Hereford Civic Society, Ancient Monuments Society, Conservation Area Advisory Committee and The Georgian Group;
- the County Archaeologist had no objections and, therefore, recommended condition 5 of the report could be removed as the site was of limited archaeological significance;
- English Heritage had commented that a fine judgement had to be made but noted that the proposal could contribute to the historic landscape;
- the Conservation Manager had commented that, whilst the principle of redevelopment was accepted, concern remained regarding the information provided to justify the demolition if the listed dwellings/warehouse;
- shortly before the meeting, the applicants had provided a unilateral undertaking in respect of contributions of £20,000 towards Conservation Area/townscape improvements and £45,000 towards highway related improvements on Union Street to be paid upon first occupation of the retail units.

The Principal Planning Officer highlighted the main considerations and commented that, subject to the recommended conditions, the proposal was considered acceptable.

In accordance with the criteria for public speaking, Mr. P. Hodgson (the applicant's agent) spoke in support of the application.

The Chairman, speaking in his capacity as the Local Ward Member, thanked the Principal Planning Officer for his hard work on these applications. The Chairman

noted that not everyone could be completely satisfied with all aspects of a scheme of this scale but felt that a reasonable compromise had been reached.

A number of Members concurred with the views of the Chairman and welcomed the redevelopment of this derelict site and the additional retail and residential units that would be created.

In response to questions, the Principal Planning Officer outlined the highways and servicing considerations and noted that the Traffic Manager had no objections subject to conditions and contributions.

A suggestion was made that there should be a restriction on hours of delivery but other Members felt that this was not necessary given the availability of loading bays on Union Street.

**RESOLVED:**

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, in consultation with the Chairman/Local Ward Member, 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.

- 12 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.

- 13 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 the 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 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.

- 15 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.

- 16 H21 (Wheel washing)

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

**17 H27 (Parking for site operatives)**

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

**18 Prior to the commencement of the construction of 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**

**38. DCCE2005/1230/RM - SITE ADJACENT 104 BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY**

*Construction of 129 dwellings, provision of public open space, and associated works*

The Principal Planning Officer advised that consultation had been undertaken on amended plans and reported the following:

- Hereford City Council had no objections;
- Lower Bullingham Parish Council had expressed concerns about the high density of development and lack of open space;
- the Strategic Housing Manager noted the broader mix of dwelling types and had no objections provided that the phase 3 development had a higher proportion of larger affordable housing units, an informative note would be added to any planning permission granted as a result;
- Marches Housing Association, which was likely to take over the affordable housing element, confirmed that the amended layout was satisfactory;
- The Traffic Manager requested minor modifications to certain roads and footpaths; and
- the Landscape Officer welcomed the use of mature trees but asked that different species be planted in some instances.

The Sub-Committee was advised that the recommendation remained the same but for the receipt of amended layouts to the satisfaction of the Traffic Manager and the Landscape Officer.

Councillor Mrs. W.U. Attfield, a Local Ward Member, welcomed the affordable housing element but noted that a number of matters needed to be resolved, including the blocking of potential short cuts to prevent criminal activity. She felt that there had been significant drift away from the original master plan for Bradbury Lines and urged officers to carefully supervise the development. She also expressed concerns about highway congestion and safety. Councillor R. Preece, also a Local Member, supported these views, particularly the need to block a specific short cut onto Ross Road. In response, the Principal Planning Officer advised that a 1.8m wall along the boundary should address this concern.

In response to questions, the Principal Planning Officer clarified that:

- the Traffic Manager was satisfied with the overall layout, therefore a major re-design was not required but minor amendments would be needed to ensure



that the roads were built to adoptable standards;

- the community facilities agreed as part of the master plan would be brought forward as part of the next phase of development; and
- 47 units per hectare was at the upper limit of what was envisaged at the outline stage but was considered appropriate given the location of the site and the number of apartments proposed.

A number of Members felt that the absence of community facilities to date was disappointing and that the next phase of development should include a greater proportion of affordable and social housing units, particularly bungalows for the elderly. Concern was expressed that additional planning gain and infrastructure improvements had not been forthcoming despite the fact that the total number of units across the whole site was likely to be at least 100 above that envisaged in the master plan.

Whilst noting the concerns of Local Ward Members, some Members felt that pedestrians and cyclists would find the limited number of access points frustrating.

A number of Members felt that the high density of development was not appropriate for this location and that private amenity space should not be sacrificed.

A concern was expressed that the report did not include the comments of a number of consultees and it was felt that the application should not be determined until all the matters had been addressed.

In response to Members' concerns, Officers provided the following advice:

- the units approved to date and those proposed under this application would not exceed the total of 500 units envisaged in the master plan;
- the wildlife mitigation measures were outlined;
- the outline planning permission required developers to provide details of noise attenuation measures;
- the single vehicular access was part of the design ethos of the development in order to prevent the area becoming a thoroughfare for other traffic but there would be other routes for pedestrians, cyclists and buses;
- the amended landscaping proposals were considered acceptable given the central open space and the number of play and games areas;
- the density of the development was considered reasonable and in line with the relevant policy;
- the lack of private amenity space was not considered critical given that the apartments would benefit from access immediately onto the central open space;
- the piecemeal nature of development was unfortunate but perhaps unavoidable given the scale of the site; and
- the report had been prepared before comments of consultees had been received on amended plans and, as indicated at the start of the meeting, the majority of concerns had been overcome or would be through minor modifications.

The Chairman noted Members' unease but reminded the Sub-Committee that they had to consider the application before them.

It was proposed that the application be approved but, in consultation with the Chairman and the Local Members, Officers be authorised to undertake further negotiations with the applicant to ensure that there was investment in the community facilities, especially medical provision, given that areas of play space had been removed from the proposals.

Members expressed further concerns about density, amenity space and lack of additional infrastructure.

The Central Team Leader stressed that this application was not an appropriate mechanism to secure additional improvements and that phase 3 would provide opportunities to address a number of the issues raised by Members. He added that the Sub-Committee was at risk of treating this development differently to those already approved as part of phase 2.

Some Members felt that consideration of the application should be deferred for further negotiations regarding affordable housing and amenity space and to secure additional improvements. In response, the Principal Planning Officer outlined the legal considerations and re-iterated that the initial concerns of consultees had been addressed subject to minor modifications.

A motion to defer consideration of the application was lost and the recommendation was approved subject to the comments made by the Sub-Committee.

**RESOLVED:**

**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 applicant's 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**

**39. DATE OF NEXT MEETING**

It was noted that the date of the next meeting was 24th August, 2005.

The meeting ended at 4.50 p.m.

**CHAIRMAN**

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCW2004/2341/A**

- The appeal was received on 11th 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 Tesco Store Ltd.
- The site is located at Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS.
- The development proposed is Internally illuminated gantry sign, various non-illuminated directional & info signage, cupboard trolley bays.
- The appeal is to be heard by Hearing.

**Case Officer: Kevin Bishop on 01432 261946**

**Application No. EN2005/0036/ZZ**

- The appeal was received on 4th August, 2005.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by A.K. & M.G. Williams.
- The site is located at Outfall Works Road, Bartonsham, Hereford.
- The breach of planning control alleged in this notice is "Without planning permission, unauthorised change of use of the land for general industrial and storage purposes falling within Use Classes B2 and B8 of the Town and Country Planning (Use Classes) Order 1987".
- The requirements of the notice are: Cease the unauthorised business use and permanently remove all storage containers and other associated materials, plant and machinery from the land.
- The appeal is to be heard by Written Representations.

**Case Officer: Adam Sheppard on 01432 261961**

## APPEALS DETERMINED

### Application No. DCCE2004/3827/T

- The appeal was received on 14th February, 2005.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by O2 UK Ltd.
- The site is located at Land adjacent to Unit 2, Wyeside Eign, Eign Road, Hereford HR1 2RQ.
- The application, dated 25th October, 2004, was refused on 17th December, 2004.
- The development proposed was Telecommunications installation 15 metre flexi cell pole & 3 GSM antennas within shroud, 1 cabinet and ancillary development.
- The main issue is the effect of the proposals on the character and appearance of the appeal site and the area in its vicinity.

**Decision:** The appeal was ALLOWED on 25th July, 2005.

**Case Officer:** Simon Withers on 01432 261957

### Application No. DCCE2004/2530/F

- The appeal was received on 14th 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. G. Dyer.
- The site is located at Land to the rear of 107 Gorsty Lane, Hereford, Herefordshire, HR1 1UN.
- The application, dated 8th July, 2004, was refused on 17th November, 2004.
- The development proposed was Erection of two bungalows.
- The main issues include the appearance or character of the area, to residential amenity and the access arrangements.

**Decision:** The appeal was **DISMISSED** on 19th July, 2005.

**Case Officer:** Kelly Gibbons on 01432 261781

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

**5 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

### **Introduction**

Members will recall that the determination of this application was deferred at the Central Area Planning Sub-Committee meeting of 27th July, 2005 in order for a site visit to be held. The site visit took place on 9th August, 2005.

### **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.**

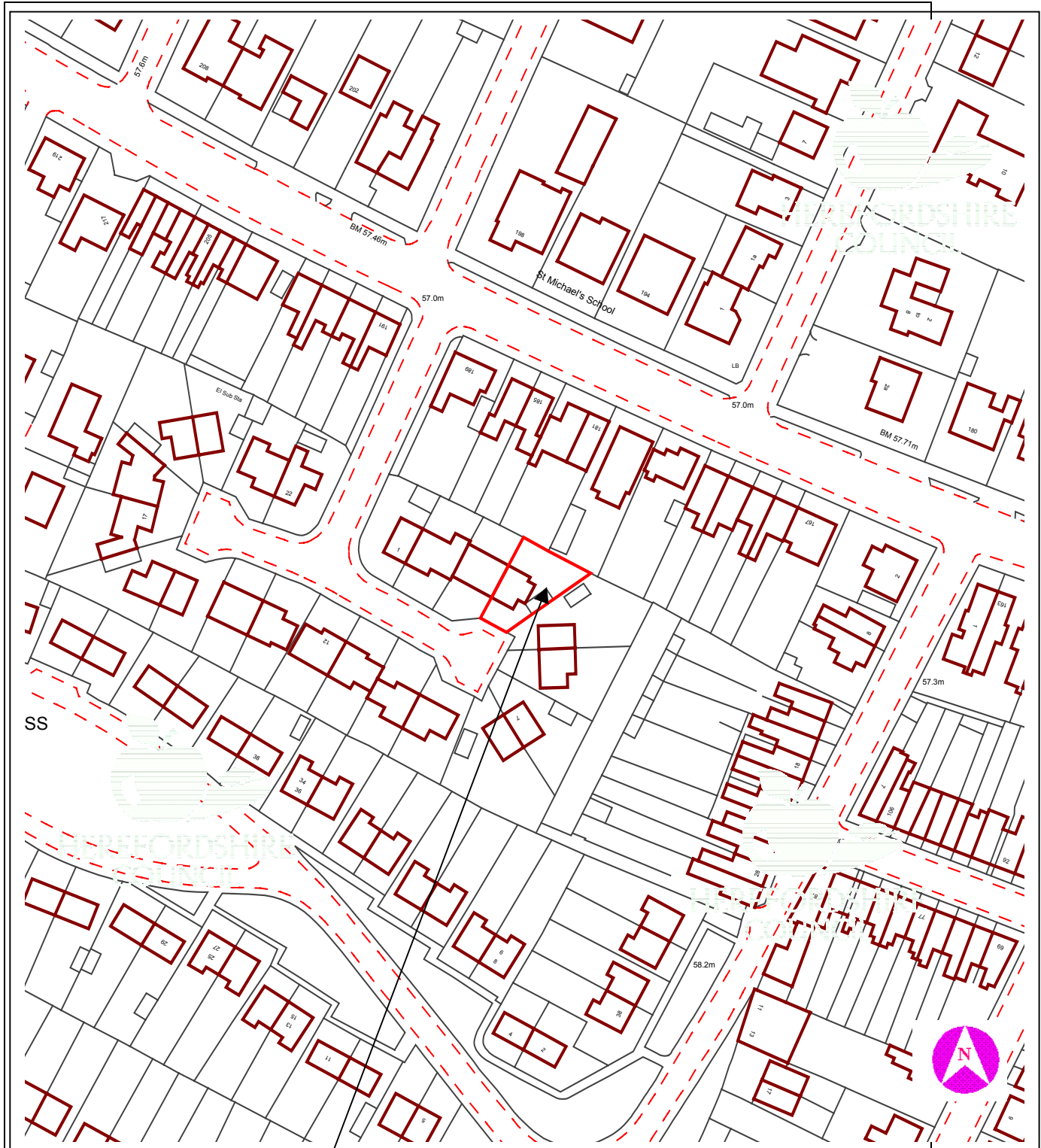
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**SCALE :** 1 : 1250

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

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**6 DCCW2004/0394/M - VARIATION OF CONDITIONS 4, 12, 14, 19, 22, 23, 26 & 27 ON PP REF CW2001/0769/M - FOR THE EXTRACTION OF SAND AND GRAVEL AT PART OF O.S. PARCEL 2980, UPPER LYDE GRAVEL PIT, UPPER LYDE, HEREFORDSHIRE**

**For: Hussar Minerals per Mrs. G. Pawson, Mill House, East Haddon, Northants, NN6 8DU**

**Date Received: 11th February, 2004**

**Ward: Burghill,  
Holmer & Lyde**

**Grid Ref: 49264, 44777**

**Expiry Date: 7th April, 2004**

Local Member: Councillor Mrs. S.J. Robertson

**1. Site Description and Proposal**

1.1 The site is about 2½ kilometres north of Hereford and 1 and a half kilometres southwest of Moreton-on-Lugg, roughly rectangular, about 180 metres x 130 metres on its longest sides. About one quarter of the site has been excavated and part has been infilled with agricultural waste under Permitted Development Rights. It is fairly flat and is part of a large block of farmland enclosed by the A4110, Moreton Road and Bewdley Bank on which about 31 houses are situated. The nearest houses are Windrush, Fayre View and Braemar. The garden boundaries of which would be about 50 metres north of the proposed excavation boundary.

