

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 3rd May, 2006**

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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:

*For any further information please contact:*

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# AGENDA

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

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

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), 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, Mrs E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson.

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 5th April, 2006.	1 - 16
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the Council's current position in respect of planning appeals for the Central Area.	17 - 18
<b>APPLICATIONS RECEIVED</b>	
To consider and take any appropriate action in respect of the planning applications received for the central area of Herefordshire and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. <b>DCCW2006/0495/F - 285 KINGS ACRE ROAD, HEREFORD, HR4 0SS</b> New residential development comprising 2 no. 4 bed houses and one no. 2 bed house plus new highway access.  Ward: <b>Credenhill</b>	19 - 26
6. <b>DCCW2006/0960/F - DEVELOPMENT AT POMONA PLACE, HEREFORD, HR4 0LW</b> Proposed hotel, A4 public house outlet and residential development.  Ward: <b>St. Nicholas</b>	27 - 36

7.	<b>DCCE2005/4168/F - CLASTON, DORMINGTON, HEREFORD, HR1 4EA</b> Agricultural building. Ward: <b>Backbury</b>	37 - 42
8.	<b>DCCE2006/0608/F - LEYS FARM, GRAFTON, HEREFORD, HR2 8BL</b> Proposed bungalow. Ward: <b>St. Martins &amp; Hinton</b>	43 - 48
9.	<b>DCCE2006/0806/F - 14 LODER DRIVE, HEREFORD, HR1 1DS</b> Extensions at ground and first floor levels to rear and sides. Ward: <b>Aylestone</b>	49 - 54
10.	<b>DCCW2006/0900/F - 22-28 FRIARS STREET, HEREFORD, HR4 0AS</b> New three storey residential unit comprising of 15 flats. Ward: <b>St. Nicholas</b>	55 - 64
11.	<b>DCCW2006/0869/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS</b> Variation of condition 8 of planning permission DCCW2004/1679/F to allow for dot.com operations on Sundays between 9.00am and 4.30pm. Ward: <b>Belmont</b>	65 - 70
12.	<b>DCCE2006/0351/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HR1 4LP</b> Repositioning of existing static caravans (part retrospective) and additional 15 static caravans, including change of use of part of the land. Ward: <b>Backbury</b>	71 - 78
13.	<b>DCCE2006/0834/F - 11 COURTNEY RISE, HEREFORD, HEREFORDSHIRE, HR1 1BP</b> Proposed two storey extension. Ward: <b>Aylestone</b>	79 - 84
14.	<b>DCCE2006/0765/F - UNIT 4, WHITESTONE BUSINESS PARK, WHITESTONE, HEREFORD, HR1 3SE</b> Change of use from B1 light industrial to mixed use comprising a retail showroom, storage and offices. Ward: <b>Hagley</b>	85 - 90
15.	<b>DCCE2006/0625/F - MANOR FARM, WATERY LANE, LOWER BULLINGHAM, HEREFORD, HEREFORDSHIRE, HR2 6EP</b> Retrospective application for lambing shed. Ward: <b>St. Martins &amp; Hinton</b>	91 - 94

16. **DCCE2006/0663/F - FIELD FARM HOUSE RESIDENTIAL HOME, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JP** 95 - 100

Side extension to care home.

Ward: **Backbury**

17. **DATE OF NEXT MEETING**

The next scheduled meeting is Wednesday 31st May, 2006.



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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, 5th April, 2006 at 2.00 p.m.**

**Present:** Councillor D.J. Fleet (Chairman)

**Councillors:** Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, P.J. Edwards, J.G.S. Guthrie, R.I. Matthews, J.C. Mayson, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, Ms. A.M. Toon, D.B. Wilcox, A.L. Williams and R.M. Wilson.

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

**155. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. S.P.A. Daniels, Mrs. M.D. Lloyd-Hayes, J.W. Newman, R. Preece, Miss F. Short, Mrs. E.A. Taylor and W.J. Walling.

**156. DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

Councillor	Item	Interest
Mrs. S.J. Robertson	Agenda Item 5, Minute 159 DCCE2006/0099/O <b>Royal National College for the Blind, College Road, Hereford, HR1 1EB</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
D.B. Wilcox	Agenda Item 6, Minute 160 DCCE2006/0554/F <b>Plots 1 and 2 adjacent to the Woodlands Farm, Watery Lane, Lower Bullingham, Hereford, HR2 6JW</b>	Declared a personal interest.
Ms. G.A. Powell and Mrs. S.J. Robertson	Agenda Item 7, Minute 161 DCCE2006/0608/F <b>Leys Farm, Grafton, Hereford, HR2 8BL</b>	Ms. Powell declared a personal interest. Mrs. Robertson declared a prejudicial interest and left the meeting for the duration of this item.
J.C. Mayson	Agenda Item 11, Minute 165 DCCW2006/0370/F <b>19 Ingestre Street, Hereford</b>	Declared a prejudicial interest and left the meeting.

J.C. Mayson	Agenda Item 14, Minute 168 DCCW2006/0448/F <b>Magna Castra Farm, Credenhill, Hereford, HR4 7EZ</b>	Declared a prejudicial interest but had left the meeting before this item was considered.
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Mr. K. Bishop, Principal Planning Officer, declared a personal interest in respect of Agenda Item 8, Minute 162, DCCE2006/0649/F, and left the meeting for the duration of this item.

#### 157. MINUTES

**RESOLVED: That the Minutes of the meeting held on 8th March, 2006 be approved as a correct record.**

#### 158. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted details of the Council's current position in respect of planning appeals for the central area.

In response to a question from Councillor D.B. Wilcox about the appeal that was upheld in relation to planning application DCCE2005/2356/F (Carfax House site, Aylestone Hill, Hereford), the Senior Planning Officer advised that the original scheme would be revised to reflect the layout approved by the Sub-Committee (planning application DCCE2005/3258/F refers).

#### 159. DCCE2006/0099/O - ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HR1 1EB [AGENDA ITEM 5]

*Construction of halls of residence, sports and complementary therapy building, creation of floodlit outdoor sports pitch, residential development on 2.3ha and associated open spaces, landscaping, infrastructure, access roads, footpaths and cycle paths.*

The Principal Planning Officer reported that discussions had taken place in relation to the highways arrangements and that the Traffic Manager was now satisfied with the proposals. It was noted that discussions were ongoing with the Strategic Housing Team regarding the type and mix of affordable housing and delegated authority was sought to resolve the matter, in consultation with the Local Ward Members and the Chairman. It was reported that the draft Section 106 Agreement had been received from the applicant and was being assessed. It was also reported that details of floodlighting had been received and were considered acceptable.

In response to a question from Councillor R.M. Wilson regarding the objections raised by a local resident, the Principal Planning Officer advised that some land was to be retained by the applicant in order to provide a 'buffer zone' between the existing and the proposed housing. He also advised that the sports centre would be 'acoustically balanced' through noise attenuation measures in order to minimise disruption.

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

Councillor D.B. Wilcox, a Local Ward Member, felt that the proposal was innovative and, if delicately managed, would provide marvellous facilities. He noted the value of the site visit that had undertaken and the discussions held with the Aylestone Park

Association. He felt that the concerns regarding the loss of part of the Site of Importance for Nature Conservation would be overcome through the proposed new orchard within the Aylestone Park development. He commented that the reduced affordable housing requirement, of 17.5%, appeared a good compromise in the circumstances and in view of the other benefits of the scheme. He suggested that the contributions towards highways infrastructure should be more flexible to enable works to improve the College Road/Venns Lane/Old School Lane junction. In conclusion, he felt that the opportunity to improve the campus should not be missed.

The Development Control Manager advised that the traffic management measures could be less proscriptive and further consideration given to how the funds were divided; although the overall total of contributions would remain the same.

Councillor A.L. Williams, the other Local Ward Member, felt that this was an exciting project. He concurred that improvements were needed to the College Road/Venns Lane/Old School Lane junction. He noted the need to address the concerns of local residents about noise.

Councillor Mrs. P.A. Andrews noted that the comments of Hereford City Council had been submitted before the negotiations had taken place in respect of affordable housing and traffic calming.

Councillor P.J. Edwards noted the efforts made by the applicant and the officers to bring this proposal to fruition. He commented that the development of the facilities should be closely linked with the residential element to ensure that the scheme was progressed as envisaged.

Councillor J.G.S. Guthrie commented on the difficulties associated with the College Road/Venns Lane/Old School Lane junction and felt that this should be addressed as soon as possible.

#### **RESOLVED:**

- 1. That subject to the type, mix and method of delivering the affordable housing being agreed with Strategic Housing, Planning Services and the applicants in consultation with the Chairman and Local Ward Members.**
- 2. The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to incorporate points 1-6 of paragraph 6.15 of the report and any additional matters he considers appropriate.**
- 3. The planning obligation shall be completed and upon completion of the aforementioned planning obligation that Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to conditions.**

#### **Conditions**

**As the application is a hybrid application, two different sets of conditions are required. The wording of the conditions is still being discussed and agreed with the applicants. However, conditions will be included to cover the following:**

**The halls of residence, sports developments and new pedestrian and vehicular**

**access**

Conditions regarding commencement of the development, phasing, materials, landscaping and its maintenance, tree protection, slab levels, floodlighting, opening hours, access and road construction, parking provision, foul and surface water drainage, earthworks and waste disposal, restriction on construction times, provision of public art.

**Housing Development**

Standard outline conditions regarding commencement and submission of the reserved matters details, phasing of the development and phasing of the construction of the affordable housing, access construction and internal road construction including traffic calming, tree and hedgerow protection, new orchard planting, foul and surface water drainage, maintenance of landscaping, footpath construction, restriction on construction times, boundary treatments, specification for the local area of play.

**160. DCCE2006/0554/F - PLOTS 1 AND 2 ADJACENT TO THE WOODLANDS FARM, WATERY LANE, LOWER BULLINGHAM, HEREFORD, HR2 6JW [AGENDA ITEM 6]**

*Erection of 2 no. proposed dwellings with adjoining garages.*

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

In response to a comment raised by the speaker, the Central Team Leader confirmed that the site was in open countryside and there was a strong policy presumption against residential development.

Councillor W.J.S. Thomas outlined the planning history of the site and noted that the objection based on the delivery of the proposed Rotherwas Access Road had been overcome. He felt that the extenuating circumstances of the proposal outweighed the policy objections and he supported the application.

Councillor A.C.R. Chappell noted that Lower Bullingham Parish Council had no objections and felt that, through the removal of the scrap cars, the proposal would result in an enhancement of the wider landscape.

Councillor D.B. Wilcox noted that the site was in open countryside in policy terms but was a blot on the landscape in pragmatic terms. In response to a question, the Central Team Leader confirmed that the proposal was sited away from the approved line of the Access Road.

In response to a question from Councillor R.M. Wilson, the Central Team Leader clarified the areas which would be cleared of scrap cars and advised that the reinstatement of the land and associated landscaping would be controlled through conditions should Members be minded to approve the application. The Chairman suggested that the dwellings should not be occupied before the clearance of the whole site. A number of Members supported this suggestion. The Central Team Leader advised that an appropriate timescale for the clearance could be negotiated with the applicant in consultation with the Local Ward Member and the Chairman.

**RESOLVED:**

**That (i) The Central Area Planning Sub-Committee is minded to approve the application subject to the conditions below (and any further conditions felt to be necessary by the Development Control Manager) provided that the Development Control Manager does not refer the application to the Planning Committee.**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2. The development shall be carried out in all respects strictly in accordance with the approved plans unless otherwise agreed in writing with the local planning authority.**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development in accordance with Policy GD1 of the South Herefordshire District Local Plan.**

- 3. No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the materials harmonise with the surroundings in accordance with Policies GD1, C1 and C8 of the South Herefordshire District Local Plan.**

- 4. None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details submitted to and approved in writing by the local planning authority.**

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

- 5. No development approved by this permission shall be occupied until and unless otherwise agreed in writing by the local planning authority:**

- (i) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing with the local planning authority;**

- (ii) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Reclamation Method Statement) have been submitted to and approved in writing by the local planning authority;**

- (iii) The works specified in the Reclamation Method Statement have been completed in accordance with the approved**

scheme.