1.2 Planning permission was originally given in 1965 for the extraction of sand and gravel and subsequent infilling of the site. The planning permission was designated Dormant under the terms of the Environment Act 1995 and the permission "modernised" in 2001. Working is restricted to Agricultural Permitted Development Rights until the schemes prescribed under the new conditions have been agreed. The application is to vary some of the conditions on that permission, especially to vary:

- Condition 4 to allow the site to be reclaimed to nature conservation rather than to agricultural land and nature conservation, as currently required;
- Condition 12 iv) to allow soils to be removed from the site, to allow specified habitats to be created;
- Condition 12 vi) to allow excavation below the water table, in order to construct a pond;
- Condition 12 ix) to allow the existing material tipped within the site to be retained and used in the reclamation of the site;
- Condition 14 i) to delete proposals to plant shrubs along the north boundary of the site if local residents require and to create a temporary soil mound instead;
- Condition 14 iii) to revise the timing of the submission of final planting schemes;

- Condition 18 to vary the working programme particularly the direction of working;
- Condition 22 to vary the reclamation of the site from infilling to a level field fit for agricultural use, to the creation of a nature reserve using only materials currently on site;
- Condition 23 to delete a condition requiring the final agricultural surface to be deep ripped.
- Condition 26 to allow excavation below the sand and gravel deposit to provide clay for the construction of the pond.
- Condition 27 changing the time by which an aftercare scheme must be submitted to not later than the completion of extraction.

## 2. Policies

### 2.1 Human Rights Act:

- |     |       |   |  |
|-----|-------|---|--|
| 2.2 | MPG2  | - | Mineral Planning Applications etc.             |
|     | MPG5  | - | stability in Surface Mineral Workings and Tips |
|     | MPG11 | - | Noise at Mineral Workings                      |

### 2.3 Hereford & Worcester Structure Plan:

- |              |   |                                |
|--------------|---|--------------------------------|
| Policy M4    | - | DC Considerations              |
| Policy CTC12 | - | Creation of Sites for Wildlife |
| Policy CTC16 | - | Tree Planting                  |

### 2.4 Minerals Local Plan:

- |           |   |   |
|-----------|---|---|
| Policy 9  | - | Restoration by Infill                   |
| Policy 11 | - | Reclamation of Sites                    |
| Policy 12 | - | Restoration to Agriculture              |
| Policy 14 | - | Restoration to Nature Conservation etc. |
| Policy 15 | - | Maintenance of Environmental Standards  |

### 2.5 South Herefordshire District Local Plan:

- |            |   |   |
|------------|---|---|
| Policy GD1 | - | General Development Criteria                            |
| Policy C11 | - | Protection of Best Agricultural Land                    |
| Policy C13 | - | Protection of Local Nature Conservation Sites           |
| Policy C15 | - | Creation of New Sites of Nature Conservation Importance |
| Policy C16 | - | Protection of Species                                   |
| Policy C17 | - | Trees/management  |
| Policy C34 | - | Archaeology   |
| Policy C40 | - | Provision of Services                                   |
| Policy C46 | - | Water Extraction  |
| Policy C47 | - | Pollution   |
| Policy ED6 | - | Employment in the Countryside                           |
| Policy P2  | - | Environmental Improvements                              |

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

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S9	-	Minerals
Policy S10	-	Waste
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR11	-	Soil Quality
Policy LA2	-	Landscape Character
Policy NC1	-	Biodiversity
Policy NC4	-	Sites of Local Importance
Policy NC8	-	Habitat Creation
Policy NC9	-	Management of Landscape
Policy W2	-	New Landfill Sites
Policy W8	-	Waste Disposal for Land Improvement
Policy M7	-	Reclamation of Mineral Workings

## 3. Planning History

- 3.1 Herefordshire County Council, Code 20190 - Extraction of sand and gravel (and reclamation by infilling) granted 1st December 1965.
- 3.2 CW2001/0769/M Imposition of new conditions and deletion of original conditions; determined under the terms of the Environment Act 1965, granted 15th August 2001.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency (after an exchange of correspondence with the Council and the applicant and the submission of further information):
- On the understanding that no imported material will be used to reclaim the site and on the basis of the Hafren Water Report of 22nd April 2005 have no objection to the proposed variation of conditions and recommend that a scheme of monitoring and mitigation as outlined in the Hafren Water Report be followed.
- 4.2 Highways Agency do not wish to comment.
- 4.3 Network Rail have no objection
- 4.4 Herefordshire Nature Trust generally support the proposals, particularly to create lowland heath but question whether it will emerge from historic seed survival or would not revert to scrub; propose monitoring and a fall back plan, recommend particular care to protect sand martins on site and reserve final comment until they have final restoration proposals.
- 4.5 CPRE - no response.
- 4.6 Hyder - no response.

- 4.7 RIGS Group (Earth Heritage Trust) orally, support the retention of faces as a potential RIGS (Regionally Important Geological and Geomorphological Site).

## 5. Representations

- 5.1 Pipe and Lyde Parish Council remain opposed to the principle of re-opening the gravel pit. With regard to the specific variations in conditions, object to the proposed changes to Conditions 4, 12 iv), 12 vi), 12 ix) and 26. Note that the changes proposed to Conditions 18, 22, 23 and 27 would as a corollary need to be amended. Support the proposed change to Condition 14 but wish the proposed bund to be extended to screen properties to the southwest.
- 5.2 In conclusion they cannot see the need for working this site of relatively poor gravel, with the consequent traffic dangers when there are two much larger sites nearby with far better access to the A49 and the railway.
- 5.3 Burghill Parish Council have no objections in principle to the variations proposed but are sympathetic to the views of Pipe and Lyde Parish Council.
- 5.4 Moreton-on-Lugg Parish Council objected to the original application (to reactivate the site) and have concerns about the risk to children, need for ongoing stewardship or suitable boundary fencing; that the high sides proposed are suitable for sand martins but a potential falling hazard for people; the effects additional lorry traffic will have; support encouraging wildlife areas but have concern about the time it will take wildlife to return to the site.
- 5.5 Letters of objection have been received from:
- Mr. A.W.C. Morris, Windrush, Portway, HR4 8NF (two letters).
  - Mr. E. Hayes, Bewdley House, Canon Pyon Road, HR4 7SQ.
  - Mr. M.J. Buffey, Pepperplock, Bewdley Bank, HR4 7SQ.
  - Anne Wilding, Fayre View, Portway, HR4 8NF.
  - E.E. Wilding, Fayre View, Portway, HR4 8NF.
  - D. Matthews, Springfield, Upper Lyde, HR4 8AF.

The main points of objection being:

- the lack of need for 'postage stamp' conservation areas
- adverse effects on local countryside features
- creation of a permanent scar
- loss of agricultural land
- creation of a lake as irrational, ill considered, with risks to ground water, water supplies, land and property stability, children and to pets and wildlife from algae formation
- risk of flash flooding
- the unsuitability and polluting nature of existing material on site
- question the expertise of the Herefordshire Nature Trust and request further consultation on the proposed planting
- question the safety and location of the proposed haul roads and request further noise attenuation bunds
- concerns about the stability of the final landform
- location, depth and design of the pond
- maintenance of the site

- need for further details earlier than proposed in the application
- preference for infilling
- need for Environmental Impact Assessment
- request the permission be revoked
- that the application is not in the interest of local people
- adverse effects on Human Rights.

- 5.6 Support is expressed in two letters for the creation of a temporary bund (proposed variation to Condition 14) in preference to tree planting.

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

## **6. Officers Appraisal**

### Background

- 6.1 Members should be aware that planning permission for the extraction of sand and gravel from the site exists by virtue of the original (1965) planning permission. Powers exist to revoke, modify, discontinue, prohibit and/or suspend planning permissions, subject to the payment of compensation. Members discussed these issues at the time of the Review of Old Minerals Permissions (ROMP) in 2001 and decided not to pursue them. It is open to the Council to pursue these at any time but Officers do not recommend this in view of the likelihood of very significant compensation costs.
- 6.2 If Members wished to pursue these options, Officers advice is that this report should be withdrawn pending further legal procedural and financial advice being obtained.

### Restoration to Low Level

- 6.3 The application before Members is to vary a number of conditions. These all need to be addressed but the essence of the proposal is that the reclamation of the site should be varied. If permission were to be granted to vary Conditions 4, 19 and 22 to allow this, the variations to the other conditions relate to matters of detail which need to be considered in consequence. The existing permission is to infill the site with imported, inert construction and demolition waste and restore it to agriculture. The proposal is to vary this such that no material would be imported and to remodel the excavation using only indigenous materials. This would leave the site low level as a nature reserve with a pond, steep sides and an access ramp. The restored quarry floor would then shelve gently down to a kidney shaped pond c50 metres x 50 metres along its largest sides and about 0.5 metres deep. The final excavation would then vary between 4 metres and 8 metres deeper than adjoining land.
- 6.4 Officers consider that the proposal to restore the site using only indigenous materials would mean that some 320,000 tonnes of material would no longer need to be imported into the site. This would avoid at least 15,000 lorry movements in and the same number out of the site. Given the generally unsuitable nature of the Moreton Road and the local peoples' considerable and entirely understandable fears of heavy lorries on this road, Officers consider this very desirable. The corollary would however be that mineral working would leave a large excavation with steep sides. The applicant's proposal to soften this by partly infilling the site with indigenous materials would still leave a significant hole. In general terms this is not in accordance with the

landscape character of the area. The worst effects of the proposal would however at least be slightly mitigated by the fact that the excavation is on high ground, is not overlooked and would not be detectable from any public viewpoint.

- 6.5 Members should be aware however that the Council's discretion regarding the infilling is limited. Infilling the final excavation up to adjoining levels would probably need a Waste Disposal Licence from the Environment Agency which is difficult to obtain, requires the operator to have special (WAMITAB) qualifications and to pay substantial costs. It might also be difficult in functional terms for the operator to demonstrate that the fill material was satisfactory and would not affect the aquifer and adjoining private water supplies. The Environment Agency have only withdrawn their objection because the proposal has been revised to exclude any element of imported fill. In practice it would be extremely difficult to enforce conditions requiring the site to be infilled particularly because landfilling is not the BPEO for this waste stream. Officers' advice is therefore that for several reasons they consider the proposed low level restoration preferable and more realistic than the current restoration proposal. They recommend therefore that in principle the proposal to vary Conditions 4, 19, 22 and 23 should be granted. Officers have some concern about the proposed variation to Condition 12 iv) to allow topsoil to be sold. If permission for the general proposal for restoration to low level were to be granted they would recommend that the proposed variation to Condition 12 iv) should be refused and these materials used for infilling, thereby reducing slightly the depth of the excavation.

#### Nature Conservation Issues

- 6.6 In principle, Officers welcome the proposed restoration to a nature conservation use. Although not large the site is big enough to make a useful refuge. The features proposed are inherently desirable and would be a useful contribution to the County Biodiversity Action Plan site and species targets and the Head of Conservation and the Nature Conservation Trust support the concept. Both however express concern about whether some of the elements proposed are realistic. The natural regeneration of lowland heath is considered unlikely and the site would need considerable maintenance to prevent scrub regeneration. This would itself create worthwhile habitat, albeit not as valuable as those proposed and would be worth having in its own right. Officers' advice is therefore that if permission is granted, conditions should be imposed to require more detailed proposals so as to maximise the biodiversity value of the site.

#### Pond

- 6.7 The application includes proposed variations to Condition 12 vi) to allow excavation to below the water table to create a pond and to Condition 26 to generate clay to line the proposed pond. In principle Officers welcome the proposed pond and the very large area of pond margin proposed (20 metres at its widest) to allow moisture loving plants to grow within a seasonally fluctuating water table. These could be valuable habitats for a wide range of species.
- 6.8 The submission indicates a pond depth of about half a metre and it should not be necessary to go much deeper. The water table would be an average of 0.75 metres above the final excavation depth in the north of the site and below final ground level in the south. The applicant's consultants estimate a seasonal water fluctuation of a maximum of 1 metre. The water should therefore never be very deep and at its maximum should only cover one eighth of the site, half of which would be shallow, seasonal flooding. Officers do not consider these would be any risk to adjoining



properties from the pond. If permission were to be granted, Officers recommend that conditions should be imposed to limit the maximum depth of extraction for clay production (i.e. below the sand and gravel into the underlying Raglan Mudstone) to 1 metre and for the pond to be designed so that any such excavations are well away from the edges to make it impossible for anyone to accidentally wade into deep water.

#### Hazards

- 6.9 The site is already partly worked out and 4-6 metre high faces already exist and have done so for a very long time. Officers have monitored the site since 1990 and have found the excavation faces to be very stable, in spite of their near vertical steepness. Local people's concerns about the possible risks are understandable but Members should be aware that the site is on private ground to which there is no public right of access. It has to be fenced (and is currently) under the Quarry Regulations and would incorporate a vehicular access ramp. The site is already bounded with a hedge on (most of) two sides and the proposal is to make this a 3 metre wide belt of blackthorn to prevent access. The County Landscape Architect has reservations about the visual impact of extending this hedge around all four sides of the excavation but this could be imposed by condition. On balance Officers recommend this.
- 6.10 The exposures which would be left would however be valuable in themselves. A photograph of them is , for example included in the British Geological Survey Report "Geology of the Country between Hereford and Leominster." The site is very likely indeed to be designated a RIGS site (Regionally Important Geological and Geomorphological Site) and the existing permission already requires a significant exposure to be retained in anticipation of this. The exposures are also valuable as sand martin nesting sites and if permission is granted Officers recommend that a condition should be imposed to retain some of the faces and enhance their value for sand martins.

#### Existing Tipped Material

- 6.11 The site is already partly tipped with agricultural wastes under Permitted Development Rights. Officers' own site investigations in the past confirm objectors' assertions that this is a mixture of material, some of which is probably unsuitable as fill because it could contaminate the aquifer. If permission were to be granted for the basic proposal to allow the site to be restored to low level, Officers recommend that conditions be imposed requiring the existing material on site to be sorted and all man made and or putrescible materials to be removed and disposed of off site. Although therefore Officers recommend that Condition 12 ix) be varied they do not recommend that the variation proposed by the applicant should be permitted.

#### Protection of Local Peoples' Residential Amenities

- 6.12 The current Condition 14 requires a block of native shrubs at least 10 metres high to be planted along the northern boundary of the site. Local people have made it clear at a site meeting that the loss of the view this would cause in the long term would be undesirable. The application is to vary this to create a temporary soil mound instead. Some objectors have written in support of this. Officers consider that it would protect nearby residents from noise from the site and have no objection to it.

Timing of Final Details

- 6.13 The current Condition 14 iii) refers to details of the final planting to be undertaken on the reclamation of the site. The proposal is to vary this condition to clarify that it only refers to planting outside of the excavated area. Officers have no objection to this or the proposal to vary Condition 27 to change the date when an aftercare scheme should be submitted.
- 6.14 Since the original planning permission was issued a number of other conditions have been complied with, one has been found to be ambiguous, (No. 39) and one rendered unacceptable by subsequent legal decisions (No. 2). If permission for this application were to be granted it would be appropriate to update these and revised conditions are proposed.