If during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed in writing with the local planning authority.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for the complete clearance of the scrap cars within the land identified in blue on the approved plan; and a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the approved works. All proposed planting shall be clearly described with species, sizes and planting numbers.

Reason: In order to ensure the complete clearance of the site which is regarded as the exceptional circumstance justifying the development hereby approved and to protect the visual amenities of the area in accordance with Policies GD1, C1 and C8 of the South Herefordshire District Local Plan.

7. The clearance, restoration and landscaping comprised in the approved details of landscaping shall be carried out prior to the first occupation of the dwellings hereby approved, unless otherwise agreed in writing by the local planning authority and any trees or plants which within a period of 5 years from the completion of the development site are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any varieties. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defect period.

Reason: In order to protect the visual amenities of the area in accordance with Policies GD1, C1 and C8 of the South Herefordshire District Local Plan.

8. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

- (ii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.



[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Planning Committee.]

**161. DCCE2006/0608/F - LEYS FARM, GRAFTON, HEREFORD, HR2 8BL [AGENDA ITEM 7]**

*Proposed bungalow.*

The Principal Planning Officer advised that the consultation period had expired and the recommendation could be changed accordingly.

Councillor A.C.R. Chappell, a Local Ward Member, questioned whether the site was located in open countryside given the number of other buildings in the vicinity and felt that Members would benefit from a site visit. Councillor Mrs. W.U. Attfield, also a Local Ward Member, supported this view.

In accordance with the criteria for public speaking, Mr. Morgan had registered to speak in support of the application but decided to speak when the application was next considered following the site visit.

**RESOLVED:**

**That consideration of planning application DCCE2006/0608/F be deferred for a site inspection for the following reason:**

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

**162. DCCE2006/0649/F - THREE MILLS TRADING ESTATE (FORMERLY THE WIRE MILL), OLD SCHOOL LANE, HEREFORD, HR1 1EX [AGENDA ITEM 8]**

*Change of use to mixed use of B2 (General Industry) and B8 (Storage or distribution), with up to 10% B1 (Business).*

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

Councillor Mrs. P.A. Andrews, a Local Ward Member, noted that the lawful use of the entire site was for general industrial purposes and that there were no conditions restricting operating hours or delivery. Therefore, she felt that there were no planning reasons to warrant refusal of this application.

Councillor Ms. A.M. Toon, also a Local Ward Member, commented that she did not have any objections in principle but noted local residents' concerns and questioned whether further conditions could control noise levels. In response, the Central Team Leader commented on the long established use of the site and advised that such restrictions might not be reasonable, particularly as no objections had been received from Environmental Health and Trading Standards. He added that excessive noise might be considered statutory nuisance but this was dealt with under separate legislation.

In response to comments made by Members about potential noise disturbance, the Development Control Manager re-iterated that there were no restrictions on the existing lawful use of the site. The Chairman added that the existing use could be restarted at any time. In response to comments about traffic generation, the Development Control Manager commented that the change of use to storage and distribution would result in different patterns of traffic and that a routing agreement

could be included as part of the Travel Plan under recommended condition 4.

Councillor A.C.R. Chappell commented on the potential economic benefits of the proposal and noted the need for appropriate traffic calming measures and crossings in the vicinity of the site.

Some Members commented that significant additional traffic could be generated in the area as a result of the Unitary Development Plan proposals for Holmer.

Councillor R.I. Matthews commented on the history of the site and felt that there should not be too many restrictions.

Councillor Wilcox questioned whether contributions towards College Road/Venns Lane/Old School Lane junction improvements could be sought. The Development Control Manager advised that contributions might not be justified on the basis that the proposal would not result in substantial increases in floorspace and no objections had been received from the Traffic Manager.

#### **RESOLVED:**

**Subject to no further objections raising additional material planning considerations by the end of the consultation period and subject to there being, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:**

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

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

2. **A11 (Change of use only details required of any alterations).**

**Reason: To define the terms under which permission for change of use is granted.**

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

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

4. **Within three months of the date of first occupation of any part of the building in connection with the planning permission hereby permitted, a Travel Plan containing measures to promote alternative modes of transport for employees including a schedule for its implementation shall be submitted to and approved in writing by the local planning authority and implemented as approved. The Travel Plan shall also include details of traffic routing to and from the development to minimise the amount of traffic and particularly HGV's travelling south from the application site. A detailed written record shall be kept of measures undertaken to promote sustainable transport initiatives and shall be made available for inspection by the local planning authority upon reasonable request so as to enable monitoring of the plan to be routinely carried out.**

**Reason: In the interests of highway safety and to ensure that a range of sustainable transport initiatives are available to employees.**

5. **Any conditions considered necessary by the Head of Environmental Health and Trading Standards.**

**Informative:**

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

**163. DCCE2006/0435/F - LAND ADJACENT TO CROFT COTTAGE, LUGWARDINE, HEREFORD [AGENDA ITEM 9]**

*New two storey house.*

The Senior Planning Officer reported that the Traffic Manager was now satisfied with the access and turning details.

In accordance with the criteria for public speaking, Ms. Hickie spoke in support of the application.

Councillor R.M. Wilson, the Local Ward Member, noted that the application site was within the village boundary and that the proposal was considered an acceptable form of infill development.

**RESOLVED:**

**That, subject to receipt of the confirmation of the acceptability of the access, parking and turning revisions, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:**

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

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

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

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

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

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

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

**Reason: In the interests of the amenities of the locality.**

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

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

6. **Prior to the commencement of the development hereby authorised, the existing extension attached to Croft Cottage identified for demolition in**

the approved plans shall be removed in its entirety.

Reason: To ensure an acceptable form of development.

7. F18 (Scheme of foul drainage disposal).

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

8. The dwelling hereby approved shall, as soon as is reasonably practicable, be connected to mains sewerage.

Reason: In the interests of land amenity and securing effective long term drainage for this site.

9. 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.

10. G01 (Details of boundary treatments).

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

11. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

**Informative:**

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

164. [A] DCCE2006/0475/F AND [B] DCCE2006/0487/C - 130 AYLESTONE HILL, HEREFORD, HR1 1JJ [AGENDA ITEM 10]

*[A] Demolition of existing bungalow constructed in 1934. Re-build on approximately same footprint a low energy consumption bungalow.*

*[B] Demolition of existing 1934 bungalow.*

The Senior Planning Officer reported the receipt of comments from Hereford City Council and from the Conservation Advisory Panel.

Councillor D.B. Wilcox, a Local Ward Member, felt that the proposal was acceptable. Councillor A.L. Williams, the other Local Ward Member, also supported the application.

**RESOLVED:**

**DCCE2006/0475/F:**

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

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

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

**Planning Act 1990.**

2. B01 (Samples of external materials).

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

3. E08 (Domestic use only of garage).

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

4. E09 (No conversion of garage to habitable accommodation).

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

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

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

6. E19 (Obscure glazing to windows).

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

7. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

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

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

9. H05 (Access gates).

Reason: In the interests of highway safety.

10. H09 (Driveway gradient).

Reason: In the interests of highway safety.

11. H12 (Parking and turning - single house).

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

**Informatives:**

1. N03 - Adjoining property rights.
2. HN01 - Mud on highway.
3. HN05 - Works within the highway.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

**DCCE2006/0487/C:**

**That Conservation Area Consent be granted subject to the following conditions:**

1. **C01 - (Time limit for commencement (full permission)).**

**Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**Informatives:**

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

**165. DCCW2006/0370/F - 19 INGESTRE STREET, HEREFORD [AGENDA ITEM 11]**

*Ground and first floor extension to replace existing garage/store.*

Councillor Mrs. P.A. Andrews, a Local Ward Member, noted the concerns of the occupier of the neighbouring property, particularly regarding the blocking of light.

Councillor Ms. A.M. Toon, also a Local Ward Member, sympathised with the neighbour but noted that officers considered that the proposal would not cause sufficient harm to residential amenity to warrant refusal.

The Principal Planning Officer advised that the proposal conformed to the relevant policy requirements.

**RESOLVED:**

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

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

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

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

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

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

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

4. **E09 (No conversion of garage to habitable accommodation).**

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

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

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

**Informative:**

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

**166. DCCE2005/4168/F - CLASTON, DORMINGTON, HEREFORD, HR1 4EA  
[AGENDA ITEM 12]**

*Agricultural building.*

The Principal Planning Officer advised that an informative note would be added to any planning permission granted to highlight that the grant of approval did not override the civil rights of neighbouring properties.

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

Councillor Mrs. J.E. Pemberton, the Local Ward Member, noted that the circumstances relating to the application were complicated and felt that Members would benefit from a site visit.

**RESOLVED:**

**That consideration of planning application DCCE2005/4168/F be deferred for a site inspection for the following reasons:**

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

**167. DCCW2006/0495/F - 285 KINGS ACRE ROAD, HEREFORD, HR4 0SS [AGENDA  
ITEM 13]**

*New residential development comprising 2 no. 4 bed houses and one no. 2 bed house plus new highway access.*

The Principal Planning Officer reported the receipt of the comments from Breinton Parish Council and the receipt of letters of objection from Mr. and Mrs. Steadman and from Mr. and Mrs. Baker. He also clarified the planning history of the application site.

Councillor R.I. Matthews, the Local Ward Member, felt that the proposal could be considered to constitute a type of backland development and felt that Members would benefit from a site visit.

In accordance with the criteria for public speaking, Mrs. Powell, Mrs. Steadman and Mrs. Baker had registered to speak in support of the application but decided to speak when the application was next considered following the site visit.

**RESOLVED:**

**That consideration of planning application DCCW2006/0495/F be deferred for a site inspection for the following reason:**

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

**168. DCCW2006/0448/F - MAGNA CASTRA FARM, CREDENHILL, HEREFORD, HR4 7EZ [AGENDA ITEM 14]**

*Retrospective application for replacement covered cattle yard and straw storage building.*

The Principal Planning Officer reported the receipt of a letter of objection from Mr. Prichard and summarised the points raised.

Councillor R.I. Matthews, the Local Ward Member, noted that the building was considerably larger than the one that it replaced and felt that the landscaping scheme needed to be substantial. In particular, he felt that mature tree and plant specimens should be planted to a minimum height of two metres in order to break up the form of the development as soon as possible. It was noted that this could be addressed through the conditions.

**RESOLVED:**

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

- 1. Within three months of the date of this permission a comprehensive landscaping scheme shall be submitted for approval by the local planning authority. The submitted landscaping scheme will take the form of a plan(s) at a scale of 1:200, accompanied by a written schedule, which clearly describe the proposed species, size, density and planting numbers.**

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

- 2. The landscaping scheme (required to be submitted by condition 1 above) shall be carried out no later than the first planting season following the receipt of written approval by the local planning authority.**

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

- 3. The landscaping scheme shall be retained in perpetuity and be actively maintained for a period of 10 years following planting. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any trees, shrubs or other plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10 year maintenance period.**

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

**Informatives:**

- 1. The applicant or their appointed agent are advised to seek the advice/guidance of the Council's Landscape Officer prior to submitting the landscaping scheme for approval.**
- 2. The landscaping scheme should include semi-mature trees, planted in a minimum of three coppices to help to alleviate visual impact of the scale and bulk of the building, particularly when viewed from the**



northeast/west.

**3. N15 - Reason(s) for the Grant of Planning Permission.**

**169. DCCE2006/0212/RM - NETHWAY, HOLME LACY ROAD, LOWER BULLINGHAM, HEREFORD, HR2 6EE [AGENDA ITEM 15]**

*Construction of ten dwellings, garaging, landscaping and access.*

The Principal Planning Officer reported that the Environment Agency had withdrawn a formal objection, subject to the receipt of details regarding surface water drainage. It was also reported that the Traffic Manager was now satisfied with the details provided in respect of the footway.

Councillor A.C.R. Chappell, a Local Ward Member, commented that he had no objections in principle but stressed the need to widen the footway. He felt that the developer should be required to clear out Withy Brook before, during and after construction to minimise the risk of flooding. Councillor Mrs. W.U. Attfield, also a Local Ward Member, supported this suggestion.

The Principal Planning Officer advised that an informative note could be added to any planning permission granted to highlight the concerns about Withy Brook but noted that the Brook was designated as a Site of Importance for Nature Conservation.

**RESOLVED:**

**Subject to there being no objection from the Environment Agency by the end of the re-consultation period the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:**

**1. 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. N09 - Approval of Reserved Matters.**

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

**3. The applicant is advised of the need to keep the Withy Brook free from obstruction both during construction and afterwards.**

**170. DATE OF NEXT MEETING**

It was noted that the next scheduled meeting would be held on Wednesday 3rd May, 2006.

The meeting ended at 4.25 p.m.

**CHAIRMAN**



**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCW2005/4043/F**

- The appeal was received on 11th April, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. & Mrs. P. Scott.
- The site is located at 31 Broomy Hill, Hereford, Herefordshire, HR4 0LJ.
- The development proposed is Detached dwelling and detached garage.
- The appeal is to be heard by Written Representations.

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

**Application No. DCCE2005/4092/F**

- The appeal was received on 22nd March, 2006.
- 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 Callow Marsh Ltd.
- The site is located at Land at Grafton, Grafton Lane, Herefordshire, HR2 8BT.
- The development proposed is Parking of motor vehicles.
- The appeal is to be heard by Hearing.

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

**Application No. DCCW2005/2947/F**

- The appeal was received on 23rd March, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. Powell.
- The site is located at Land Adjacent to Brick House, Bush Bank, Hereford, Herefordshire, HR4 8PH.
- The development proposed is Removal of Condition No. 12 from planning permission DCCW2004/4212/F to allow the retention of two Spanish polytunnels approved under planning permission DCCW2003/2321/F.
- The appeal is to be heard by Written Representations.

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

**Application No. DCCE2005/4146/A**

- The appeal was received on 6th April, 2006.
- 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 Callow Marsh.
- The site is located at Former Hereford Rover, Callow, Hereford, Herefordshire, HR2 8BT.
- The development proposed is Fascia sign, Entrance feature, directional and parking signs. Replacement pylon and flags.
- The appeal is to be heard by Written Representations.

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

**APPEALS DETERMINED****Application No. DCCE2005/2602/F**

- The appeal was received on 4th October, 2005.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. & Mrs. J. Condon.
- The site is located at 5A, Folly Lane, Hereford, Herefordshire, HR1 1LY.
- The application, dated 8th August, 2005, was refused on 22nd September, 2005.
- The development proposed was Ground floor alterations with first floor extension over.
- The main issue is the residential extensions have regard to the scale and character of the existing building, the character of the area and the amenities of nearby residential properties.

**Decision:** The appeal was **ALLOWED** on 31st March, 2006.

**Case Officer: Adam Sheppard 01432 261961**

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

**5 DCCW2006/0495/F - NEW RESIDENTIAL DEVELOPMENT COMPRISING 2 NO. 4 BED HOUSES AND ONE NO. 2 BED HOUSE PLUS NEW HIGHWAY ACCESS AT 285 KINGS ACRE ROAD, HEREFORD, HR4 0SS**

**For: Caplor Homes Ltd. per Meredith Architectural Design, 34 Montpelier Road, West Malvern, Worcestershire, WR14 4BS**

**Date Received: 13th February, 2006      Ward: Credenhill      Grid Ref: 47557, 41294**

**Expiry Date: 10th April, 2006**

Local Member: Councillor R.I. Matthews

### **Introduction**

This application was deferred at the meeting of the Central Area Planning Sub-Committee on 5th April, 2006 in order to carry out a site visit. The visit took place on 18th April, 2006. The report has been updated.

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

1.1 No. 285 Kings Acre Road is a three bedroom bungalow located on the southern side between 283 and 289 Kings Acre Road. The property has an extensive garden that loops around the back of Nos. 289 and 291 Kings Acre Road. The rear, southern boundary of the site is a continuation of the boundaries of other dwellings fronting Kings Acre Road.

1.2 The proposal is to close the existing entrance off Kings Acre Road to No. 285 and construct a new driveway on the western side which would provide access to the rear garden where two four bedroom and two bed chalet style dwellings are proposed. The existing bungalow would have an existing living/dining room element removed to accommodate the new driveway and be reduced from a three bed to a two bed bungalow. External materials proposed would be red brick and render under a slate roof.

### **2. Policies**

2.1 Planning Policy Guidance:

PPG3 - Housing

2.2 South Herefordshire District Local Plan:

GD1 - General development criteria  
 SH1 - Housing land supply  
 SH4 - Housing land adjacent to Hereford City  
 SH15 - Criteria for new housing schemes

T3 - Highway safety

### 2.3 Herefordshire Unitary Development Plan:

DR1 - Design  
S1 - Sustainable development  
S3 - Housing  
H1 - Hereford and the market towns  
H2 - Hereford and the market towns  
H3 - Managing the release of housing land  
T11 - Parking provision

## 3. Planning History

3.1 SH990079/O Erection of six bungalows. Refused 26th March, 1979.  
Appeal dismissed.

## 4. Consultation Summary

### Statutory Consultations

4.1 Welsh Water: Raise no objection.

### Internal Council Advice

4.2 Traffic Manager: Recommends conditions.

## 5. Representations

5.1 Breinton Parish Council: "Some objections.

1. The Council would be happier with two new houses on this site, as opposed to three. The density is too great for family accommodation. There are no play areas and minimal gardens, although we do recognise that a small amount of communal space is planned under some trees.
2. Two of the proposed dwellings are very close to a large mature tree. We are concerned that either the tree or the foundations of the houses might be compromised.
3. The applicant has stated that no trees will be removed, but the plans show that three trees will come down. Apart from the general concern that applications do not always reflect the reality, the Council would wish these trees checked for Tree Preservation Orders.
4. The Parish Council is concerned with the mention of Swainshill. It would maintain that the location of Swainshill has yet to be identified by Herefordshire Council in respect of the UDP and would NOT agree that this section of Kings Acre Road is in Swainshill. It is in an area, defined by a Herefordshire Council sign as Kings Acre."

5.2 Hereford City Council: "Hereford City Council has considered this application and has no objections but request conditions be imposed to retain or replace all existing trees

and hedgerows within the development site. Reason: to maintain the existing environmental quality of the area."

- 5.3 Two further letters from Mr. & Mrs. Steadman, 293 Kings Acre Road, Hereford and Mr. & Mrs. Baker, 281 Kings Acre Road, Hereford.
- 5.4 Two letters of objection have been received from R. & Y.H. Powell, Sycamore House, 289 Kings Acre Road, Hereford. The main points raised are:
1. The site is located to the rear of 289 Kings Acre Road in a backland setting in open countryside.
  2. Previous applications on the land have been refused as back building and intrusion, in addition sewage and access concerns were raised. An appeal was also dismissed.
  3. Subsequent to the refusal the two bungalows were built that now occupies part of the site.
  4. The site rises to the rear and concerns over water drainage are raised.
  5. This proposal could set an unwelcome precedent for Kings Acre Road.
  6. There has been no planning allowed like this in the area.
  7. The access road will be 12 metres away from a kitchen window with noise and pollution a problem.

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 In considering this proposal the following are considered to be critical:
- (A) The Principle of Development
  - (B) Impact on the Amenity of Adjoining Residents
  - (C) Highways

### The Principle of Development

- 6.2 The site is located within the development line of properties and gardens that front Kings Acre Road. The site forms part of the garden area to No. 285 and is therefore not an open countryside location. It is situated along a transport route into the city and contained within the development zone as indicated by the existing boundaries of properties along Kings Acre Road. In addition the development is not dissimilar to the building development undertaken opposite at Bramley Court. It should however be noted that the site falls outside of the defined settlement boundary for Hereford City, but it is within the defined linear settlement zone for Kings Acre Road and in accordance with PPG3 is a "Brownfield" location because it is within a clearly defined curtilage of an existing dwelling. The site can, therefore, be categorised as previously

developed land. It is acknowledged that an appeal on this site was dismissed for six bungalows as “undesirable backland development” in 1979. However policies now permit backland development subject to appropriate space standards being achieved. This enables the efficient use of land in accordance with the requirements of PPG3.

#### Impact on the Amenity of Adjoining Residents

- 6.3 The three new dwellings are sited around the access driveway which runs along the eastern boundary of No. 289 Kings Acre Road. This boundary is a tall mature leylandii hedge. The access road will be 1.8 metres away from the boundary and will be 3.5 metres wide.
- 6.4 Two dwellings, both four beds, will face towards the rear garden of No. 289 whilst the two-bed dwelling will be gable end onto the adjoining property. However, distance between existing and proposed dwellings will be approximately 20 metres with a mature hedge and trees in between. This distance and with only one bedroom window and a velux to light the stairwell is considered acceptable and not to impact detrimentally on the amenity of adjoining residents. Therefore although the development is quite rightly described as “backland” development it is acceptable backland development as it will provide acceptable standards of amenity.

#### Highways

- 6.5 The access proposals have been thoroughly assessed by the Traffic Manager who raises no objection subject to appropriate conditions.

#### Conclusions

- 6.6 The redevelopment of this “Brownfield” land within the linear development boundary of Kings Acre Road provides for an efficient use of land for housing without detriment to the amenity of nearby residents or highway safety. In addition, and to protect residents’ amenity permitted development rights are recommended to be removed.

### **RECOMMENDATION**

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

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

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

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

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

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

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

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



**Reason: In order to protect the amenity of nearby residents.**

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

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

6. **F17 (Scheme of foul drainage disposal).**

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

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

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

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

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

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

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

10. **G09 (Retention of trees/hedgerows).**

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

11. **H03 (Visibility splays).**

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

12. **H06 (Vehicular access construction).**

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

13. **H08 (Access closure).**

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

14. **H09 (Driveway gradient).**

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

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

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

**Informatives:**

1. **HN04 - Private apparatus within highway.**

- .     **HN05 - Works within the highway.**
- 3.    N15 - Reason(s) for the Grant of Planning Permission.**

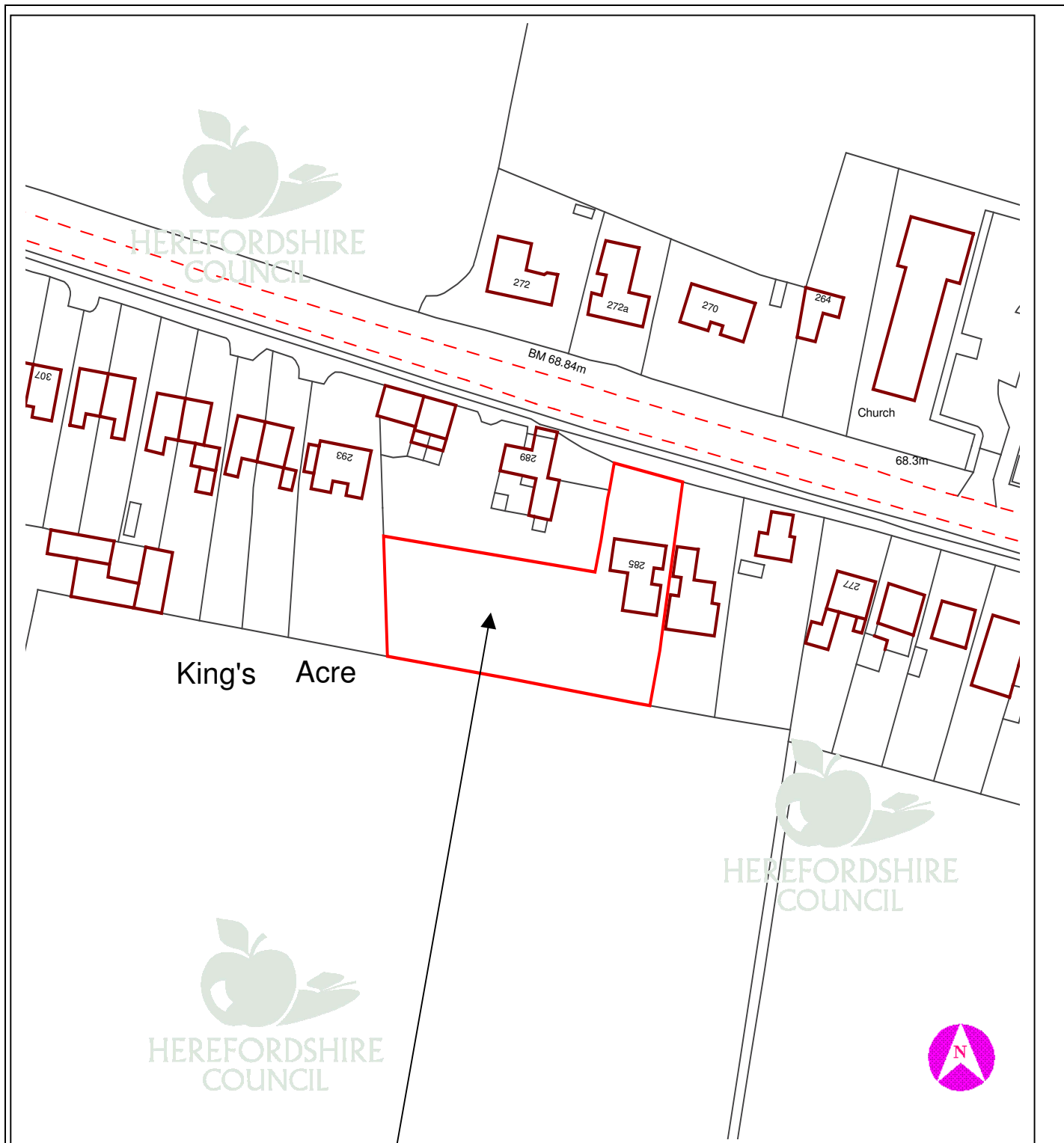
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/0495/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 285 Kings Acre Road, Hereford, HR4 0SS