Summary

- 6.15 The basic proposal made here is to change the proposed reclamation of the site from infilling to original levels for an agricultural use to leaving the site low level with a pond, retaining most of the excavated faces, for a nature conservation use. The process necessitates changes to eleven conditions but is relatively simple. Officers advice is that the existing reclamation is probably unrealistic.
- 6.16 Members should be aware that the value of the sand and gravel on site is low and because of the difficulties of processing it on site (because of lack of water and lack of space) and would have to be sold 'as dug' i.e. at an even lower price. Infilling the site would once have been profitable and easy. The impact of the Landfill Tax, need for qualified operators and technical difficulties relating to the need to protect the aquifer presumably now make it unattractive and Officers consider it very significant that this, potentially the most profitable part of the proposal is now being given up.
- 6.17 The proposed variation to a lower level restoration is probably therefore the best that can be achieved and the proposed nature conservation use probably the most realistic after use. Officers would recommend changes of wording to those proposed by the applicant to reflect current best practice and to other conditions on the permission but otherwise support the proposal.

**RECOMMENDATION**

- 1) **That planning permission be granted to delete Conditions 4, 12 vi, ix, 14 i, iii, 19, 22, 23, 26 and 27 of permission CW2001/0769/M subject to the imposition of the following substitute conditions:**
4. **All mineral extraction shall cease and the site reclaimed for the purposes of nature conservation and all buildings, structures, plant, machinery, foundations, hardstandings, stockpiles and materials associated with or arising from the use of the site in connection with the development hereby permitted shall be removed from the site within 12 years of the date of the permission hereby granted.**
12. **No soil shall be stripped unless and until a working scheme for the development hereby permitted and a programme and illustrative plans and sections showing the scheme have been submitted to the local planning**

authority for their approval in writing. The submitted scheme shall specify:  
[clauses i to x unchanged other than as below]

- 12ix) That all tipped material shall be removed from the existing excavation and sorted into naturally occurring, non contaminating, non-putrescible materials which may be retained on site for deposit within the excavation, man made, non contaminating, non putrescible materials which shall only be deposited within the site with the written approval in advance of the local planning authority and putrescible or potentially contaminating materials, plastics, containers or other materials which might have adverse effects on the groundwater quality which shall be removed off site within 7 days of written notice to do so from the local planning authority. No pile of any material so formed shall be more than 1 (one) metre in height.
- 12vi) That no excavation shall be undertaken more than 1 metre below the water table and the depth of water at any point shall be demonstrated to the local planning authority within 7 days of any written request to do so from the local planning authority.
- 14i) Proposals for the creation of a temporary bund 4 metres high alongside the northern boundary of the permitted excavation area formed from soils stripped from the site and to be removed as part of the final reclamation of the site.
- 14iii) Details of the final planting to be undertaken outside of the boundary of the excavation on the reclamation of the site, including the provision of a solid block of Blackthorn at least 3 metres wide to be planted along the entire length of the top of the exposed quarry faces to be retained, apart from the access into the site.
- 14.A. Not later than 12 months after the approval in writing of all of the schemes required under Condition 12, proposals for the tree, shrub, herb, heath and pond marginal planting to be undertaken to achieve the reclamation proposed in plan EAP2 and the numbers, sizes, species and seed mixtures and for works to be done to the faces of the site to maximise its value for sand martins and timetable proposed shall be submitted to the local planning authority for their approval. Planting shall be carried out in accordance with the approved scheme.

Reason: To ensure that the site can be reclaimed to a beneficial after use which maximises its potential benefit for nature conversation.

19. Soil stripping, excavation of minerals and reclamation shall take place progressively and in accordance with the directions shown on Plan EAP1.
22. The site shall be reclaimed to the contours and levels shown on Drawings EAP1, EAP3a and EAP3b except that on final completion of extraction the pond shall be remodelled to have gently shelving gradients throughout.
23. (To be deleted)
26. No excavation shall be undertaken below the sand and gravel deposit other than to provide clay to line the pond shown on plan EAP2.

27. No mineral shall be extracted from the southern half of the site as shown on plan EAP1 unless and until an aftercare scheme has been submitted to the local planning authority for their approval in writing. The submitted schemes shall specify:

- i) The Biodiversity Action Plan species or groups of species which are to be fostered, and
- ii) Measures to monitor the success of the reclamation undertaken to date, and
- iii) That at least 5 annual reports assessing the success of the work undertaken to achieve i) and ii) above and means to improve that success shall be submitted to the local planning authority in writing after reclamation works have been completed or for the 5 years commencing 11 years from the ste of this permission, and
- iv) That the approved scheme will be carried out in full.

2) That Condition 3 shall be deleted and the following substituted:

“No further soil shall be stripped within the site unless and until 7 days notice of that stripping has been submitted to the local planning authority in writing.”

Condition 39 shall be deleted and the following revised wording substituted:

“The maximum number of lorry movements to and from the site for the purposes of removing materials from and/or importing materials to the site shall not exceed 11 (eleven) in any one working day and for the avoidance of doubt the maximum amount of materials which shall be transferred to and or from the site during one working day shall be 220 tonnes and a record of the registration number, size and time of every vehicle movement exporting and or importing material into the site shall be made each day the site is operational and such records shall be made available to the local planning authority within 5 working days of their request in writing.

3) That Officers named in the Scheme of Delegation to Officers be authorised to delete or amend any other conditions on the permission as necessary.

4) That the application to vary Condition 12 iv) to allow solids to be removed from the site shall be refused.

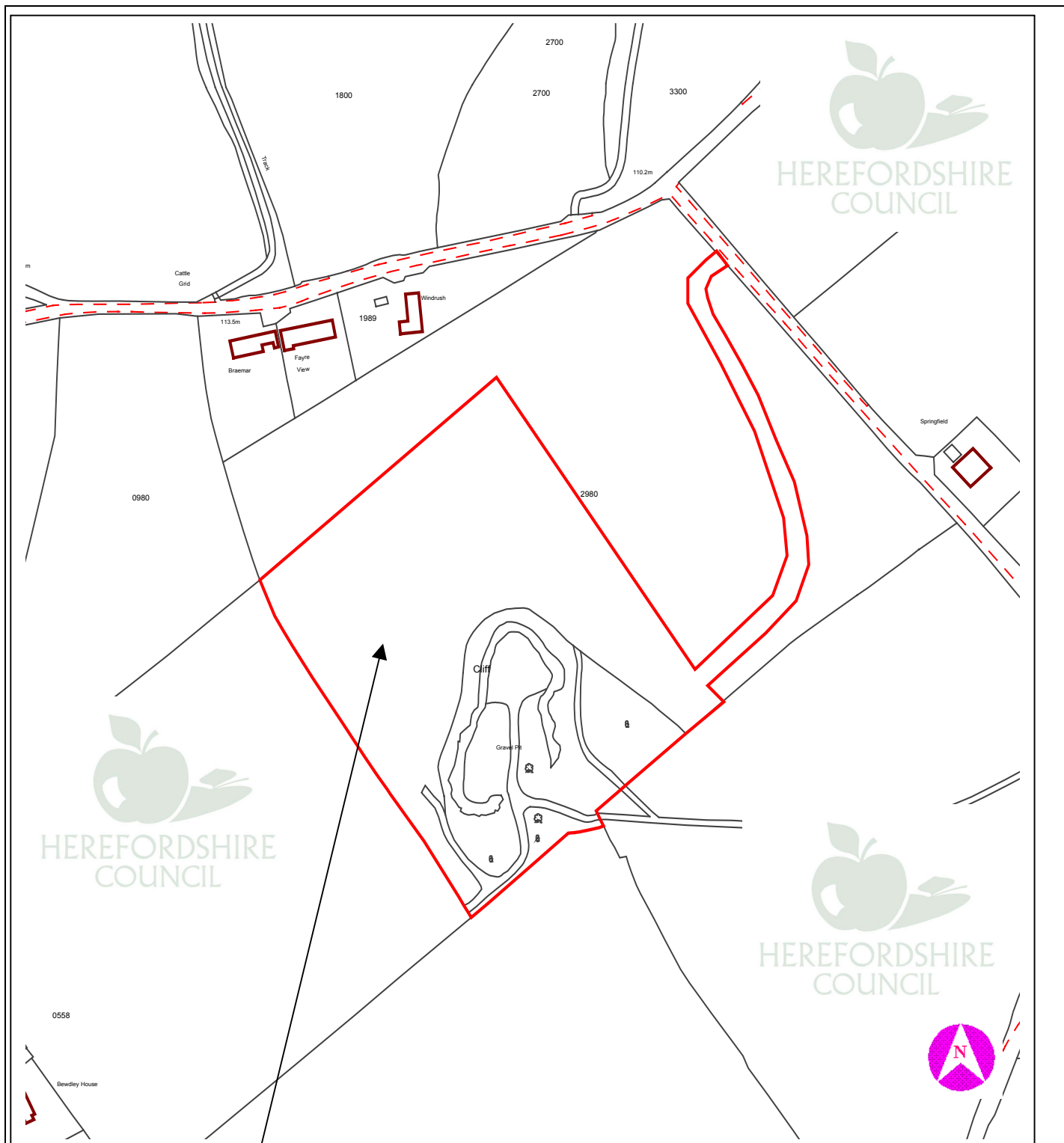
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2004/0394/M

**SCALE :** 1 : 2500

**SITE ADDRESS :** Part of O.S. parcel 2980, Upper Lyde Gravel Pit, Upper Lyde, Herefordshire

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**7 DCCW2004/0393/F - VARIATION OF CONDITION 6 ON  
CW2001/1427/F - WIDENING OF CARRIAGEWAY AND  
CONSTRUCTION OF 6 PASSING BAYS AT MORETON  
ROAD, UPPER LYDE, HEREFORD**

**For: Hussar Minerals per Mrs. G. Pawson, Mill House,  
East Haddon, Northants, NN6 8DU**

**Date Received: 11th February, 2004**

**Ward: Burghill,  
Holmer & Lyde**

**Grid Ref: 49737, 45198**

**Expiry Date: 7th April, 2004**

Local Member: Councillor Mrs. S.J. Robertson

**1. Site Description and Proposal**

1.1 The site is part of the C1103 (Moreton Road), Upper Lyde, between the A49 and its junction with the UC73007. The C1103 would provide access to the gravel pit at Upper Lyde if it re-opens. Planning permission was granted on 12th September 2001 (reference CW2001/1427/F) to allow the C1103 to be widened and to construct six passing bays subject to eight conditions. The application is to vary the terms of Condition 6. That condition required the existing sections of hedge to be translocated. The proposal is to plant new sections of hedge rather than translocate the original. About 400 metres of a total length of 1 kilometre of hedge would be affected.

**2. Policies**

2.1 Planning Policy Guidance:

PPG9 - Planning and Nature Conservation  
PPG13 - Planning and Transportation

2.2 Hereford and Worcester County Structure Plan:

Policy T5 - To Reduce Environmental Intrusion

2.3 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria  
Policy T1 - Environmental Sustainability and Transport  
Policy T2 - Environmental Impact

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy P6 - Protection and Enhancement of the Environment  
Policy P7 - Protection and Enhancement of Environmental Assets  
Policy S2 - Development Requirements  
Policy S6 - Transport  
Policy S7 - Natural and Historic Heritage  
Policy LA5 - Protection of Trees, Woodland and Hedges

Policy LA6	-	Landscaping Schemes
Policy NC7	-	Compensation for Loss of Biodiversity
Policy HC9	-	Management of Features of Landscape Importance

### 3. Planning History

- 3.1 CW2001/1427/F Widening of carriageway and construction of six passing places. Granted 12th September 2001.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Highways Agency - comment in response to residents' letters that the Agency has reached an agreed position relating to the junction between the C1102 and A49 and the management of vegetation.
- 4.2 In summary the management of vegetation at the junction with the A49 would be sufficient to meet their and the original planning permissions' requirements. They make no comment on the issue of translocation itself.

#### Internal Council Advice

- 4.3 Traffic Manager - no objection.

### 5. Representations

- 5.1 Pipe and Lyde Parish Council - remain concerned about the changes of increased use by heavy vehicles along this road; would have preferred the original condition but accept this may be impractical.
- 5.2 Burghill Parish Council - have no objections in principle and are sympathetic to the views of Lyde Parish Council.
- 5.3 Moreton Parish Council - ask that the Council note that they objected to the original proposal to widen the road, still maintain their concerns about heavy lorry use along it, consider that it is important that the wildlife and environmental aspects are being considered, that a new hedge will look good if maintained, find it hard to comment on alterations to a plan they objected to originally but consider the suggested methods for doing the work "to be okay."
- 5.4 Letters of objection have been received from:
- A.W.C. Morris, Windrush, Portway, Burghill, HR4 8NF.
  - Pamela Allen, Beulah, Moreton Road, Moreton-on-Lugg, HR4 8AG.
  - A. and E. Barrett, Mid Bank, Moreton Road.
  - E.J. Piercy, Ichthus College, Tall Trees, Moreton-on-Lugg, HR4 8AH.
  - H. Bufton, 3 Maiden Elms, Moreton on Lugg, HR4 8AG.
  - J. & C. Bishop, Greystones, Moreton-on-Lugg, HR4 8AG.
  - Mrs. J.E. Watkins, Fairfields, Moreton Road, Upper Lyde, HR4 8AG.
  - P. & J.E. Aldred, Lichfield, Moreton Road, Upper Lyde, HR4 8AG.



In summary, the points made are:

- unreasonable damage to the existing hedge
- the importance of the hedge under the Hedgerow Regulations
- the lack of respect to local issues
- increasing the risk to highway users
- loss of biodiversity, construction, layout and design.

- 5.5 Many more comments relate to effects from the increase in traffic use, rather than from those relating to the hedgerow itself notably; threats to public safety, damage to the highway surface, the effects of increases in speed along the road, effects on disamenity from heavy traffic, the possibility of alternative routes and on Human Rights.

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

## **6. Officers Appraisal**

- 6.1 Members will be aware that planning permission for sand and gravel extraction at Upper Lyde was originally granted in 1965 and “modernised” under the provisions of the Environment Act 1995 in 2001. Planning permission was also granted for the widening of the carriageway and construction of six passing bays along the road (Moreton Road) linking that site and the A49 on 12th September 2001.
- 6.2 Condition 6 on that permission required, amongst other matters, that in summary, where sections of the existing hedge had to be removed to allow the carriageway to be widened, those sections should be translocated, subject to detailed controls. The proposal is to replant rather than translocate those sections of hedge. Proposals are included in the application to vary the wording of the condition to ensure that the existing distribution of species is reflected in the new planting, that the topsoil and hence, seedbank, from the affected section of hedge is retained, that the new planting is protected and failures made good.
- 6.3 The hedge itself is important for its ecological, historical and visual value. It marks a Parish boundary and is an intrinsic part of an ancient (i.e. pre 1845) hedgerow pattern. There is therefore a very strong case for protecting it. The issues were considered at length when the original application was originally considered. It was concluded then that, considered on its own merits, the original proposals to widen the highway and provide passing places would improve the Moreton Road for all users and that the gains in highway safety generated would outweigh the effects of minor alterations to the highway itself and to the hedge line and the character of the lane. Members should be aware that there are no reasons which would justify a different decision today. The permission then granted was on the basis that the sections of hedge to be removed should be translocated. The application is solely to vary this aspect of the proposal. Although local people’s concerns about the dangers of heavy traffic using the site are understandable, they can be given very little weight with regard to the specific application here.
- 6.4 So far as this specific application is concerned the Conservation Manager has no objection to the proposal and recognises that the original requirement to translocate the hedges was unlikely to succeed, given the thinness of the soil on site.