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**6 DCCW2006/0960/F - PROPOSED HOTEL, A4 PUBLIC HOUSE OUTLET AND RESIDENTIAL DEVELOPMENT, DEVELOPMENT AT POMONA PLACE, HEREFORD, HR4 OLW**

**For: Regal Executive Homes, per Hook Mason Ltd., 11 Castle Street, Hereford, HR1 2NL**

**Date Received: 3rd April, 2006      Ward: St. Nicholas      Grid Ref: 50303, 39945**  
**Expiry Date: 29th May, 2006**

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

**1. Site Description and Proposal**

- 1.1 This site is located adjacent to the Cider Museum, Pomona Place, Hereford. It comprises vacant brownfield land sited to the south and east of the museum and bordered by the access road to Sainsburys to the east, Sainsbury's Car Park to the south and new residential development to the west accessed off Ryeland Street.
- 1.2 The proposal is essentially in two parts and is to erect a three storey contemporary building fronting onto the access road to Sainsburys. This will accommodate a Travel Lodge and public house (A4). The public house will occupy two thirds of the ground floor with the Travel Lodge utilizing the remainder with the two floors above to provide a 52 bed unit. In addition a separate residential element of similar design will be located in the corner of the site adjacent to the Sainsbury's access road and car park. This will be four storeys high and contain 6 two bed apartments together with 3 one bed apartments.
- 1.3 All three elements will have their own dedicated parking together with 18 parking spaces dedicated to the Cider Museum together with a coach turning and parking area.
- 1.4 The buildings are of a contemporary design and have been considerably amended since the earlier submission which was withdrawn. The pallet of materials provides for a curved zinc roof over elevations including vertical hardwood timber boarding, brick and render. Projecting window bays of grey aluminium would also add additional relief to the facade.
- 1.5 A public footpath adjoins the east and south of the site which has recently been temporarily closed due to its poor condition. This would be upgraded by the developers. In addition a package of measures are proposed which include highway improvements, CCTV provision and contributions towards education and public art.
- 1.6 The application is supported by a Design Statement, a Transport Assessment and a Chemical Investigation Report. A Flood Risk Assessment is awaited and the attached recommendation will reflect this outstanding requirement.

## 2. Policies

### 2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing
PPG13	-	Transport
PPG21	-	Tourism
PPG25	-	Development and Flood Risk

### 2.2 Hereford and Worcester County Structure Plan:

Policy E20	-	Tourism Development
Policy TSM1	-	Tourism Development
Policy CTC9	-	Development Requirements

### 2.3 Hereford Local Plan:

Policy ENV14	-	Design
Policy E6	-	Other Uses on Employment Land
Policy R17	-	Entertainment Facilities
Policy T5	-	Car Parking
Policy T11	-	Pedestrian Provision
Policy T12	-	Cyclist Provision
Policy R13	-	Public Rights of Way
Policy CON20	-	Skyline

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

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport
Policy S8	-	Recreation, Sport and Tourism
Policy DR1	-	Design
Policy DR2	-	Land Use and Activities
Policy DR3	-	Movement
Policy Dr4	-	Environment
Policy DR5	-	Planning Obligation
Policy DR7	-	Flood Risk
Policy DR10	-	Contaminated Land
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy H1	-	Settlement Boundaries and Established Residential Areas
Policy H14	-	Re-use of Previously Development Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision
Policy T16	-	Access to All
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST12	-	Visitor Accommodation

### 3. Planning History

- 3.1 CW2001/0032/F Change of use for part of the site to A1 with 2 no. new retail units. Extensions and alterations to the Cider Museum with provision of additional car parking and incorporation of replacement Bulmers Staff Club. Withdrawn 28th May, 2002.
- 3.2 CW2002/2293/F Change of use from visitor centre to company social club including erection of a fire escape/plant room building. Approved 16th October, 2002.
- 3.3 H/P/22163 Change of use of building formerly used as head office of H P Bulmer to a Cider Museum. Approved 16th August, 1979.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: Comments awaited.
- 4.2 Welsh Water: Comments awaited.

#### Internal Council Advice

- 4.3 Traffic Manager: Comments awaited.
- 4.4 Head of Environmental Health & Trading Standards: Comments awaited.
- 4.5 Public Rights of Way: Comments awaited.

### 5. Representations

- 5.1 Hereford City Council: Comments awaited.
- 5.2 Open Spaces Society: Compliance with the requirements for Circular 5/94 'Planning out Crime' to prevent creating threatening alleyways and ensure public footpaths are lit at night.
- 5.3 The consultation expiry date for observations is the 27th April 2006 and any additional observations received before the Committee will be reported verbally.

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

### 6. Officers Appraisal

- 6.1 The application falls to be considered under the following headings:
1. Principle of Development
  2. Design, Scale and Mass
  3. Transport Issues and Public Right of Way
  4. Impact on Adjoining Users
  5. Planning Obligation

### Principle of Development

- 6.2 The site is located within an area identified in the Hereford Local Plan as safeguarded employment land. However, as most Members will be aware the majority of this area has now been redeveloped with housing. The Herefordshire UDP defines the site as “white land” i.e. land with no specific allocation where development proposals should be considered on their own merits having regard to other relevant policies. It is considered that in this context, a mixed use development would be acceptable in broad policy terms.

### Design, Scale and Mass

- 6.3 The design of the two buildings has been significantly revised which has brought forward a contemporary design proposal that complements the recent additions to Sainsbury’s and the mixed character of the wider skyline. The walls will generally be constructed of brick off a ground floor base of render with a string course of stone. Elements of the façade will then be broken up with the use of vertical timber cladding and protruding glazed elements. Both buildings have a symmetrical appearance and will include curved zinc roofs, a striking element that would represent a contrast to the traditional roof forms of the residential development in the locality but will not appear out of context with the variety of other commercial buildings. The division of the two buildings provides for views into and out of the site.
- 6.4 The residential block forms a “corner” development with a tower created at the prominent corner to emphasize its position. This element is four storey with the remainder either side dropped down to three storeys
- 6.5 The hotel and public house although only three storeys in height will due to the additional head room at ground floor level be the same height as the four storey element of the residential block. The whole development however is reduced in height by the use of the barrelled roof which represents a significant reduction in overall scale from the larger withdrawn scheme.

### Transport Issues and Public Right of Way

- 6.6 A Traffic Impact Assessment has been submitted with the application and this is being assessed by the Traffic Manager. A verbal report will be provided to Members.
- 6.7 The public footpath that adjoins the site will be upgraded in conjunction with the development of the site including its lighting.
- 6.8 The individual elements of this mixed use scheme are afforded designated parking with the hotel having 42 spaces, the public house 9 spaces and the residential scheme 10 spaces. An important feature of the proposal is the retention of 18 parking spaces and coach parking and turning for the museum. This provision is considered acceptable having regard to the location of site in relation to the city centre, transport links and other amenities.

### Impact on Adjoining Uses

- 6.9 The Cider Museum will be provided with a dedicated car park and single space coach park and will still be readily visible when entering the site. Both buildings are proposed to be at the front of the site to reduce any impact on the residential development to the rear.



6.10 With regard to the modern residential development to the rear of the site the proposed residential block would be sited approximately 25 metres from the common boundary and in this elevation obscure glazing is proposed. The hotel and public house is located approximately 29 metres away. Both distances are considered acceptable to accommodate this form of development without unacceptable harm to existing occupiers. Conditional control is proposed with respect to the acoustic treatment of ventilation equipment and odour attenuation.

#### Planning Obligation

6.10 A draft Heads of Terms is attached to this report and Members will note that the following contributions are sought:

- (a) £1,000 per two bed dwelling (education contribution)
- (b) Contribution ensured for highway works/improvements (amount to be agreed)
- (c) 1% of the development cost of the site for public art
- (d) £35,999 for two CCTV cameras, one to focus on the car park and the other along Great Western Way

#### Conclusions

6.11 This part vacant and derelict site currently detracts from the character and appearance of the area. The development of a hotel/public house of this nature is supported by development policy and will enhance the tourism offer of Hereford bringing a much needed facility into the city. The residential block together with its own gated car park will provide added security to the site. The bold contemporary form of the two buildings will add to the attractive skyline of Hereford.

### **RECOMMENDATION**

1) **Subject to there being no objection by the end of the consultation period, the Legal Practice Manager be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 to (set out Heads of Agreement) and any additional matters and terms as he considers appropriate.**

2) **Upon completion of the aforementioned obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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. **F12 (Sound insulation of plant/machinery/equipment).**  
**Reason: To safeguard the amenity of the area.**
5. **F16 (Restriction of hours during construction).**  
**Reason: To protect the amenity of local residents.**
6. **F18 (Scheme of foul drainage disposal).**  
**Reason: In order to ensure that satisfactory drainage arrangements are provided.**
7. **F22 (No surface water to public sewer).**  
**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.**
8. **F32 (Details of floodlighting (sports grounds)).**  
**Reason: To safeguard local amenities.**
9. **F37 (Scheme of odour and fume control).**  
**Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.**
10. **F38 (Details of flues or extractors).**  
**Reason: In the interests of the amenity of the area.**
11. **F39 (Scheme of refuse storage).**  
**Reason: In the interests of amenity.**
12. **F47 (Measures to deal with soil contamination).**  
**Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.**
13. **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.**
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. 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.

**18. H21 (Wheel washing).**

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

**19. H27 (Parking for site operatives).**

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

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

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

**Informatives:**

- 1. HN1 – Mud on highway.**
- 2. HN02 – Public rights of way.**
- 3. HN05 – Works within the highway.**
- 4. N02 – Section 106.**
- 5. N04 – Rights of way.**
- 6. N15 – Reason(s) for the Grant of PP/LBC.**

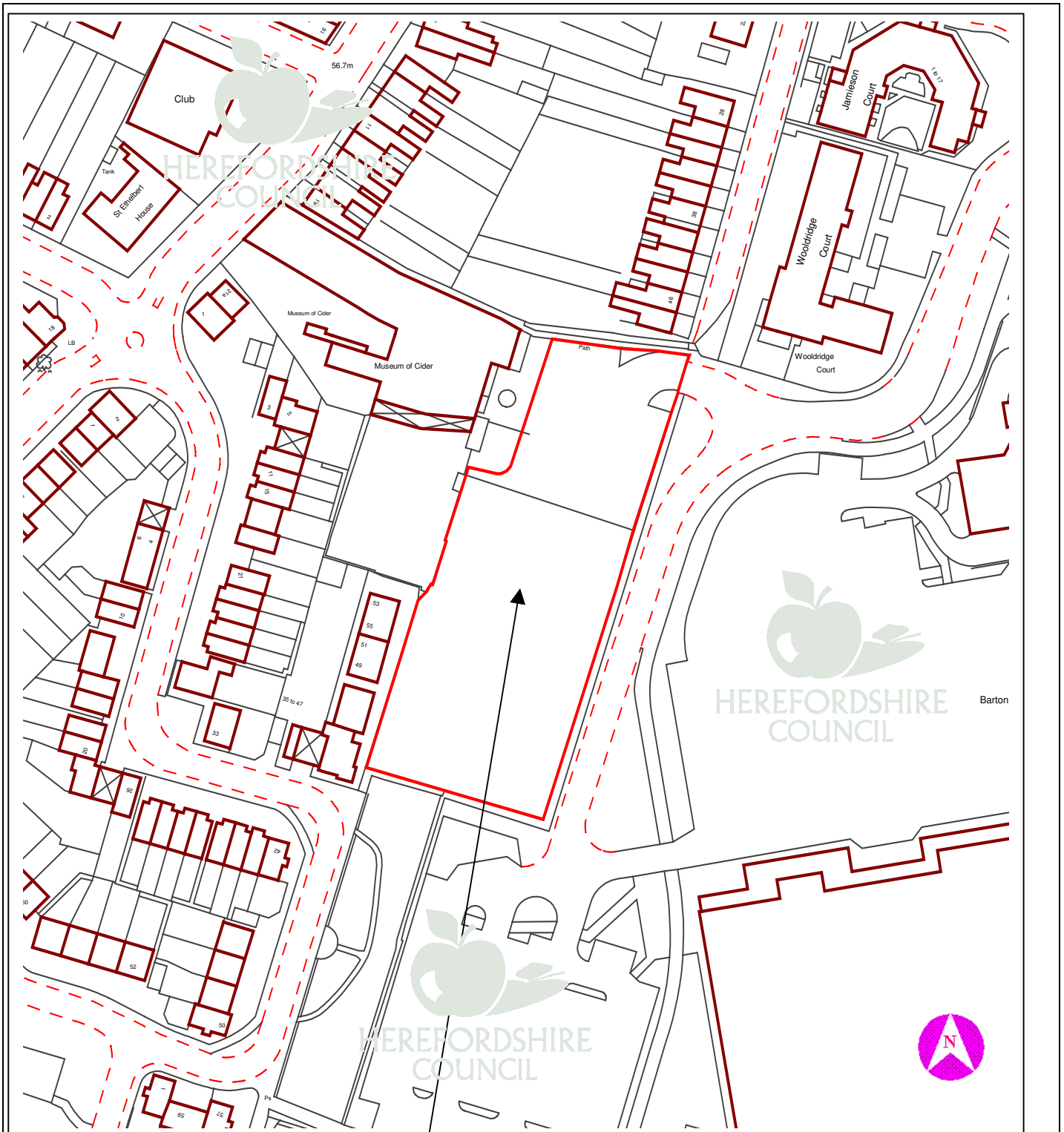
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/0960/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Development at Pomona Place, Hereford, HR4 0LW

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## APPENDIX

### **DRAFT HEADS OF TERMS Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990**

Planning Application – DCCW2006/0900/F

- Proposed Hotel, Public House(A4), and residential development  
At Pomona Place, Hereford.
1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8000 to provide enhanced educational infrastructure for the nursery, primary and secondary schools within the catchment area of the application site which sum shall be paid on or before the commencement of the residential development.
  2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £xxxx for highway works and improved transportation infrastructure to serve the development which sum shall be paid on or before the commencement of development.
  3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
    - a) Traffic calming and improved signing on Grimmer Road/Whitecross Road
    - b) Contribution to Safe Routes for Schools
    - c) Improved bus shelters/stops in the locality of the application site
    - d) Improve lighting to highway routes leading to the site
    - e) Improved pedestrian and cyclist connectivity with the site
    - f) Improvements and lighting to the adjoining public footpath
  4. The developer covenants with Herefordshire Council to pay Herefordshire Council 1% of the development cost of the site for Public Art which sum shall be paid on or before the commencement of the development.
  5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £35,000 for 2 x CCTV to serve the development which sum shall be paid on or before the commencement of development.
  6. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 and 4 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
  7. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
  8. The developer shall complete the Agreement within 12 weeks and 5 days of the date the application is registered as valid otherwise the application may be registered as deemed refused.

Kevin Bishop - Principal Planning Officer  
11th April, 2006



## 7 DCCE2005/4168/F - AGRICULTURAL BUILDING AT CLASTON, DORMINGTON, HEREFORD, HR1 4EA

**For: Mr. D. Thomas, Perry Hill Farm, Ruckhall Lane, Clehonger, Hereford, HR2 9SB**

**Date Received: 28th December, 2005    Ward: Backbury    Grid Ref: 58650, 40600**

**Expiry Date: 22nd February, 2006**

Local Member: Councillor Mrs. J.E. Pemberton

### Introduction

This application was deferred at the Central Area Planning Sub Committee on 5th April, 2006 for a site visit. The applicant has now advised that he has given the objectors notice to vacate the barn he utilises for his Brewing business. No time period has been specified. With the exception of this update, the report and recommendation remains as before.

### 1. Site Description and Proposal

- 1.1 The site forms part of Claston Farm located immediately north of the A438, approximately 500 metres northeast of Dormington. Claston Farm is a working livestock farm comprising a range of modern agricultural buildings and more traditional stone barns. Immediately west and south of the site are existing agricultural buildings, one of which is used for the housing of livestock. To the north is a stone barn now being used by The Marches Brewing Company as a brewery.
- 1.2 The application is retrospective and is for the retention of steel framed agricultural building to be used for the housing of cattle.

### 2. Policies

#### 2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development Within the Open Countryside
Policy C47	-	Pollution
Policy ED9	-	New Agricultural Buildings
Policy ED10	-	Siting and Design of Intensive Livestock Units and Associated Structures/Facilities
Policy ED11	-	The Siting of Intensive Livestock Units from Protected Buildings

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

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR9	-	Air Quality
Policy E13	-	Agricultural and Forestry Development

Policy E16 - Intensive Livestock Units

### 3. Planning History

- 3.1 No history for the site itself but relevant history exists for the farm.
- 3.2 CE2001/0130/F Regeneration of redundant farm buildings, conversion of farm buildings, construction of workshop and office workshops, living/working units, affordable housing units, provision of auditorium plus training/showcase facilities (amended financial information). Planning permission approved 12.9.2003.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No objection.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Head of Environmental Health & Trading Standards: I confirm that I visited the site with the Principal Environmental Health Officer (Commercial) and am of the opinion that the proposed development will not have a significant detrimental effect on the operation of The Marches Brewery considering the use of the adjoining agricultural buildings.

### 5. Representations

- 5.1 Dormington Parish Council: No objection but Councillors comment that the north and south views on the plans are the same.
- 5.2 One letter of objection has been received from P.J. Harris, Managing Director, The Marches Brewery Company, The Old Hop Kiln, Claston. The main points raised are:
1. The Marches Brewing Company has been an integral part of the long term plans for Claston Farm since 1999 formalised by the approved plans for the Food and Drink Centre passed by the Secretary of State following a Public Inquiry.
  2. The cattle building has been erected on the allotted brewery parking, loading and access area.
  3. The building would cause a risk of contamination to the food production area from both airborne and associated equipment used to feed the cattle, tractors, cattle lorries etc.
  4. The building would affect our capability of accepting deliveries of raw ingredients and bottles which have to be kept clean from contamination.
  5. The brewery has been held as a showcase and has received support from Advantage West Midlands, Business Link and Herefordshire Council and the facilities have been used by the National Hop Association to test produce beers using new varieties of English Hops grown and developed in Herefordshire.



6. We have use of the buildings until the year 2014 and undertook a major investment in a bottling facility last year.
- 5.3 A letter from the applicant, Derek J. Thomas, Perry Hill Farm, Ruckhall Lane, Clehonger makes the following points:
1. The building has been erected on the site of a former building dismantled five years ago by the previous owner, Mr. Davies.
  2. The occupation of the adjoining barn by Marches Brewing Company is on an informal basis and there is no formal tenancy or lease agreement in existence to enable them to stay at the premises until 2014.

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 building measures 21.33 metres in length by 11.6 metres in width by 5.2 metres in height to the roof. It is of a conventional agricultural design, namely a steel frame partially enclosed by a 1.5 metre high concrete block wall and a corrugated fibre cement sheeted roof. The scale of the building is commensurate with its proposed use for the housing of livestock and the design and materials are acceptable. Overall, the building in itself has minimal visual impact being contained and surrounded by existing farm buildings within the farmstead. As such, the building is considered acceptable and accords with the relevant development plan policies.
- 6.2 The building has been erected within 10 metres of the stone barn now occupied by Marches Brewing Company. The proximity of the agricultural building to this business will clearly have an impact on the operation of the business. However, the site has been inspected by both the Environmental Health Officer responsible for pollution and the Environmental Health Officer responsible for commercial development and both have confirmed that given the proximity of existing agricultural livestock building to the business, this proposal will not materially affect the brewing business any more than is presently the case.
- 6.3 The final issue for consideration is the consequences of permitting the retention of the building for the future implementation of the development approved in 2003 for the redevelopment of the farm for tourism and business purposes. The Marches Brewing Company has invested a considerable amount of time and money in developing the business at the site and the site of the agricultural building is identified on the approved plans as being a parking and vehicle manoeuvring area for the brewery and ancillary shop/visitor centre.
- 6.4 However, it is unfortunate but it appears that the development approved under the 2003 permission is unlikely to be fully implemented. Furthermore, it would appear that the brewing company does not have any legal rights to occupy the building until 2014 as stated and therefore in theory, the business could be required to vacate the premises at any time. Due to these factors, it is not considered that a refusal of the application on the basis that it would prejudice the future implementation and completion of the 2003 development is justified.

6.5 The building accords with the relevant development plan policies and the other material considerations set out above are not of sufficient weight to warrant refusal of the application.

**RECOMMENDATION**

**That planning permission is granted.**

**Informatives:**

- 1. **N15 - Reason(s) for the Grant of Planning Permission.**
- 2. **The applicant is advised that this planning permission does not over-ride any civil/legal rights that may be enjoyed by the objector (P J Harris of The Marches Brewing Company)**