6.5 Officers consider that the species proposed are entirely appropriate, reflect the existing hedge and would retain its value under the terms of the Hedgerow Regulations. They would advise however that the proposed hedgerow trees should be planted as standards in order to reduce the possibility of them being damaged by hedge cutting. More frequent watering is also advised.

6.6 In conclusion, Officers recognise that the earlier condition was onerous and given the thinness of the soils and relatively exposed nature of the site unlikely to succeed. In the circumstances subject to the imposition of safeguards they do not consider that the proposal could be refused and successfully defended at Appeal.

**RECOMMENDATION**

**That planning permission be granted to delete Condition 6 of permission CW2001/1427/F subject to the imposition of the following condition:**

- 1. The development hereby permitted shall be carried out in all respects strictly in accordance with**
  - i) the Hedgerow Mitigation details set out in the Supporting Statement submitted with the application and received on 11th February 2004 except that at least one hedgerow tree shall be planted as a standard within each of the sections of hedge to be replanted and provision shall be made to water these trees at least weekly in dry weather for the first year after their planting, and**
  - ii) the details set out on drawing nos. 03024/102 and 03024/103 received on 11th February 2004.**

**Reason: To ensure adequate protection to existing trees and hedges which are to be retained, in the interests of the character and amenities of the area, in the interests of visual amenity and to ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape in recognition of their historic and environmental value.**

**Informative:**

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

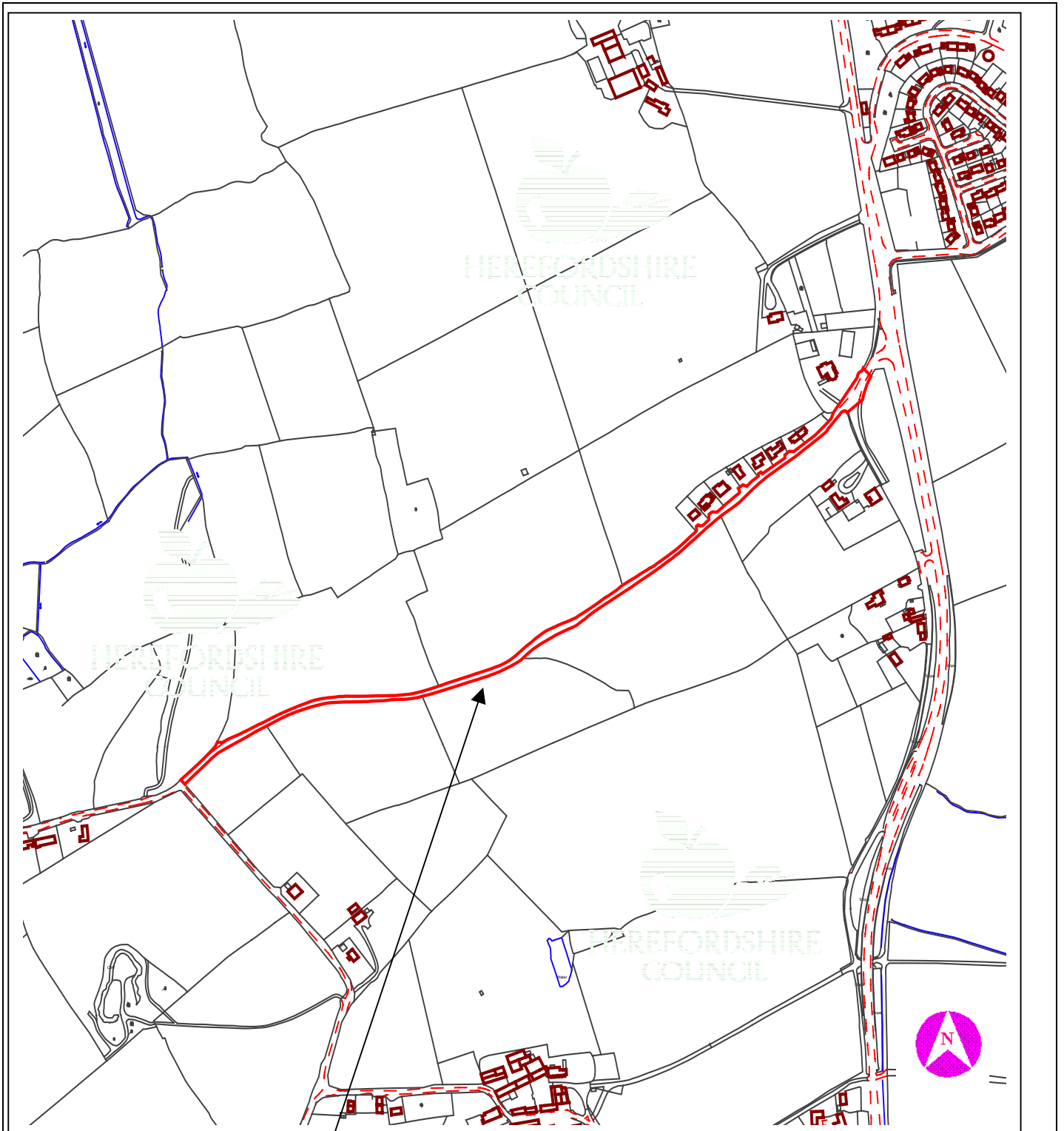
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2004/0393/F

**SCALE :** 1 : 6568

**SITE ADDRESS :** Moreton Road, Upper Lyde, Hereford.

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Further information on the subject of this report is available from Mr. N.D. Dean on 01432 260385



## **8 DCCW2005/2334/F - TWO STOREY EXTENSION TO HOTEL AT STARTING GATE TRAVEL INN, HOLMER ROAD, HEREFORD, HR4 9RS**

**For: Whitbread Plc per Brooker Cliff Walsingham & Co., Bourne House, Cores End Road, Bourne End, Bucks, SL8 5AR**

**Date Received: 14th July, 2005**

**Ward: Three Elms**

**Grid Ref: 50575, 42041**

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

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

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

- 1.1 The application site is comprised of a large detached licensed public house and an associated 60 bedded Premier Travel Inn (PTI) set within grounds extending to approximately 0.9 hectares, located on the northern edge of the City of Hereford at the intersection of the A49(T) and the A4103.
- 1.2 The application seeks consent for the erection of an extension to the PTI to provide a total of 80 bedrooms, an additional 20 bedrooms.

### **2. Policies**

#### 2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy ENV16	-	Landscaping
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H13	-	Established Residential Areas – Loss of Features
Policy H14	-	Established Residential Areas – Site Factors
Policy H21	-	Compatibility of Non-Residential Uses
Policy R16	-	Hotel Accommodation

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

Policy DR1	-	Design
Policy RST12	-	Visitor Accommodation

### **3. Planning History**

- 3.1 HC870452PF Two storey 41 bedroom Travel Inn car parking. Revised access and single storey extension - Approved 16th February, 1988.
- 3.2 SC980823PF Erection of a 20 bedroom extension - Approved 22nd September, 1998.

#### 4. Consultation Summary

##### Internal Council Advice

- 4.1 Traffic Manager - no objection subject to the imposition of standard conditions.
- 4.2 Conservation Manager - no objection, Tree Preservation Order unaffected by proposed development.

#### 5. Representations

- 5.1 Hereford City Council - no objection.
- 5.2 Three letters of objection have been received from Mr. Walton, 23 Glenthorne Road; Mr. O'Neil, 11 Glenthorne Road and Mr. Annett, 25 Glenthorne Road, summarised as follows:
- Increased activity will result in a further loss of residential amenity.
  - Additional parking area will cause disturbance to adjoining dwellings.
  - Existing landscaping has not been properly maintained.
  - Additional comments about noise and disturbance arising from patrons leaving the public house late at night were raised, but these are not considered to be material to the determination of this application.

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

#### 6. Officers Appraisal

- 6.1 It is considered that the following issues are fundamental to the determination of this application.
- Principle of Development
  - Design
  - Residential Amenity

##### Principle of Development

- 6.2 Policy R16 of the adopted Hereford Local Plan makes provision for new hotel accommodation where the proposal accords with other relevant policies. In this case the application is supported by a Planning and Design Statement, which indicates that the existing PTI is regularly operating at or close to its maximum capacity both during the week and at weekends, therefore the present application seeks consent to increase the capacity from 60 rooms to 80.
- 6.3 The report identifies a shortfall in the provision of accommodation within the City of Hereford and its wider environs pointing to the closest alternative PTI being located in Ross-on-Wye. It is also noted although it is not referred to in the statement that there is little competition to the Hereford PTI, the closest similar type of accommodation

being provided by a Travel Lodge located just south of Ludlow. This shortfall of accommodation may result in a reduction in visitor numbers to Herefordshire with its associated economic impact on tourism dependant enterprise and services, therefore it is considered that the proposed development is desirable and generally in accordance with the objectives of Policy R16.

#### Design

- 6.4 The design of the proposed extension is considered to be acceptable, the bulk of the extension has been orientated at right angles to the existing building, whilst a variation in roof line and height breaks up the massing on the south-eastern corner, thereby reducing the impact of the development when viewed from the south along the A49(T).
- 6.5 The small extension to the north of the existing building to provide an integral reception area is considered to be reasonable in terms of scale and design, which has little visual impact from outside of the application site.
- 6.6 Overall it is not considered that the proposed extensions will be visually discordant within the wider locality, nor have a demonstrable impact on the residential amenity of the adjoining dwellings to the west in accordance with the objectives of policy ENV14.

#### Residential Amenity

- 6.7 The only letters of objection to the application have been submitted by residents of Glenthorne Road whose properties form part of a row of 13 detached or semi-detached dwellings located to the west and directly adjacent to the application site. The primary concern is against any increased noise or disturbance, which may be caused by the enlarged facilities, particularly in relation to vehicular movements. There were no direct objections to the siting or design of the proposed extension and it is advised that the additional accommodation as proposed will have only a limited impact on existing activities such that the refusal of permission would not be warranted in this case.
- 6.8 To make room for the proposed extensions, a revision to the existing parking layout is proposed which will also involve an increase in the overall provision of the number of spaces from 102 to 115. The redesign and enlargement of the parking area will involve a number of parking spaces being placed closer to the western boundary than that of the existing layout. Therefore, it is considered expedient to impose a condition requiring that a scheme of noise attenuation be submitted and approved to mitigate against any excessive out spill of noise, or disturbance caused by vehicle movements. It is also suggested that a condition regarding details of illumination of the parking area should be attached for the avoidance of any doubt in respect of light pollution.
- 6.9 Given the proximity of the adjoining dwellings it is further considered expedient to control the hours during which construction work can occur.

#### Conclusion

- 6.10 On balance it is considered that the proposal represents an appropriate form of development being of a suitable design and scale for the location, which is acceptable in terms of its impact on the visual and residential amenities of the locality.

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

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

3. **F32 (Details of floodlighting/external lighting).**

**Reason: To safeguard local amenities.**

4. **F16 (Restriction of hours during construction).**

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

5. **F41 (No burning of materials/substances during construction phase).**

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

6. **F01 (Scheme of noise attenuating measures).**

**Reason: To safeguard the amenity of the area.**

7. **F38 (Details of flues or extractors).**

**Reason: In the interests of the amenity of the area.**

8. **G01 (Details of boundary treatments).**

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

9. **G04 (Landscaping scheme (general)).**

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

10. **G05 (Implementation of landscaping scheme (general)).**

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

11. **G27 (Landscape maintenance arrangements).**

**Reason: In the interests of visual and residential amenity.**

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



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

**13. H13 (Access, turning area and parking).**

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

**Informatives:**

- 1. N01 - Access for all.**
- 2. N08 – Advertisements.**
- 3. HN01 - Mud on highway.**
- 4. N15 - Reason(s) for the Grant of PP.**

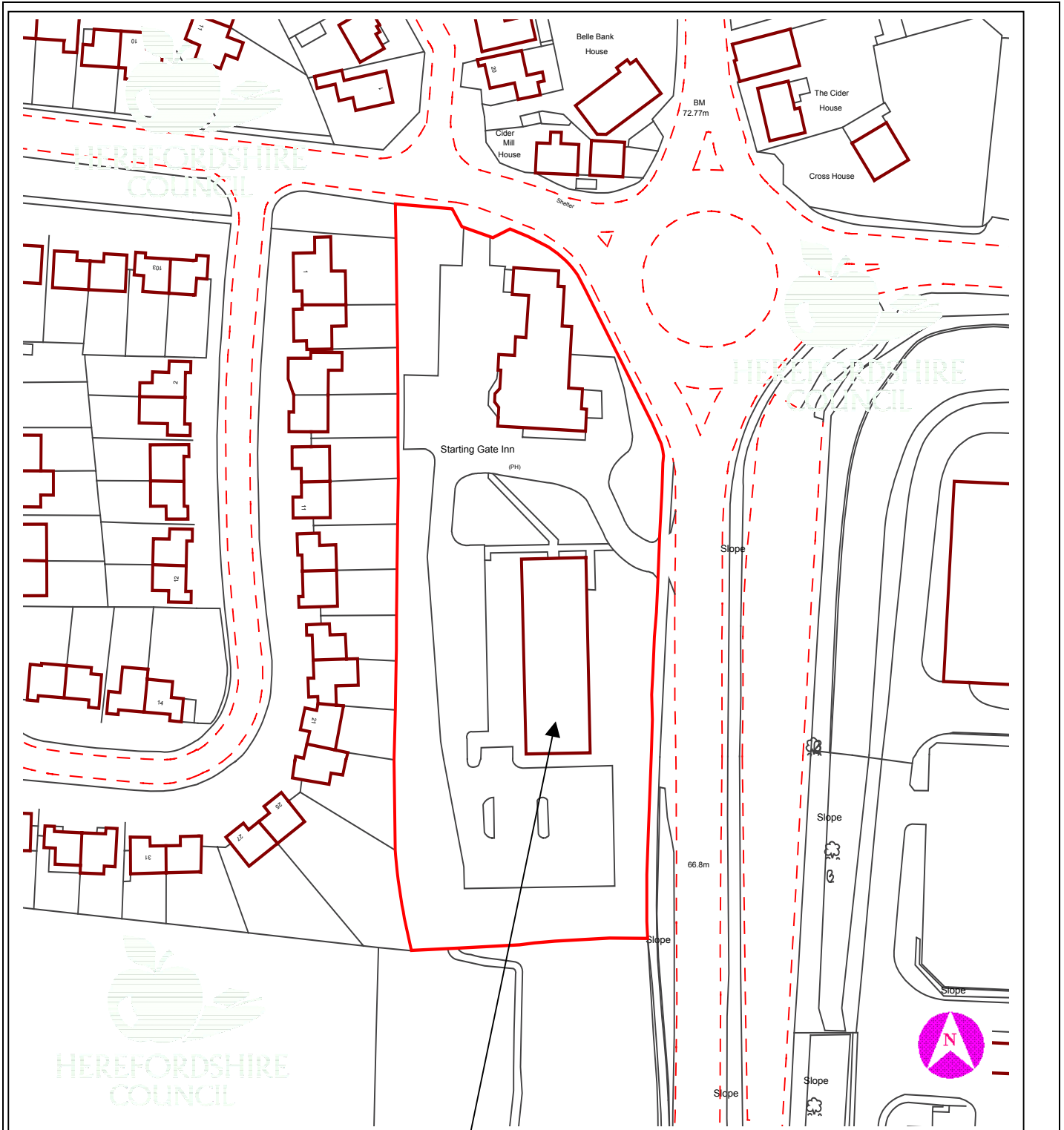
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2005/2334/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Starting Gate Travel Inn, Holmer Road, Hereford, HR4 9RS