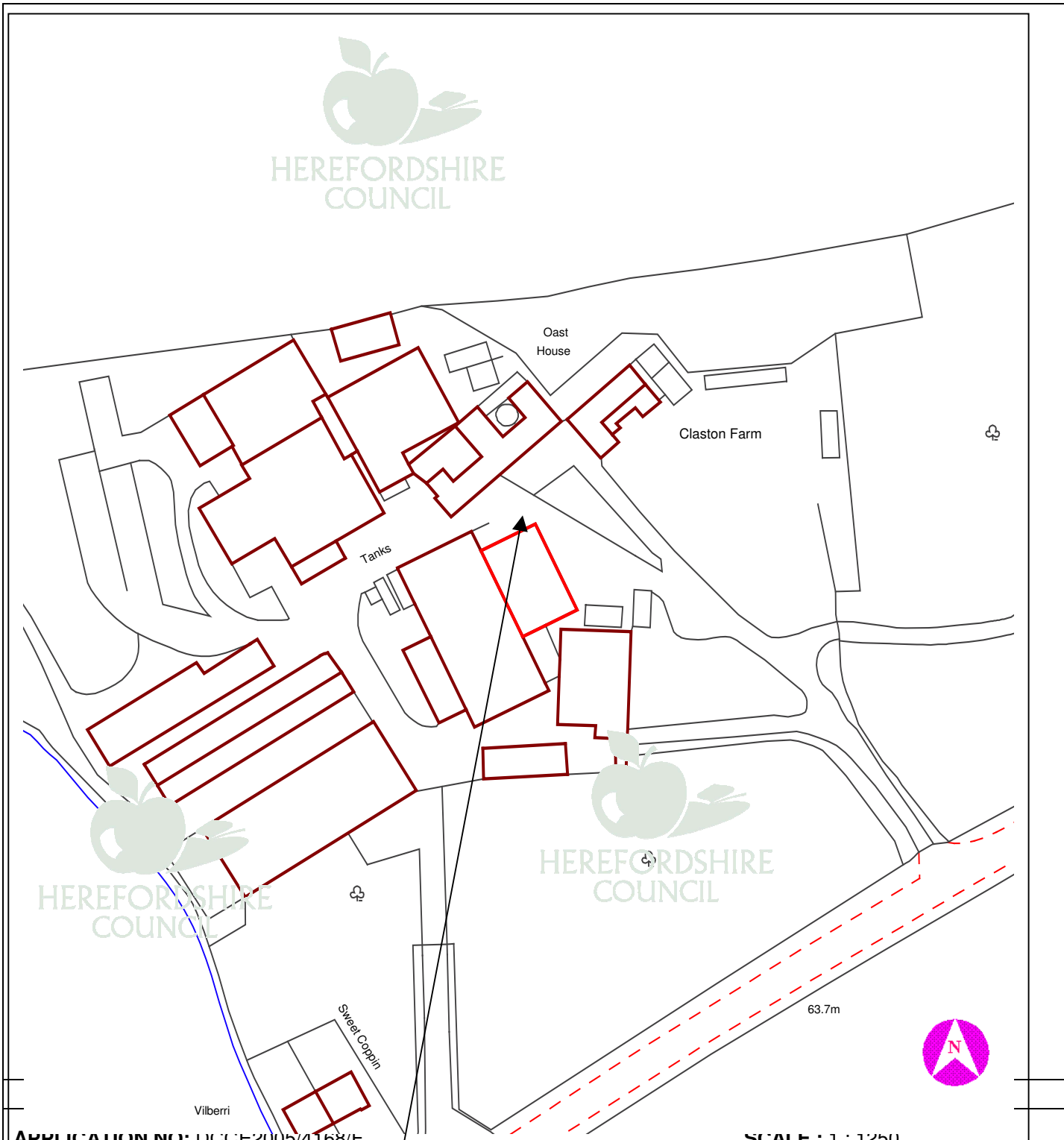
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**APPLICATION NO:** DCCE2005/4168/F

**SCALE:** 1 : 1250

**SITE ADDRESS :** Claston, Dormington, Hereford, HR1 4EA

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## **8 DCCE2006/0608/F - PROPOSED BUNGALOW AT LEYS FARM, GRAFTON, HEREFORD, HR2 8BL**

**For: Mr. & Mrs. C.W. Morgan, per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 20th February, 2006**      **Ward: St. Martins & Hinton**      **Grid Ref: 49895, 37291**

**Expiry Date: 17th April, 2006**

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

### **Introduction**

This application was deferred at the Central Area Planning Sub-Committee on 5th April, 2006 for a site visit. With the exception that the consultation period has now expired, the report and recommendation is as before.

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

1.1 The site is located immediately south of the C1227 in the area known as Grafton, just south of the city. Leys Farm is a working farm and comprises a range of modern and older agricultural buildings to the west of the site and the existing farmhouse to the east with undeveloped agricultural land to the south. The site lies within the open countryside.

1.2 Planning permission is sought for the construction of a detached two bedroom bungalow along the southern boundary of the site with a new detached two car garage along the northern (roadside) boundary. The application has been brought to the Central Area Committee at the request of one of the local Members.

### **2. Policies**

#### **2.1 National:**

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas

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

Policy CAL1	-	Residential Development
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#### **2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR2	-	Land Use and Activity
Policy H7	-	Housing in the Countryside outside Settlements

### 3. Planning History

- 3.1 CE2005/4061/F Proposed bungalow. Application withdrawn 7th February, 2006.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: As the applicant intends using private drainage facilities, Welsh Water have no comment to make on the proposal.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.

### 5. Representations

- 5.1 Hereford City Council: The City Council suggest the hip roof would be more appropriate but has no objection in principle to the proposed development.

- 5.2 The applicant's agent has provided letters of support. The main points raised are:

1. The bungalow is for the father and mother of Mr. I. Morgan who is moving back to the farm after spending many years out of the country.
2. Mr. & Mrs. Morgan are getting older and medical concerns require that they will be better living in a dwelling with facilities at ground floor.
3. The location of the bungalow is chosen for ease of access and would share the same drive as the existing house.
4. Conversion of an existing barn within the farmstead would prejudice the long term plans to redevelop the existing farm buildings for employment purposes.
5. Development is regarded as an annexe to the existing farm house and the applicant is happy to accept restrictions in respect of future sale of the properties.
6. There is no possibility of extending the existing dwelling.
7. A mobile home is unsuitable due to the applicant's medical needs.
8. A mobile home is no different to a two bedroom bungalow
9. A two bedroomed bungalow is required as the applicants require separate bedrooms.
10. The applicants have lived in the countryside all their lives and do not wish to move into the city. There are no other suitable affordable homes in Grafton to meet their local need.
11. The proposal is not contrary to the UDP policies

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

## **6. Officers Appraisal**

6.1 The proposal is for the construction of a detached two bedroomed self-contained bungalow to be occupied by Mr. & Mrs. Morgan, which would enable the son, Mr. I. Morgan, to then move into the main farmhouse. The agent has stated that single storey accommodation is required due to Mr. & Mrs. Morgan's medical needs.

6.2 The site lies within the open countryside where there is a presumption against any new housing development. There are exceptions detailed in Policy H7 of the Herefordshire Unitary Development Plan to new housing in the open countryside such as conversion of a rural building or a replacement dwelling. However, none of the exceptions detailed in this policy are met in this instance. As such, the proposal is contrary to Development Plan policies which seek to protect the countryside from unnecessary and unsustainable development.

6.3 The applicants and their agent have stated that the new accommodation is required for personal (medical) reasons. All applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The personal circumstances of an applicant can be a material planning consideration. However, planning permission runs with the land and personal circumstances of an applicant seldom outweigh the more general planning policy considerations. In this instance, as the proposed development is of a permanent nature, it will remain long after the personal circumstances of the applicant have ceased to be material. A number of other options have been discussed with the applicants including an extension of the existing dwelling, conversion of an existing building within the farm and the provision of a mobile home, but the applicants have ruled all unsatisfactory. The possibility of an extension or mobile home in particular may not fully meet the applicant's wishes but either option could provide the required additional single storey accommodation on the farm, and also would in principle, accord with the development plan policies.

6.4 Therefore, whilst recognising the applicant's desire to remain living on their farm where they have lived for many years and their personal needs for single storey accommodation, these issues are not considered sufficient to justify granting a development which is clearly contrary to the Development Plan policies and when there are other options available.

## **RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. The development is contrary to Policy CAL1 of the Hereford Local Plan, Policies H7, S1, S2 and DR2 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and advice contained within Planning Policy Statement 1 - Planning for Sustainable Development and PPS7 entitled Sustainable Development in Rural Areas. This is because the site for the bungalow lies outside of a defined settlement and none of the exceptions to permit housing in the countryside listed in the above policies have been satisfied. Furthermore, the personal circumstances of the applicants do not justify granting planning permission contrary to the adopted and draft Herefordshire Unitary Development Plan policies in this instance.**

Decision: .....

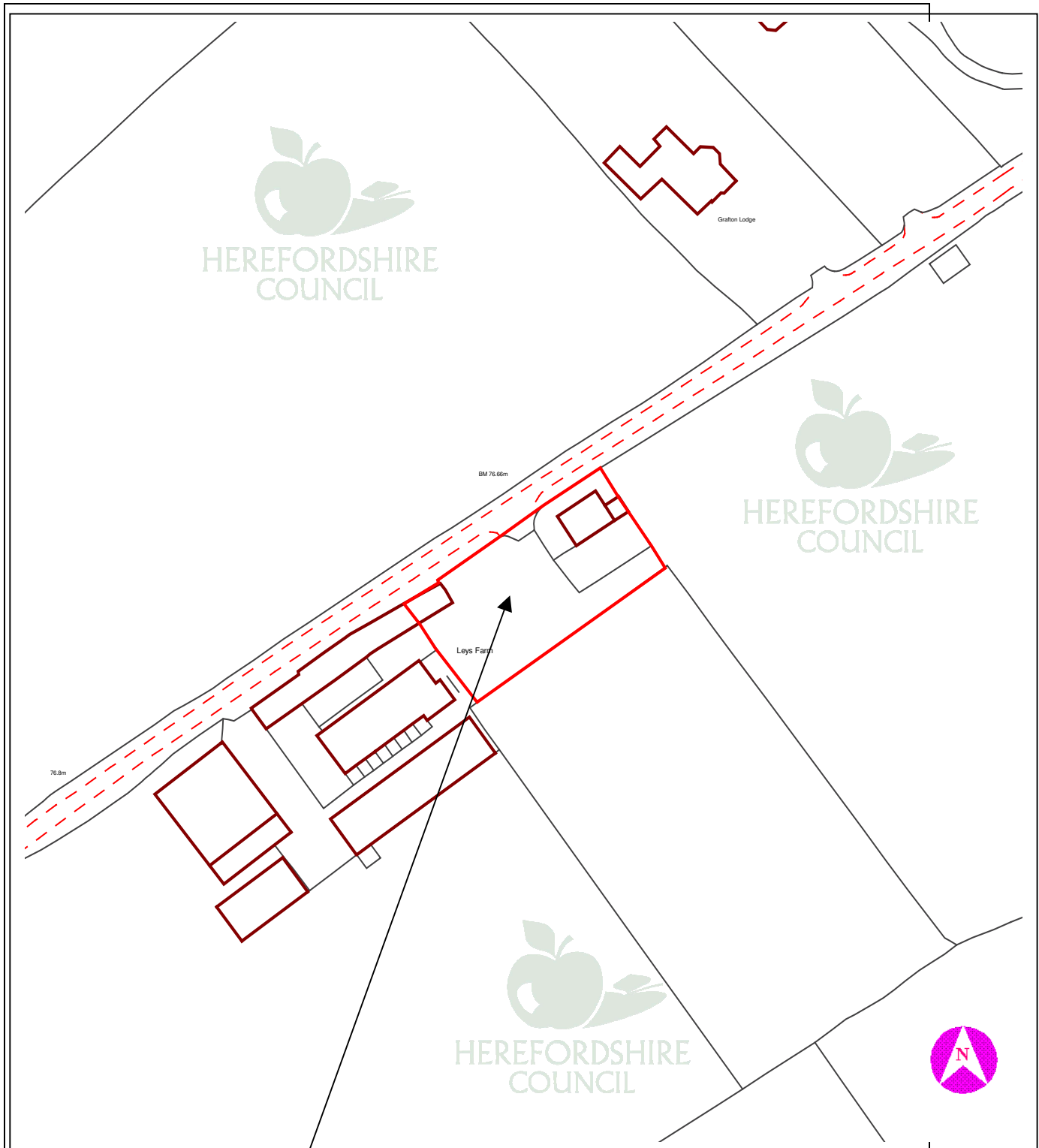
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCCE2006/0608/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Leys Farm, Grafton, Hereford, HR2 8BL

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**9 DCCE2006/0806/F - EXTENSIONS AT GROUND AND FIRST FLOOR LEVELS TO REAR AND SIDES. 14 LODER DRIVE, HEREFORD, HR1 1DS**

**For: Mr M.W. Burge, 14 Loder Drive, Hereford, HR1 1DS**

**Date Received: 9th March, 2006    Ward: Aylestone    Grid Ref: 51959, 41185**

**Expiry Date: 4th May, 2006**

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

**1. Site Description and Proposal**

- 1.1 This application seeks permission for various extensions and alterations to 14 Loder Drive, Hereford. The existing property is a two storey detached dwelling with an attached flat roof garage and entrance to the site. The site is located within the Established Residential Area of Hereford.
- 1.2 It is proposed to extend the garage forwards, flush with the front elevation of the main dwelling house, introduce a two-storey side extension with a mono-pitch roof to the rear of the existing garage, a gable ended two storey extension with a double pitched roof running out at right angles on the south west facing side elevation, and a two storey rear addition. A rear conservatory is also proposed.

**2. Policies**

2.1 Hereford Local Plan:

ENV14	-	Design
H16	-	Alterations and extensions
T5	-	Car parking – designated areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
H16	-	Car parking
H18	-	Alterations and extensions
T11	-	Parking provision

**3. Planning History**

- 3.1 None identified.

**4. Consultation Summary**

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: Raised no objection.

## 5. Representations

5.1 Hereford City Council: No objection.

5.2 Local Residents: A letter of objection has been received from the following source:

- S & G Madge, 16 Loder Drive, Hereford

The comments raised can be summarised as follows:

- Loss of light and overbearing impact;
- Boundary and maintenance issues;
- Potential for the business uses within the property;
- Excessive scale and overdevelopment;
- Inappropriate parking facilities;
- Drainage implications;
- Potential for undesirable sub-division into two units;
- Noise and disturbance from use of workshop;
- Unacceptable impact upon the visual amenities of the locality.

It is confirmed that in this instance the drainage implications, boundary issues and maintenance of the property are not material planning considerations.

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 main issues for consideration in this instance are:

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

Principle of Development

6.2 Hereford Local Plan Policy H16 states that development should be of an appropriate design and scale in the context of the existing situation, and be acceptable in relation to the visual amenities of the locality and highway issues. Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy H18 reflects this position.

6.3 Hereford Local Plan Policy ENV14 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR1 require a high standard of design in new development.

Design, Scale and Visual Amenities

6.4 The proposed extensions are undoubtedly substantial in scale, however, it is considered that the siting and integration are effective in minimising the impact of the massing of the additions. The two-storey extension on the southwest facing elevation is appropriate in its design approach, securing a subservient appearance through a ridgeline set down from that of the main dwelling. The two storey extension to the rear of the garage is designed in a manner which minimises the bulk of the addition; furthermore, its location to the rear will ensure that it will not read as an inappropriate bulky side extension. The two storey addition to the rear effectively stretches the existing property and although a completely subservient appearance is not secured, the design approach taken ensures that the resultant dwelling does not appear awkward or cumbersome. The garage extension and conservatory are of a standard design and scale and are not considered unacceptable. It is considered that the design and integration of these additions maintain the original dwelling house as the dominant built form. On balance it is therefore assessed that although the additions are substantial in massing, the design and scale is acceptable.

#### Residential Amenities

6.5 The main issue in this instance is the impact of the proposal upon the residential amenities of the neighbouring property to the north east. Habitable openings are found in the side elevation on the boundary with the application site and a living room is found at first floor level. It is undoubtedly the case that a degree of light loss and overbearing impact will result because of this proposal, however, it must be considered that the habitable opening at first floor level serving the living room is one of two windows serving this room, the second being found in the north west facing elevation which is unaffected by this application. Two ground floor openings also serve habitable windows but again each room is served by other openings on elevations unaffected by this development. The remaining openings do not serve habitable rooms. In relation to the ground floor openings regard must also be given to the existing limited light afforded to these windows by virtue of the existing boundary treatment. On balance, though it is accepted that a degree of light loss and overbearing impact will result from this proposal in relation to the neighbouring property to the north east, the layout and availability of window openings is such that the impact is considered insufficient to substantiate a recommendation for refusal on these grounds alone. that no other Conditions will ensure the privacy for adjacent properties is preserved.

6.6 The noise and disturbance caused by the use of certain elements of the extensions, such as the workshop, is not considered to be of undue concern. The operating of a business from the premise, other than ancillary operations, would require further planning permission and as such the activities permissible within this property will be limited to those permissible in any dwelling. Notwithstanding this, conditions will ensure the use of the garage and workshop for uses incidental to the enjoyment of the dwelling house and not for the carrying out of any trade or business.

#### Other Issues

6.7 The sub-division of this property into two units would require further planning permission. The potential implications of this would be considered as part of such an application, which would itself be assessed on its merits. At this point, however, no such proposal has been suggested and this application is assessed as submitted and as proposed.

6.8 There are no highway objections.

**RECOMMENDATION**

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

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

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

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

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

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

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

**4 E08 (Domestic use only of garage).**

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

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

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

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

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

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

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

**informatives:**

**1 N03 - Adjoining property rights**

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

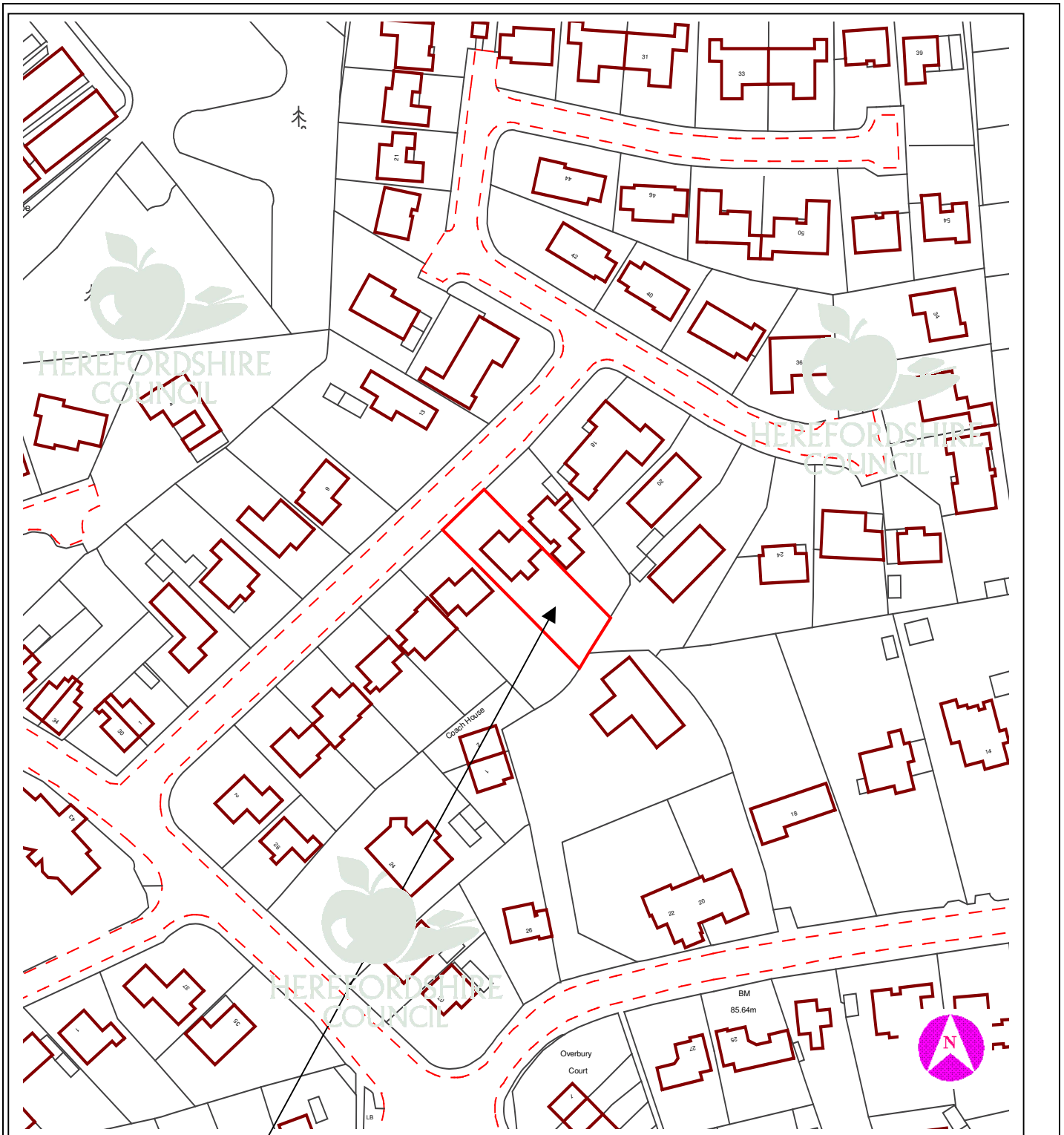
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/0806/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 14 Loder Drive, Hereford, Herefordshire, HR1 1DS

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**10 DCCW2006/0900/F - NEW THREE STOREY RESIDENTIAL UNIT COMPRISING OF 15 FLATS AT 22 - 28 FRIARS STREET, HEREFORD, HR4 0AS**

**For: Mr. R.M. Sosna per Trevor Hewett Architects, 25 Castle Street, Hereford, HR1 2NW**

**Date Received: 20th March, 2006    Ward: St. Nicholas    Grid Ref: 50611, 39954**

**Expiry Date: 15th May, 2006**

**BVPI Expiry Date: 12th June, 2006**

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

**1. Site Description and Proposal**

- 1.1 22-28 Friars Street, Hereford is located on the western side of Friars Street immediately north of Watkins Court and presently comprises three two storey houses together with a former car repair workshop. The site is rectangular and has a frontage onto Friars Street of 30.8 metres and a depth of 25 metres. The site lies outside the designated Conservation Area.
- 1.2 The proposal is to demolish all of the buildings on site and replace with 15 two bed apartments within a development of three storey height fronting Friars Street. Ten parking spaces and secure cycle storage would be provided to the rear. Materials proposed are a mixture of render, red cedar and brick with Rivendale slates for the roof. A gated entrance to the ten space parking area and access to the apartments is proposed through the development. The design is contemporary in approach with the third storey located partly within the roof of the building.
- 1.3 A Flood Risk Assessment was submitted with the application and Heads of Terms relating to the recommended Section 106 Agreement are attached as an Appendix to this report.
- 1.4 Members will recall that a similar proposal was refused, contrary to Officer advice, at the February meeting for the following reasons:
1. It is considered that the redevelopment of this site as proposed would by reason of its dominant scale, design and prominent siting be detrimental to the character and appearance of Friars Street. Accordingly the proposal conflicts with Policies ENV14, H3, H12 and H14 of the Hereford Local Plan and Policies H1, H14 and DR1 of the emerging Herefordshire Unitary Development Plan.
  2. The provision of only eight parking spaces for 15 two bed apartments represents an unacceptable underprovision in the context of the site's location and limited access to public transport and other services and amenities and would result in additional parking on the surrounding road network. This would not be in the interests of highway safety and would be contrary to Policy T5 of the Hereford Local Plan and Policies H16 and T11 of the emerging Herefordshire Unitary Development Plan.

1.5 This application is amended in that ten car parking spaces are now proposed which is an increase of two spaces. The contemporary design remains the same in terms of its scale and appearance.

## 2. Policies

### 2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing
PPS6	-	Planning for Town Centres
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPG25	-	Development and Flood Risk

### 2.2 Hereford and Worcester County Structure Plan:

Policy H14	-	Location of Growth
Policy CTC5	-	Archaeology
Policy CTC6	-	Conservation Areas
Policy CTC9	-	Development Requirements
Policy CTC15	-	Conservation Areas
Policy CTC18	-	Development in Urban Areas

### 2.3 Hereford Local Plan:

Policy H3	-	Design of New Residential Development
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON35	-	Archaeological Evaluation
Policy CON36	-	Nationally Important Archaeological Remains
Policy CON37	-	Other Sites of Archaeological Interest

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

Policy H1	-	Hereford and the Market Towns
Policy H2	-	Hereford and the Market Towns
Policy H3	-	Managing the Release of Housing Land
Policy H13	-	Sustainable Residential Development
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy E5	-	Safeguarding Employment Land and Buildings
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy T5	-	Cycling
Policy T11	-	Parking Provision
Policy HBA6	-	New Development in Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH6	-	Recording of Archaeological Remains

### 3. Planning History

- 3.1 DCCW2005/1799/F Proposed three storey residential unit comprising of 15 no. flats. Withdrawn 13th July, 2005.
- 3.2 DCCW2005/4047/F Proposed 3-storey residential unit comprising of 15 no. flats. Refused 8th February, 2006.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: Comments awaited.
- 4.2 Environment Agency: No objections.

#### Internal Council Advice

- 4.3 Traffic Manager: Recommends conditions.

### 5. Representations

- 5.1 Hereford City Council: Comments awaited.
- 5.2 Two letters of objection have been received from:

F.H. & E. Billingham, 11 Watkins Court, Old Mill Close, Off Friars Street, Hereford.  
K. Kalyanimenon, 37 Watkins Court, Old Mill Close, Hereford.