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**9 DCCE2005/1530/F - DEMOLITION OF EXISTING DUTCH BARN ERECTION OF NEW PRIVATE RESIDENCE AND ATTACHED DOUBLE GARAGE. WALNEY BARN, AYLESTONE HILL, HEREFORD HR1 1JJ**

**For: R.J.C. & P. Skerrett, Warren Benbow Architects,  
21 Mill Street, Kington, Herefordshire, HR5 3AL**

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

**Ward: Aylestone**

**Grid Ref: 52356, 41203**

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

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

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the erection of a dwelling house on the existing site of Walney Barn, accessed via a private drive off Aylestone Hill. The site is located to the east of Aylestone Hill and is currently home to a barn constructed out of corrugated sheeting in Dutch barn style. The site has been utilised for the keeping of horses. The area is primarily residential in character and the site falls within the Aylestone Hill/Tupsley Ridge protected landscape area. The site does not fall within the designated Aylestone Hill Conservation Area, however, it is considered appropriate to consider the impact of this scheme upon it.
- 1.2 The proposal involves the demolition of the existing Dutch barn style agricultural building and the erection of a two storey dwelling house with a linked garage. The proposed new dwelling is of a contemporary design and construction though it strongly echoes the character and appearance of the existing built form.

**2. Policies**

2.1 Planning Policy Guidance:

- PPS1 - General policy and principles  
PPG3 - Housing

Circular 3/99 – Planning requirements in respect of non-mains sewerage

2.2 Hereford Local Plan:

- ENV12 - Private sewerage  
ENV14 - Design  
H3 - Design of new residential development  
H12 - Established residential areas - character and amenity  
CON12 - Conservation areas  
CON13 - Conservation areas - development proposals  
CON19 - Townscape  
CAL1 - Residential development  
CAL2 - Residential infilling  
CAL17 - Aylestone Hill/Tupsley Ridge

T5 - Car parking - designated areas

### 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  
 DR6 - Water resources  
 H1 - Hereford and the market towns: settlement boundaries and established residential areas  
 H13 - Sustainable residential design  
 H16 - Car parking  
 T11 - Parking provision

### 3. Planning History

- 3.1 OA/27083 - Site for erection of one bungalow after demolition of existing Dutch barn and storage accommodation. Refused 31st May, 1984.
- 3.2 P/27485 - Site for erection of one bungalow after demolition of existing Dutch barn and storage accommodation. Refused 1st November, 1984. Appeal dismissed 18th September, 1985.
- 3.3 HC/890612/PF - Erection of building to be used as a nesting area for free range egg unit (chicken) and egg sorting room. Approved 21st December, 1989.
- 3.4 HC/960231/PF - Agricultural workers dwelling. Refused 30th September, 1996.
- 3.5 HC/960377/PF - Agricultural workers dwelling. Refused 18th December, 1996.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No objection.
- 4.2 Water Authority: No response received.

#### Internal Council Advice

- 4.3 Traffic Manager: No objection subject to conditions.
- 4.4 Public Rights of Way Manager: No objection.
- 4.5 Conservation Manager: No objection.
- 4.6 Forward Planning Manager: No objection.

## 5. Representations

- 5.1 Hereford City Council: Object on the grounds that a mains sewer is not available.
- 5.2 Local Residents: Five letters of objection have been received from three sources. The comments raised can be summarised as follows:

- 1 Lack of mains sewer;
- 2 Impact upon trees on site and on neighbouring land;
- 3 Loss of privacy;
- 4 Inappropriate due to location of site within Conservation Area;
- 5 Inappropriate materials.

In relation to point 4 it is advised that the application site in fact falls outside of the designated Aylestone Hill Conservation Area. The potential impact of the proposal upon the Conservation Area is, however, acknowledged as a material planning consideration.

- 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 principal matters of consideration in this application:

- Principle of development;
- Design and scale;
- Residential amenity;
- Visual amenity and impact upon Conservation Area;
- Drainage;
- Highways.

### Principle of Development

- 6.2 The application site falls outside of the established residential area as identified in the adopted Hereford Local Plan. The proposal would therefore be assessed on the basis of being a new dwelling in the open countryside. In such a location a new dwelling not meeting a rural exception criterion, as is the case here, would be resisted. However, it is considered to be significant that the settlement boundary in the emerging Herefordshire Unitary Development Plan includes the application site within the settlement boundary of Hereford. It has been confirmed by the Forward Planning Manager that no objections have been received to this boundary revision and as such it is not considered premature to submit an application on the basis of this revision. The Forward Planning Manager raises no objection to this application. On balance it is therefore considered most appropriate to assess this application on the basis of the emerging Herefordshire Unitary Development Plan. It is therefore considered that the proposal is acceptable in principle with the acceptability or otherwise of the scheme resting in the specifics of the application.

### Design and Scale

- 6.3 The proposed development is contemporary in its design approach, extensively utilising glass, steel and timber weatherboarding. This design is most notable, however, for its reflection of the existing on site form with the design closely echoing the Dutch barn currently found on site. The scheme is therefore sympathetic in its appearance, acknowledging the sensitive nature of its surroundings, as well as, the adjacent Aylestone Hill Conservation Area. The scale also respects the existing built form and as such is not considered problematic. Overall this scheme is considered to represent a high quality contemporary design that echoes the existing character and setting of the site and is therefore worthy of support.

### Residential Amenity

- 6.4 The property is sited to the rear of the principal row of dwellings running in a linear form along Aylestone Hill. The key issues are therefore the overlooking of the rear garden areas of these properties, together with the interaction of this development with the neighbouring properties to the north and south.
- 6.5 In relation to the impact upon the rear garden areas of the properties on Aylestone Hill it is considered that the resultant overlooking will be within acceptable limits. To the south, the proposal has been revised so that no habitable openings overlook the garden area of this property. The property to the north will be impacted upon to the most significant extent, however, the scheme has been revised to remove a balcony feature and extensive soft landscape screening is found on the boundary, within the control of the neighbour in question. It is therefore considered that the impact upon privacy will not only be within acceptable limits, but will also be within the control of the neighbour in question. A condition requiring the retention of existing trees within the application site is recommended in order to provide an additional safeguard.

### Visual Amenity and Impact upon Conservation Area

- 6.6 The application site is located in a sensitive area falling within the Aylestone Hill/Tupsley Ridge landscape area, as well as being in close proximity to the Aylestone Hill Conservation Area. A contemporary design solution could be queried in such a sensitive location but it is suggested that in this instance this proposal represents the most effective approach. The prominence of this site has already been noted and as such it is important that this development is designed to be no more intrusive than the existing built form. Timber is a visually soft material and this, combined with the use of large areas of glazing, would provide a lightweight appearance appropriate to this context. The shape and size of the building effectively echoes the existing built form and it is considered that a traditional design solution would be unable to integrate into the landscape as effectively as the proposed solution. Turning to the Conservation Area specifically, it is considered that such a designation does not prevent new development, and neither does it prejudice the development of schemes utilising modern architecture. It is considered that where a scheme integrates effectively into the area with high quality design that preserves the character and appearance of the Conservation Area it should be recognised as being acceptable, whether the design approach is contemporary or traditional. In this instance the Conservation Manager raised no objection and the scheme is considered to represent high quality design that will preserve the character and appearance of the adjacent Conservation Area. It is considered that the visual amenities of the locality will be preserved through this development.

Drainage

- 6.7 Circular 3/99 (Planning Requirements in respect of Non-Mains Sewerage) requires applicants to pursue a connection to a mains foul sewer. However, if by taking into account the cost and/or practicality of such a connection the local planning authority is satisfied that such a connection is not feasible, alternatives may be considered. In this instance no objection has been raised by the Environment Agency and information has now been submitted which is considered to demonstrate the lack of availability of a mains connection. Adopted and emerging planning policy echo the position requiring connection to the mains as the first option, but in the absence of such provision it is unreasonable to resist an application when alternative options exist. In this instance it is considered that the application is in accordance with planning policy and can be supported. It can be confirmed that Building Regulations will be required for any drainage installation and this will be required to comply with the relevant specifications. Development may not be undertaken without the required Building Regulations, regardless of securing planning permission for a scheme. Notwithstanding this, appropriate conditions will ensure the acceptability of the proposed drainage arrangements.

Highways

- 6.8 The Traffic Manager has assessed this proposal and raises no objection to it subject to appropriate conditions.

Other Issues

- 6.9 Comment was made regarding the loss of trees on site. It is understood that no trees will be required to be removed as part of this application, however, a condition preventing the removal of trees without written consent from the local planning authority will be attached, together with appropriate landscaping conditions, to ensure that the landscape issues associated with this site are effectively addressed.

Conclusion

- 6.10 On balance it is considered that this application represents a scheme with high quality design that will preserve the sensitive location in which it is found. The proposal is considered to be in accordance with the relevant planning policies and acceptable in all other respects.

**RECOMMENDATION**

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

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

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

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

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

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

**Reason: To ensure adequate off street parking arrangements remain available at all times.**
- 4 E16 (Removal of permitted development rights)**

**Reason: Due to the restricted nature of the application site and in the interests of preserving the special architectural design of the development.**
- 5 No balcony shall be introduced without the grant of further specific permission from the local planning authority.**

**Reason: To safeguard the amenities of the locality.**
- 6 E18 (No new windows in specified elevation)**

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

**Reason: In order to protect the residential amenity of adjacent properties.**
- 8 F16 (Restriction of hours during construction)**

**Reason: To protect the amenity of local residents.**
- 9 F18 (Scheme of foul drainage disposal)**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**
- 10 F28 (No discharge of foul/contaminated drainage)**

**Reason: To prevent pollution of the water environment**
- 11 G01 (Details of boundary treatments)**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**
- 12 G04 (Landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**
- 13 G05 (Implementation of landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**
- 14 G10 (Retention of trees)**

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



**15 H05 (Access gates)**

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

**16 H09 (Driveway gradient)**

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

**17 H12 (Parking and turning - single house)**

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

**18 H21 (Wheel washing)**

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

**Informatives:**

- 1 N01 - Access for all**
- 2 N03 - Adjoining property rights**
- 3 HN01 - Mud on highway**
- 4 HN05 - Works within the highway**
- 5 HN10 - No drainage to discharge to highway**
- 6 N15 - Reason(s) for the Grant of PP/LBC/CAC**

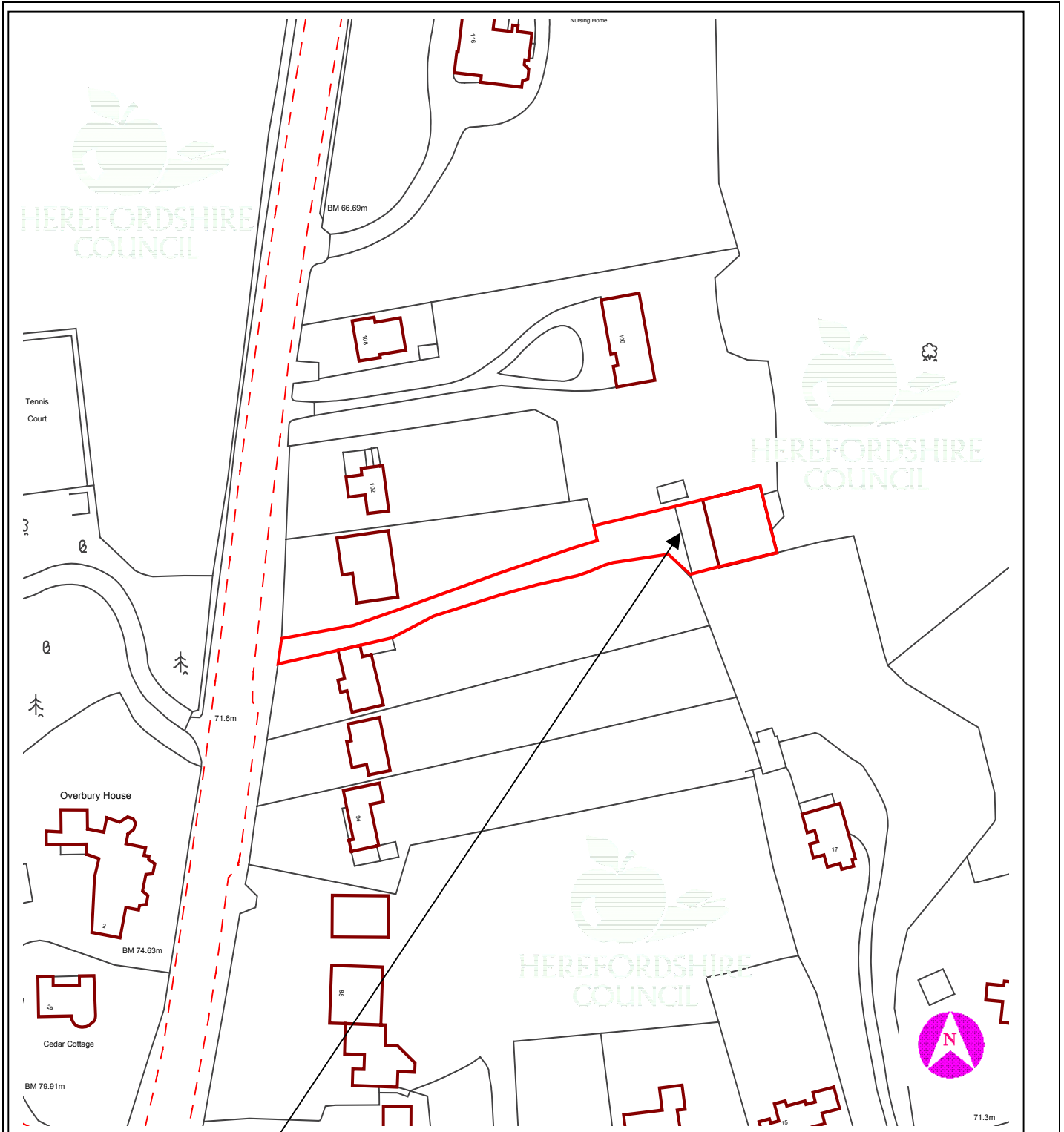
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/1530/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Walney Barn, Aylestone Hill, Hereford HR1 1JJ

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**10 DCCE2005/2124/O - SITE FOR TEN NEW DWELLINGS  
NETHWAY, LOWER BULLINGHAM, HEREFORD,  
HEREFORDSHIRE, HR2 6EE**

**For: Mr. C.F. Butt, Nethway, Lower Bullingham,  
Hereford, HR2 6EE**

**Date Received: 24th June, 2005      Ward: St. Martins &      Grid Ref: 51738, 38249  
Hinton**

**Expiry Date: 19th August, 2005**

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

**1. Site Description and Proposal**

- 1.1 The site is located south of the B4399 (Holme Lacy Road) approximately half a mile west of Rotherwas Industrial Estate. Running along the western boundary of the site is Withy Brook which is designated as a Site of Important Nature Conservation (SINC) and the southern and eastern boundaries are enclosed by existing residential development forming part of St Clare's Court. Ground levels fall from south to north within the site and mature trees, principally Leylandi, enclose the western and northern boundaries. The applicants existing property is a large detached bungalow occupying a relatively central position within the plot with vehicular access via a driveway off Holme Lacy Road along the eastern boundary. The site also lies within a flood plain and is designated within the Flood Zone 2 category.
- 1.2 The applicants seek consent to demolish the existing bungalow and construct 10 residential units comprising 6 three bedroom and 4 two bedroom properties. The application is in outline form with the siting, design, external appearance, means of access and landscaping all reserved for future consideration.

**2. Policies**

2.1 PPG3 – Housing

2.2 South Herefordshire District Local Plan:

- GD1 - General development criteria
- C13 - Protection of local nature conservation areas
- C14 - Ponds and wetlands
- C44 - Flooding
- SH15 - Criteria for new housing schemes
- SH22 - Public open space in residential areas
- R3B - Development and open space targets for 3 to 10 dwellings
- R3C - Calculation of open space
- R3D - Commuted payments
- T3 - Highway safety requirements
- T4 - Highway and car parking standards

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

- S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S6 - Transport
- DR2 - Land use and activity
- DR3 - Movement
- DR7 - Flood risk
- H1 - Hereford and the market towns: settlement boundaries and established residential areas
- H3 - Managing the release of housing land
- H13 - Sustainable residential design
- H14 - Re-using previously developed land and buildings
- H15 - Density
- H19 - Open space requirements
- NC1 - Biodiversity and developments
- NC4 - Sites of local importance
- T6 - Walking
- T7 - Cycling

### 3. Planning History

- 3.1 CE2005/1514/O – Site for new residential housing (14 dwellings). Application withdrawn 27th June, 2005.
- 3.2 CE2004/1645/F – New pitched roof and chimney on existing building. Planning permission refused 28th June 2004.
- 3.3 SH960689PO - Construction of 8 dwellings. Outline Planning Permission approved 1st August, 1996.
- 3.4 SH950523PF - Construction of residential development, associated garages, roads, drainage and landscaping. Planning Permission Refused 8th November, 1995.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: The site is located within Flood Zone 2 and is operational development of less than 1 hectare and therefore the Environment Agency does not object to the application. However, whilst a flood risk assessment may demonstrate that the site is located outside of any 1% flood risk, access to the proposal may be lost during such a flood event. It should be noted that access to the proposal abuts an area of high flood risk and due to a wider flood risk in the area, there may not be dry access to and from the proposed development. This would place additional burdens on the emergency services during flood events when existing commitments are stretch resources. The local planning authority need to be satisfied through a Flood Risk Assessment that safe evacuation of the property is achievable/acceptable.
- 4.2 Welsh Water: No objection subject to conditions concerning foul and surface water drainage.

Internal Council Advice

- 4.3 Traffic Manager: No objections subject to conditions concerning improved visibility for the access and internal road layout/parking requirements.
- 4.4 Conservation Manager: Further to a site inspection, no protected species surveys are required. However, the site is adjacent to Withy Brook Site of Interest for Nature Conservation and as such the proposals for development must accommodate the ecological interest which may be affected. It is important to the integrity of the SINC that protection and enhancement measures are documented and implemented. This can be controlled via a condition.

**5. Representations**

- 5.1 Hereford City Council: No objection.
- 5.2 Lower Bullingham Parish Council: The Parish Council opposes this application. A permission exists for 8 dwellings with the access down the original convent drive. If the original convent drive was used for access it would move the houses away from those already built and it is felt that this is the best layout that can be achieved on the site.
- 5.3 Eight letters of objection have been received from existing residencies bordering the application site. The main points raised are:
- There are 7 other junctions within close proximity to the application site and there have been a number of accidents and near misses along this part of Holme Lacy Road in recent years. Additional traffic using the access would pose a further danger to highway safety;
  - The flooding on Holme Lacy Road and Lower Bullingham has got worse and more frequent in recent years. The houses themselves may not be affected but the residents would be completely cut off as the deepest area of flood water is at this section of Holme Lacy Road;
  - The proposal for 10 houses is still excessive for the site;
  - Any development will lead to a loss of privacy and light for neighbouring properties;
  - Development would have an overbearing impact on neighbouring properties;
  - The previous planning approval had access to the site via St Clare's Court and not directly on to Holme Lacy Road. This would be a more acceptable option.
  - Planning permission was refused in 1995 for the same number of dwellings;
  - Withybrook is a site of nature conservation and provides habitat for a variety of birds. Their habitat would be destroyed by this development particularly if trees are removed;
  - Development would lead to increased noise levels in the locality;
  - We question whether there is the need for any further housing in the locality given the 500 plus houses being built on the nearby former SAS site.
- 5.3 In response to the letters of objection the applicant has commented as follows:
- Access - the layout plan is for illustration purposes only and the precise access arrangements will be subject for detailed approval at a later stage.
  - Flooding - this point of Holme Lacy Road is well known to flood but Lower Bullingham is a priority for flood alleviation work.

- Congestion - the main traffic congestion arises from the volume of traffic travelling to and from the Industrial Estate. The Rotherwas Relief Road will significantly reduce the traffic congestion problems in the area. The introduction of a 30mph speed restriction in the locality is also long overdue and would further ease highway safety concerns. The existing access is to be improved and the Traffic Manager raised no objection.
- Privacy and Light - neighbouring properties already overlook one another's gardens. The addition of one or two more properties overlooking the gardens will not significantly reduce the present levels of privacy. Light is already reduced by existing high trees on site, some of which would be removed if development were permitted which may increase the amount of light received by neighbouring properties.
- Wildlife - the existing tree line along side Withybrook would be retained in order to preserve the wildlife habitats and also the stability of the brooks banks.
- Density - Permission was approved in 1996 for 8 dwellings, since then the site area has been increased by 240 sq metres. Based on the illustrative plan, all of the 10 proposed plots are larger than the majority of the plots on the adjoining St Clare's Court.
- Noise - noise can be controlled by by-laws and statutory legislation.

In summary the proposal is to develop this brown field site which is within walking distance of all necessary amenities and is accessible to public transport, footpath and cycle ways in the area. The development will not impact on local infrastructure or the quality of life of neighbouring properties.

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 proposal is in outline form for the demolition of the existing bungalow and construction of 10 residential units. The application forms accompanying the proposal indicate that the mix of housing would be 6 three bedroom and 4 two bedroom units. The main issues for consideration in this report are as follows:

1. Principle of development
2. Impact upon amenity
3. Highway safety
4. Flooding
5. Other matters
6. Conclusion

### Principle of Development

6.2 The site falls within the settlement boundary for this part of Hereford as is designated in the South Herefordshire District Local Plan. The site is also partially developed by way of the applicants existing bungalow, which would be demolished if the proposal were permitted. As such it is also classed as brown field land as defined in Annex C of PPG3. Although the existing bungalow is in good condition, it is of no architectural or historic merit and the site does not fall within a conservation area. There is therefore no planning policy protection to enable the existing bungalow to be retained. In view of the above, the principle of residentially developing the site including the demolition of the existing bungalow is acceptable. This has previously been

demonstrated by the approval in 1996 for the development of the site, albeit for 8 rather than 10 properties.

- 6.3 The site is also regarded as a windfall site i.e. not specifically allocated for residential development within the Local Plan or UDP. A number of objectors have commented on whether there is the need for additional housing in the area. The Herefordshire Unitary Development Plan identifies that 40% of all housing anticipated to be built between 2006 and 2011 in Hereford would emanate from windfall sites such as this. Therefore, based on these figures the need for additional housing is justified.

#### Residential Amenity

- 6.4 The construction of 10 dwellings on site equates to a density of 38 units per hectare. This falls within the mid range for the recommended densities of housing development outlined in PPG3 and also Policy H15 of the Unitary Development Plan. This, in itself, is therefore acceptable in planning policy terms. However, three out of the four boundaries are bordered by existing residential developments. The applicants have provided an illustrative layout, which demonstrates that 10 properties can be accommodated on the site. Although this is purely for illustration, this layout would not be acceptable principally due to its impact on neighbouring properties. Nevertheless, it is considered that an acceptable layout could be achieved. It is envisaged that the development would comprise principally terraced housing of a modest size developed more in line with the position of the properties east of the site within St Clare's Court. This would enable acceptable standards of amenity (light and privacy) to be achieved both for existing residents and occupiers of the new properties. It is therefore considered that 10 modestly sized properties predominantly of 2 bedroom in size could be accommodated on the site without compromising the amenity of neighbouring properties.

#### Highway Safety

- 6.5 The precise details of the access, internal road layout and parking standards are reserved for future consideration. However, the Traffic Manager raises no objection to the modification of the existing access providing that visibility splays are improved. This can be achieved subject to the removal of Leylandii trees along the roadside boundary. Furthermore, the Traffic Manager considers that Holme Lacy Road has sufficient capacity to accommodate the additional traffic associated with this development. As such there are no highway safety issues associated with the proposal.

#### Flooding

- 6.6 The site falls under the threshold whereby the Environment Agency would require a Flood Risk Assessment to be undertaken and therefore they do not object to the proposal. However, Holme Lacy Road in the locality of the site falls within the higher flood risk area (1% annual probability) and the Environment Agency highlighted that access to the site may be restricted or even prevented due to flooding. Both objectors and the applicant acknowledge that this has occurred previously. The site for the housing is at a higher level than Holme Lacy Road and is therefore unlikely to flood. As such, it is not considered that a full Flood Risk Assessment is necessary in this instance nor is it considered to be a reason for withholding permission. Nevertheless, if permission is approved, any future developer should be made aware of the potential

flooding of the access road in the locality and this could be achieved via a note on any permission.

#### Other Matters

- 6.7 Withy Brook bordering the western boundary is designated as a Site of Importance to Nature Conservation. (SINC) Comments are awaited from the Conservation Manager but it is considered that subject to the retention of the existing boundary trees and vegetation along the western boundary, the development of the site should not adversely affect the SINC. The retention of the existing trees will also have the added benefit of safeguarding privacy for the properties on the western side of the application site.
- 6.8 The number of dwellings proposed in this application falls below the threshold for the provision of affordable housing in both the South Herefordshire District Local Plan and the UDP although it is envisaged that the identified need to provide smaller units to produce an acceptable layout will result in more modest accommodation at the lower end of the property market.
- 6.9 Section 3 of this report identifies that planning permission was refused in 1995 for the construction of 11 units on site with access being gained from St Clare's Court. A further application was submitted in 1996 for 8 residential units with access via Holme Lacy Road and this was approved. The 1995 permission was refused on the grounds that the development would represent an over development of the site in terms of its density and would not be in keeping with the scale and character of other development in the locality nor offer sufficient protection for existing hedgerows and ornamental trees on site. Planning policy both at a local and national level has changed considerably over the last 10 years. In particular, local authorities are now required to ensure that any development makes efficient use of the land and this is particularly the case with Brownfield land. It has already been demonstrated that the proposed density would be acceptable subject to the properties being of a terraced form and modest size. Since the refusal in 1995, St Clare's Court has also been developed at a similar density to that which is proposed under this application. As such, development of 10 units would not be out of keeping with the character and density of other development in the area.

#### Conclusion

- 6.10 The principle of development is acceptable and the construction of 10 residential units can be accommodated on site without compromising the residential amenity of neighbouring properties, highway safety and the biodiversity of Withy Brook. The development is therefore considered acceptable in accordance with the relevant development plan policies and guidance within PPG3.

### **RECOMMENDATION**

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

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

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

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

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

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

**8 F18 (Scheme of foul drainage disposal)**

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

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

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

**10 G08 (Retention of trees/hedgerows (outline applications))**

**Reason: To safeguard the amenity of the area.**

**11 H03 (Visibility splays)**

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

**12 H18 (On site roads - submission of details)**

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**

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

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

- 14 To ensure the Withy Brook Site of Interest for Nature Conservation adjacent to the proposed development site is protected and its nature conservation potential enhanced, an Ecological Method Statement shall be submitted to, and agreed by, Herefordshire Council’s Ecologist prior to any development. Details of this statement should include measures to safeguard the broadleaved bank-side vegetation and the aquatic life of the Brook during and after development operations together with a plan for ecological management and enhancement. The method statement shall be agreed with Herefordshire Council’s Ecologist prior to development.**

**Reason: To comply with Herefordshire Council’s UDP Policy NC1, NC4, NC6, NC7, NC8 and NC9 and HBA9.8 in relation to Nature Conservation and Biodiversity.**

**Informatives:**

- 1 HN05 - Works within the highway**
- 2 HN08 - Section 38 Agreement details**
- 3 The applicant/developer is advised that the proposed detailed layout should include predominantly terraced houses of two and three bedroom in size. The two bedroom houses should be around 70 sq metres of habitable living space and the three bedroom properties should be around 90 sq metres of habitable living space.**
- 4 The applicant/developer is advised that the site lies within a floodplain and Holme Lacy Road providing access to the site is particularly prone to flooding.**
- 5 N15 - Reason(s) for the Grant of PP/LBC/CAC**

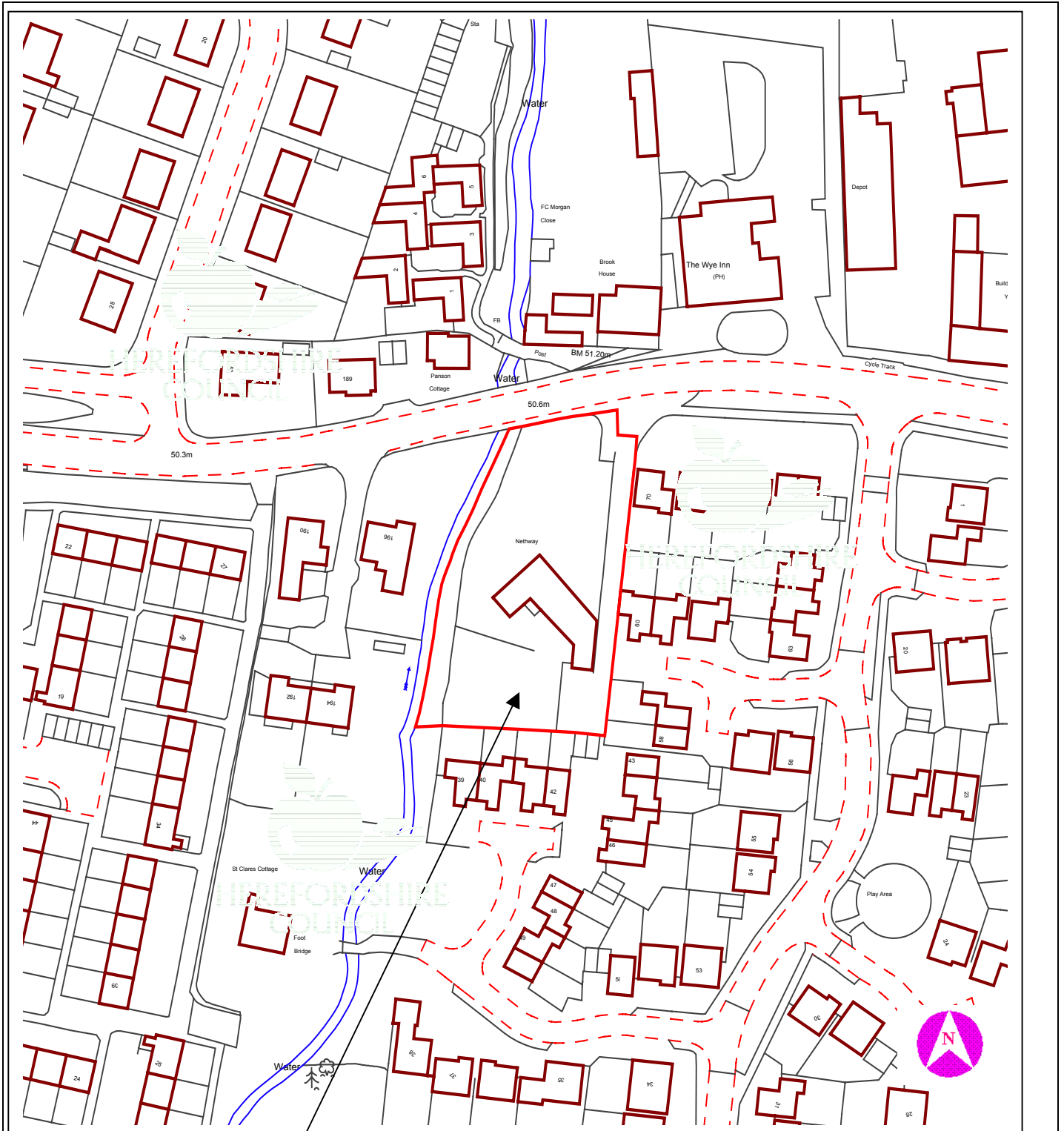
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/2124/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Nethway, -, Lower Bullingham, Hereford, Herefordshire, HR2 6EE

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Further information on the subject of this report is available from Mr. R. Pryce on 01432 261957



**11 DCCE2005/2321/F - FIRST FLOOR EXTENSION TO EXISTING DWELLING. 4 CARTER GROVE, HEREFORD, HEREFORDSHIRE, HR1 1NT**

**For: Mr. N. Nenadich, RRA Architects, Packers House, 25 West Street, Hereford, HR4 0BX**

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

**Ward: Aylestone**

**Grid Ref: 52122, 40559**

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

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

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the erection of a first floor side extension to 4 Carter Grove, Hereford. The application site is located within an established residential area found to the south of the Hereford colleges. The application falls within a designated Conservation Area. The application site consists of a typical suburban dwelling house of no particular architectural interest. A Scots Pine, protected by a Tree Preservation Order, lies in close proximity to the site of the proposed extension.
- 1.2 The proposal seeks permission for the erection of a contemporary two storey addition to provide first floor accommodation. No ground floor is proposed, whilst the proposal involving pole foundations to minimise the impact upon the protected tree. The proposal will provide for new residential accommodation together with a first floor terrace to the rear of the extension and the existing dwelling, where a flat roof above the existing dining room is currently found.
- 1.3 The application represents a resubmission, the first (DCCE2005/1555/F) being withdrawn due to concern over the impact upon the adjacent tree on site, which is protected by a Tree Preservation Order. This application is the result of extensive consultation with the Council's Arboriculturalist.

**2. Policies**

2.1 Planning Policy Guidance:

- PPG1 - General policy and principles  
PPG15 - Planning and the historic environment

2.2 Hereford Local Plan:

- ENV14 - Design  
H16 - Alterations and extensions  
CON12 - Conservation areas  
CON13 - Conservation areas - development proposals  
CON14 - Planning applications in conservation areas  
CON21 - Protection of trees

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

S1	-	Sustainable development
S2	-	Development requirements
S7	-	Natural and historic heritage
DR1	-	Design
H18	-	Alterations and extensions
LA5	-	Protection of trees, woodlands and hedgerows
HBA6	-	New development within conservation areas

## 3. Planning History

3.1 CE2005/0394/F - Conservatory extension. Approved 23rd March, 2000.

3.2 DCCE2005/2321/F - First floor side extension to existing dwelling. Withdrawn 29th June, 2005.

## 4. Consultation Summary

### Statutory Consultations

4.1 None.

### Internal Council Advice

4.2 Conservation Manager: No objections are raised in respect of the impact of the proposed extension on the Conservation Area or the protected tree.

4.3 Traffic Manager: No objections.

## 5. Representations

5.1 Hereford City Council: No objection.

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

- Design is out of keeping with traditional buildings that surround the site;
- Loss of privacy;
- Overbearing impact;
- Design is not acceptable.

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

## 6. Officers Appraisal

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

- 1 Principle of development;
- 2 Design, scale and siting;
- 3 Residential amenities;
- 4 Visual amenities and impact upon Conservation Area;

## 5 Impact upon protected trees.

### Principle of Development

- 6.2 Hereford City Local Plan Policy H16 and Herefordshire Unitary Development Plan Policy H18 relate to residential extensions. These policies advise that additions should be in scale and in keeping with the character of the existing building and its surroundings, provide for any increase in car parking provision, have regard to the amenities of nearby residential properties, and be in keeping with the overall character of the area.
- 6.3 Hereford City Local Plan Policy ENV14 and Herefordshire Unitary Development Plan Policy DR1 relate to the design of new development. The importance of securing appropriately designed new development is emphasised.
- 6.4 Turning to the conservation issues associated with this site, Hereford City Local Plan Policies CON12, CON13 and CON14 relate to development within designated Conservation Areas. The importance of preserving or enhancing the character and appearance of these areas is stressed. This stance is echoed in the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy HBA6. Trees protected by Tree Preservation Orders are considered in Hereford City Local Plan Policy CON21 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy LA5. The loss of such trees will be resisted.
- 6.5 In consideration of the above policies it is considered that there are no fundamental policy objections to the proposed development. The application is therefore considered acceptable in principle with the acceptability or otherwise of this scheme resting in the details.

### Design, Scale and Siting

- 6.6 This proposal is notable for its contemporary design approach. Planning policy for house extensions advises that new development should be in keeping with the existing character of the area and associated dwelling. It is not considered, however, that being 'in keeping' prevents a contemporary design approach where the design is considered appropriate for the location. In this instance the application site is found within a late 20<sup>th</sup> Century housing development that has no particular architectural interest. It is considered that this contemporary design approach will actually improve the architectural interest of this property. By virtue of being an appropriate design solution it is considered that this addition is will not appear incongruous in the context of the associated dwelling house and wider area. The scale and siting are considered appropriate in the context of the existing dwelling house and the layout of the locality.

### Residential Amenities

- 6.7 The loss of privacy to neighbouring properties was highlighted at the pre-application consultation stage as a central issue for consideration. To the south east and north east a powder coated/painted steel louver privacy screen is proposed to prevent an unacceptable loss of privacy. To the north west and south west an architectural steel mesh screening system is proposed around the balcony area. It is considered that these screening techniques will ensure the privacy of the adjoining neighbours without compromising the architectural styling of the development. To the south west it is considered that the loss of privacy will be limited to an acceptable level above that

currently found. In consideration of the relation of the property with its neighbours it is considered that the development will not result in an unacceptable loss of light or overbearing impact. Conditions will ensure the effectiveness of the proposed privacy screening.

#### Visual Amenities and Impact upon Conservation Area

- 6.8 The siting of this addition is such that limited views from public vantage points will be afforded to it. That said, it is considered that this proposal represents a development of visual and architectural merit and as such it is considered that the proposal will cause no harm to the visual amenities of the locality. It is considered that this proposal will certainly preserve, and potentially enhance, the character and appearance of the Conservation Area.

#### Impact upon Protected Trees

- 6.9 A Scots Pine protected by a Tree Preservation Order is located immediately adjacent to the proposed siting of this extension. The design concept of this scheme, which effectively proposes a floating first floor, is specifically designed to accommodate this tree and no objection has been raised to this revised scheme by the Arboriculturalist.

#### Conclusion

- 6.10 It is considered that this application represents a scheme of interest and architectural merit that will enhance an otherwise inoffensive, but inspiration lacking, area. It is considered that the design is appropriate and the scale and siting acceptable having regard to visual and residential amenities.

### **RECOMMENDATION**

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

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

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

- 2 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 Prior to the commencement of development full specifications of the proposed screening measures shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development hereby authorised the agreed screening measures shall be installed and retained in perpetuity.**

**Reason: To safeguard the amenities of the locality.**



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

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

**6 G16 (Protection of trees covered by a Tree Preservation Order)**

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

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

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

**8 G18 (Protection of trees)**

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

**Informatives:**

**1 N03 - Adjoining property rights**

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

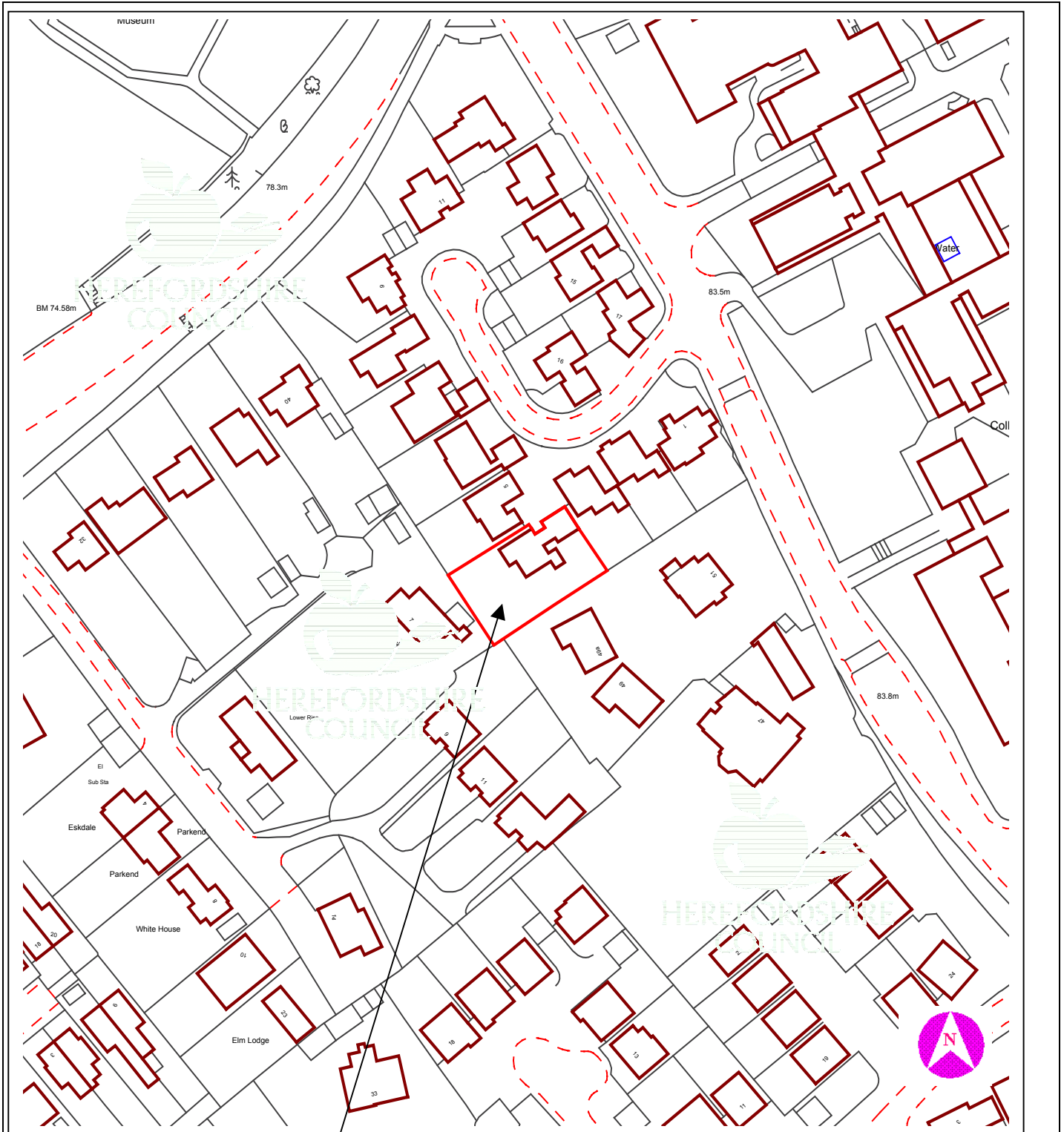
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/2321/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 4 Carter Grove, Hereford, Herefordshire, HR1 1NT

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## **12 DCCW2005/2176/O - ERECTION OF TWO DWELLINGS AT LAND ADJACENT TO FOURTH MILESTONE HOUSE, SWAINSHILL, HEREFORD, HR4 7QE**

**For: Mr. & Mrs. C.A. Thomson per Paul Smith Associates, 19 St. Martins Street, Hereford, HR2 7RD**

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

**Ward: Credenhill**

**Grid Ref: 44963, 41983**

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

Local Member: Councillor R.I. Matthews

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

- 1.1 This site is located to the rear of Fourth Milestone House, Swainshill, Hereford and forms part of the rear garden. The proposal, in outline form, is to establish the principle of erecting two dwellings with access off the private lane to the rear. Dwellings adjoin the north, east and southern boundaries with open fields to the west.
- 1.2 The plot of land measures approximately 25 metres wide by 45 metres in depth. The indicative plan submitted proposes two detached dwellings fronting the private lane with associated parking spaces.

### **2. Policies**

#### 2.1 Planning Policy Guidance:

PPG3 - Housing

#### 2.2 Hereford and Worcester County Structure Plan:

Policy H16A - Housing in Rural Areas  
 Policy H18 - Housing in Rural Areas Outside of Green Belt  
 Policy CTC9 - General Development Criteria

#### 2.3 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria  
 Policy SH10 - Housing Within Smaller Settlements

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

Policy H6 - Housing in Smaller Settlements  
 Policy S2 - Development Requirements

### **3. Planning History**

- 3.1 DCCW2003/3682/O Site for erection of two houses. Refused 2nd February, 2004.

- 3.2 DCCW2004/1256/O Erection of single dwelling. Refused 28th May, 2004.  
Appeal allowed 7th June, 2005.

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

##### Statutory Consultations

- 4.1 Welsh Water recommends conditions.

##### Internal Council Advice

- 4.2 Traffic Manager recommends conditions.  
4.3 Public Rights of Way Manager raises no objection.

#### **5. Representations**

- 5.1 Stretton Sugwas Parish Council - "As the new dwellings will access Sugwas Pool Lane, which has a very poor access to the A438 on a nearly blind bend, already the scene of two road deaths and many lesser accidents, the increase in vehicles using Sugwas Pool Lane as a result of more development along it will not be agreeable until the junction with the A438 is greatly improved."
- 5.2 Kenchester Parish Council (Adjoining) - no comment.
- 5.3 Two letters of objection have been received from Mr. & Mrs. Wintour, Sugwas Pool House, Swainshill, Hereford and Mr. & Mrs. F. Pawsey, Westview, Sugwas Pool, Swainshill, Hereford. The main planning points raised are:
1. The sewerage system is not capable of servicing the site.
  2. There will be extra traffic which will cause damage to the surface of the lane, the repair of which has been paid for by residents.
  3. The entry and exit of the lane onto the A438 road is dangerous and this proposal will increase traffic.

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 majority of this site was subject of a planning appeal earlier this year where the appointed Inspector was satisfied that the development of the site for one dwelling would not have an unacceptable effect on the character and appearance of the rural area and would not conflict with Policy SH10 of the South Herefordshire District Local Plan. In reaching this conclusion he was satisfied that the mature hedging on the boundaries screen the site and that it related well to the existing settlement.
- 6.2 He also commented that the addition of one additional dwelling would not significantly harm highway safety. It is therefore from this basis that the application has to be assessed.

- 6.3 The western boundary will still contain a mature hedge that provides the screening from the open countryside to settlement contained therein. Dwellings adjoin all other boundaries. It is therefore considered that the use of the additional land within the garden to provide space for two dwellings is acceptable and will not harm the character and appearance of the area.
- 6.4 Members will also note that the Traffic Manager has raised no objections and that Welsh Water also raise no objections subject to conditions requiring separate discharge of foul and surface water.
- 6.5 In reaching this recommendation careful regard has been had to the refusal of application no. DCCW2003/3682/O for two dwellings. The main reason for refusal related to the impact of residential development on the rural character and appearance of the locality. Whilst this particular decision was not appealed, it is considered that the findings of the Inspector in the related appeal are such that a refusal on the grounds of the visual impact would not be warranted in this case.
- 6.6 Accordingly, the proposal is considered to comply with the requirements of Policy SH10 of the South Herefordshire District Local Plan. A copy of the previous appeal decision is attached as an appendix to this report for information.

## **RECOMMENDATION**

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

- 1. A02 (Time limit for submission of reserved matters (outline permission)).**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 2. A03 (Time limit for commencement (outline permission)).**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 3. A04 (Approval of reserved matters).**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**
- 4. A05 (Plans and particulars of reserved matters).**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
- 5. F16 (Restriction of hours during construction).**  
**Reason: To protect the amenity of local residents.**
- 6. F22 (No surface water to public sewer).**  
**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.**

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

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

**8. G08 (Retention of trees/hedgerows (outline applications)).**

**Reason:** To safeguard the amenity of the area.

**Informatives:**

**1. HN23 - Vehicular use of public rights of way.**

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

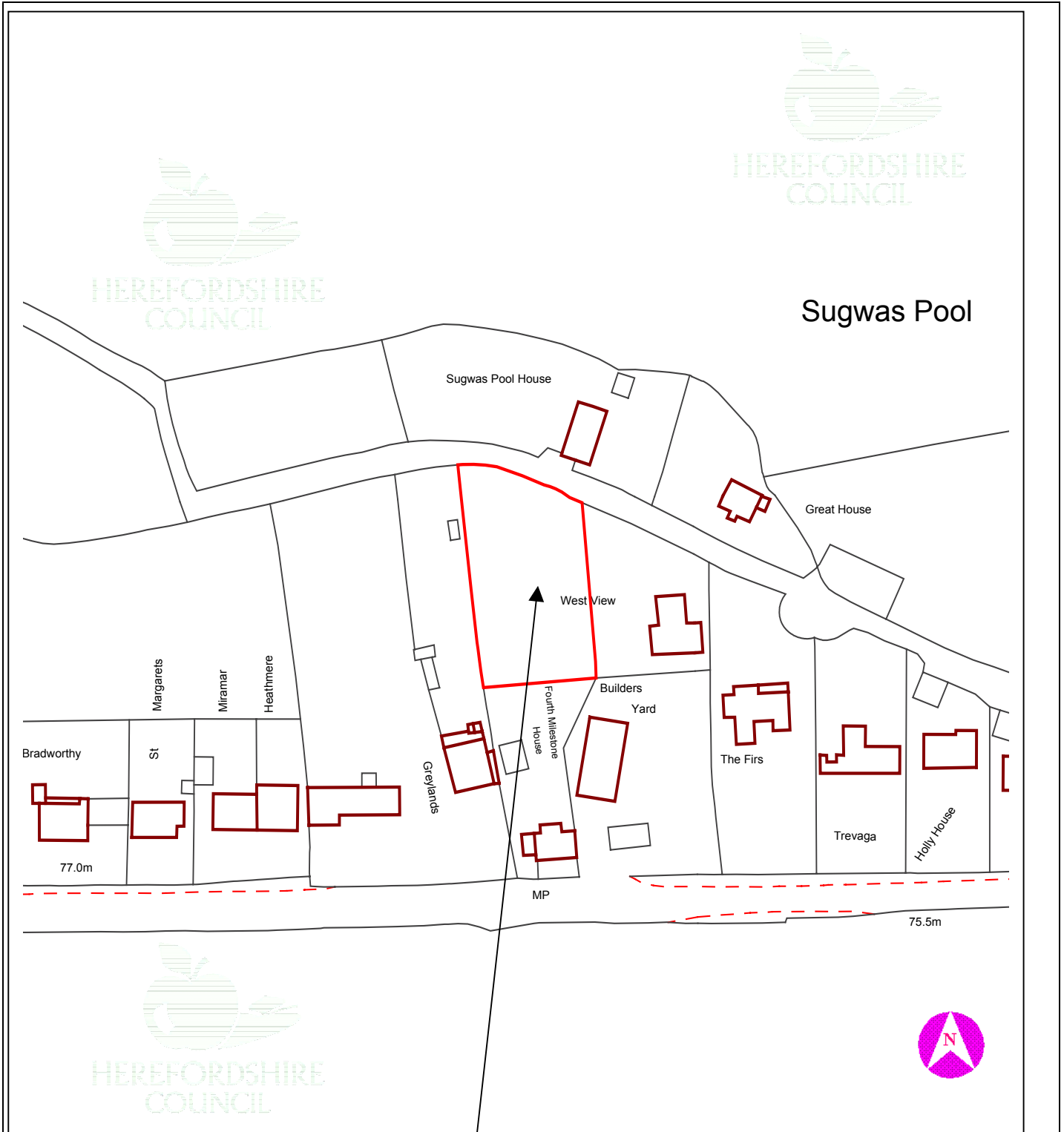
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2005/2176/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land Adjacent to Fourth Milestone House, Swainshill, Hereford, HR4 7QE

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# APPENDIX

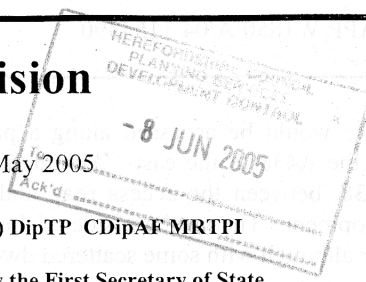


## Appeal Decision

Site visit made on 12 May 2005

by **K Nield** BSc(Econ) DipTP CDipAF MRTPI

an Inspector appointed by the First Secretary of State



The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

**07 JUN 2005**

**Appeal Ref: APP/W1850/A/04/1154390**

**Land adjacent to Fourth Milestone House, Swainshill, Hereford, HR4 7QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs C A Thomson against the decision of Herefordshire Council.
- The application ref: DCCW2004/1256/O, dated 1 April 2004, was refused by notice dated 28 May 2004.
- The development proposed is described as new private dwelling.

**Summary of Decision: The appeal is allowed subject to conditions set out in the Formal Decision below.**

### Preliminary Matters

1. The application is in outline with only the means of access to be considered at this stage. External appearance, siting, design and landscaping are reserved for future consideration.

### Main Issue

2. I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of the locality.

### Planning Policy

3. The development plan includes the Hereford and Worcester County Structure Plan and the South Herefordshire District Local Plan (SHDLP).
4. Consistent with the framework of the Structure Plan, SHDLP policy SH.10 states that planning permission will be granted for small scale housing development within the smaller settlements provided that a number of specified criteria are met. Amongst other matters the criteria require that the scale and character of proposed development should be appropriate to the location and would not adversely alter the character of the location or encourage additional development to take place where this would lead to undesirable changes. Criterion vii) requires development to be contained within existing physical boundaries without significant loss of trees or open space of amenity value. It is also a requirement of the policy that it can be demonstrated that the proposed development would help satisfy local housing requirements and would be sustainable in terms of reducing the need to travel by car.

### Reasons

5. The appeal site comprises part of the rear garden area to Fourth Milestone House. The parties agree that the site lies within the settlement of Swainshill and that the settlement forms one of the smaller settlements to which SHDLP policy SH.10 applies.

# APPENDIX

Appeal Decision APP/W1850/A/04/1154390

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6. The appeal site would be accessed along a partly unmade private road leading from its junction with the A438 to the east. Although Swainshill is essentially a linear settlement along the A438, between the access road and the A438 there is a significant degree of housing development. The northern side of the access road, however, has a more open and rural character although with some scattered dwellings.
7. The boundaries of the plot are reasonably well defined. There is a mature hedgerow along the common boundary with West View to the east and ranch style fencing along the southern boundary with Fourth Milestone House. The existing screening restricts public views into the site and in my opinion the visual impact of the proposed development would be limited. It is indicated that the appellants would retain a strip of land along the west side of the plot and introduce additional tree planting as a further screen.
8. The appeal site is part of the garden area to Fourth Milestone House and has residential development to the south and east and there is a residential property sited on the northern side of the access road opposite the appeal plot. To the west of the appeal plot the land has a more rural quality and forms more of a transition of the settlement with the countryside than does the appeal site. I consider, in consequence, that the character of the plot relates well to the remainder of the settlement and I do not consider that there is conflict with criterion i) of SHDLP policy SH.10. In addition I do not consider that the proposal would conflict with criterion v) of SHDLP policy SH.10 in that it would not adversely affect the character of the location or encourage undesirable further development to take place having regard to the particular circumstances of the site.
9. I conclude on the main issue that the proposed development would not have an unacceptable effect on the character and appearance of the rural locality and would not conflict with relevant aspects of SHDLP policy SH.10.

## **Other Matters**

10. Although no information was provided at the time of the application in respect of local housing need, the appellants have redressed that within the appeal documentation to an extent with the provision of a letter from a local estate agent indicating the reasonably high level of demand from purchasers for plots and dwellings in the locality. The evidence provided is sufficient, in my view, to meet the requirement of the policy in this case.
11. I noted that Swainshill was on a public transport route from Hereford to Brecon with a bus service. Although I am not provided with evidence as to the frequency of bus services I am satisfied that the development of only one unit within this designated settlement would not in itself be unsustainable or conflict with SHDLP policy SH.10 on this matter.
12. I have noted the objection of the Parish Council and several local residents in respect of the junction of the access road with the A438 and the standard of the access lane. I do not, however, consider that the development of an additional dwelling having access from the lane would have a significantly harmful effect on highway safety and I note in this respect that no objections to the proposed development were received from the local highway authority.

## **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, I conclude that
-

# APPENDIX

Appeal Decision APP/W1850/A/04/1154390

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the appeal should be allowed.

## Conditions

15. In addition to the statutory time condition the Council has suggested conditions to secure details of the reserved matters and for those to be approved in writing before any development is commenced. I accept that such conditions are necessary to ensure proper planning control over the development and I shall impose them.

## Formal Decision

16. I allow the appeal and grant planning permission for a new private dwelling at land adjacent to Fourth Milestone House, Swainshill, Hereford, Herefordshire, HR4 7QE in accordance with the terms of the application (Ref DCCW2004/1256/O) dated 1 April 2004 and plans submitted therewith subject to the following conditions:

1. Approval of the details of the siting, design and external appearance of the building, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of the building, and the landscaping of the site shall be submitted in writing to the local planning authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matters to be approved, whichever is the later.

*Kerin Baird*

INSPECTOR