- 5.3 The main points raised are:

1. The site is too confined to cater for the development proposed.
2. The development will mean light restriction to kitchen area, lounge and bedrooms to occupants of 10, 20 and 30 Watkins Court.
3. Friars Street is very narrow and is already heavily trafficked.
4. Access through the archway could be a danger to traffic/pedestrians.
5. The proposal should be restricted to two storey as three storey is totally out of character to the surrounding area.
6. The building should be set back in line with Watkins Court.
7. Parking provision should be appropriate to the numbers of apartments.

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 main issues relating to the proposal are:

- 1) The principle of developing the site.
- 2) Impact on adjoining residents and design.
- 3) Highways considerations.
- 4) Design and street scene.
- 5) Flood risk.
- 6) Developer contributions.

### The Principle of Developing the Site

6.2 The site is contained within the urban area of Hereford City where policies support the regeneration and development of Brownfield sites. The existing buildings on site are not considered worthy of retention and redevelopment is therefore considered acceptable in principle.

6.3 Hereford City Council's previous concerns in relation to density are noted but are not considered to be sustainable given the requirements of PPG3 to secure higher density in city centre locations. The latest observations are awaited and will be reported verbally to Members.

### Impact on Adjoining Residents

6.4 The stair tower which was previously located adjacent to Watkins Court was moved to the opposite end of the development to reduce the impact and this has been maintained in the revised application. Objections to the site being developed with three storeys are not considered sustainable in view of the general scale of development that has occurred in the vicinity. It should also be noted that this site is to the north of Watkins Court and will therefore not unacceptably restrict sunlight to the occupiers of that development.

### Design and Street Scene Impact

6.5 Watkins Court, which adjoins this site is predominantly three and four storeys and therefore the general scale of this proposal, which utilises elements of the roof space is also considered acceptable and would complement the redevelopment that has already taken place in the area.

6.6 The contemporary design will also complement the street scene with a mixture of traditional materials including red brick, red cedar boarding under a Rivendale slate roof with terne coated stainless steel dormers and recessed channels. The frontage will give the appearance of separate entrances, however all access, both pedestrian and vehicular will be through the gated entrance providing a safe and secure environment for the future occupants.

### Highway Considerations

6.7 A reasonable footpath already exists at the frontage of the site and this will be consolidated with a new 1.8 metre wide footpath to link into footpaths either side. The Traffic Manager is also satisfied that the scheme is acceptable with ten car park spaces together with cycle storage facilities in view of its city centre location. The

parking provision in terms of spaces per unit is now slightly greater than the scheme recently approved at Lexton House and whilst this incorporates all two bed units the increased provision is considered acceptable in terms of the site's proximity to city centre facilities and public transport. The access will have a pedestrian priority with dropped kerbs.

#### Flood Risk

- 6.8 The application includes a Flood Risk Assessment, the conclusions of which confirm that the site is not liable to flood during a 1 in 100 year event but recommend that ground floor levels are set 300mm above street level which will further enhance the natural standard of protection. The Council's Land Drainage Officer previously assessed the Flood Risk Assessment and concurs with its findings. The Environment Agency also do not object to the application.

#### Developer Contribution

- 6.9 The developer is proposing a contribution of £12,000 towards identified educational needs at the adjoining Lord Scudamore School.

#### Conclusion

- 6.10 It is acknowledged that the design and scale of this proposal has not changed following its refusal at the meeting in February but it is maintained that this approach is one that will integrate acceptably into the mixed residential character of Friars Street. Furthermore the parking provision is now equivalent to the development recently approved at Lexton House and is supported by the Traffic Manager subject to conditions.

### **RECOMMENDATION**

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 to (set out Heads of Agreement) and any additional matters and terms as he considers appropriate.**
- 2) **Upon completion of the aforementioned obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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. **D03 (Site observation – archaeology).**  
**Reason: To allow the potential archaeological interest of the site to be investigated and recorded.**
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. **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. **H05 (Access gates).**  
**Reason: In the interests of highway safety.**
12. **H06 (Vehicular access construction).**  
**Reason: In the interests of highway safety.**
13. **H08 (Access closure).**  
**Reason: To ensure the safe and free flow of traffic using the adjoining County highway.**
14. **H21 (Wheel washing).**  
**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.**
15. **H22 (Opening windows adjacent to the highway).**  
**Reason: In the interests of highway safety.**

**16. H27 (Parking for site operatives).**

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

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

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

**18. Footway to be minimum 2 metres width fronting the development.**

**Reason: In the interest of pedestrian safety.**

**19. Access to be in the form of dropped crossing, not radiused kerbs, to give pedestrian priority.**

**Reason: In the interest of pedestrian safety.**

**Informatives:**

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. HN05 - Works within the highway.**
- 4. HN10 - No drainage to discharge to highway.**
- 5. N02 - Section 106 Obligation.**
- 6. N15 – Reason(s) for the Grant of Planning Permission.**

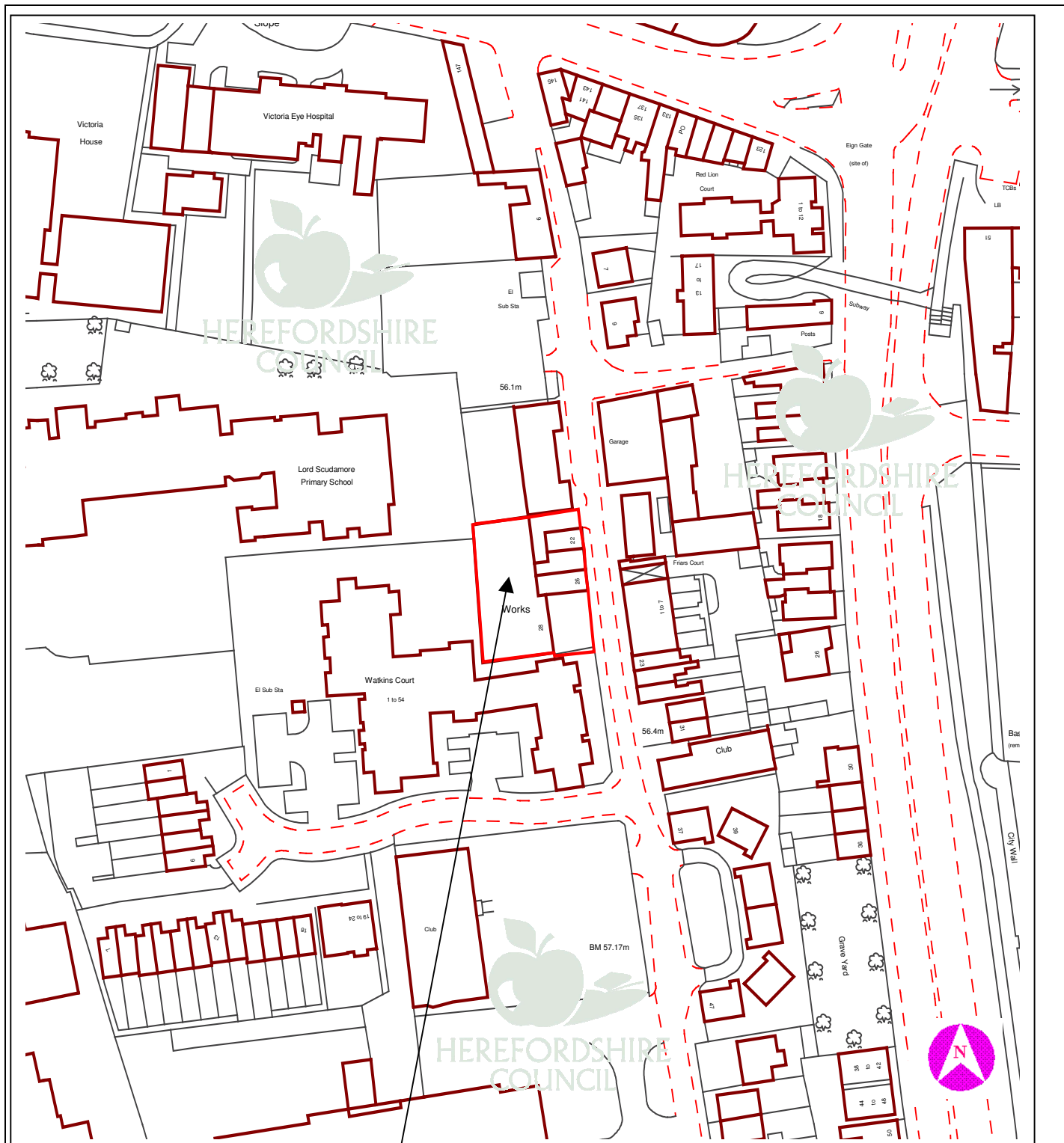
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/0900/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 22 - 28 Friars Street, Hereford, HR4 0AS

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# APPENDIX

DRAFT HEADS OF TERMS  
Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990

Planning Application – DCCW2006/0900/F  
Residential development for 15 two bedroom flats  
At 22-28 Friars Street, Hereford.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £12,000 to provide education facilities and improvements at Lord Scudamore Primary School, Hereford which sum shall be paid on or before the commencement of development.
2. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the Agreement within 5 years of the date of this Agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
3. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
4. The developer shall complete the Agreement by 12th June 2006 otherwise the application will be registered as deemed refused

K. Bishop, April 2006



**11 DCCW2006/0869/F - VARIATION OF CONDITION 8 OF PLANNING PERMISSION DCCW2004/1679/F TO ALLOW FOR DOT.COM OPERATIONS ON SUNDAYS BETWEEN 9.00AM AND 4.30PM AT TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS**

**For: Tesco Stores Ltd. per Development Planning Partnership, 14 Windsor Place, Cardiff, CF10 3BY**

**Date Received: 14th March, 2006    Ward: Belmont    Grid Ref: 49325, 38452**

**Expiry Date: 9th May, 2006**

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

**1. Site Description and Proposal**

- 1.1 This application site comprises the Tesco supermarket at Belmont, Hereford.
- 1.2 The application seeks planning permission to vary condition no. 8 of planning permission DCCW2004/1679/F to allow for dot.com operations (home shopping/delivery service) on Sundays between the hours of 9am and 4.30pm.
- 1.3 The existing condition states:

“No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 7am on weekdays and Saturdays nor after 11pm on weekdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenity of the area.”

The reason for the condition set out on the planning permission is to safeguard the amenities of the area.

- 1.4 All access on a Sunday would be via Abbotsmead Road and the existing wooden gate would be replaced with a 2.3 metre high solid wooden gate under the terms of this application.
- 1.5 An Environmental Noise Assessment was submitted with the application.

**2. Policies**

- 2.1 Planning Policy Guidance:

PPG24            -            Planning and Noise

- 2.2 Hereford and Worcester County Structure Plan:

Policy CTC9     -            Development Requirements

## 2.3 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria

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

Policy DR13 - Noise

**3. Planning History**

3.1 There is a detailed and complex planning history associated with the site since the store was first approved under reference SH88/1340/RM in December 1998. This application is for an amendment to a condition attached to planning permission DCCW2004/1679/F.

3.2 CW2001/1848/F Extension to existing supermarket and storage area, provision of cage marshalling area. Relocation of existing petrol filling station, alteration of car park layout and associated highway works. Approved 12th September 2001.

3.3 DCCW2004/1679/F Amendment to planning permission reference CW2001/1848/F to accommodate a repositioning of the approved bulk store extension (no increase in floor space) together with a free standing canopy in association with home delivery service. Approved 28th July 2004.

**4. Consultation Summary**Statutory Consultations

4.1 Highways Agency: Raise no objections.

Internal Council Advice

4.2 Traffic Manager: Raise no objection.

4.3 Head of Environmental Health & Trading Standards: "I would comment that Environmental Health were in receipt of a noise complaint in April 2005 regarding noise from the dot.com area. The complaint related specifically to the opening and closing of the inner metal gate (via the customer car park) which is situated at the end of the acoustic barrier. The complainants were just past this point and, therefore, not receiving any benefit from the acoustic barrier. Tesco's worked with us to solve the noise problem and this resulted in the gate not being used with the delivery vehicles coming in and out via the wooden gate leading onto Abbotsmead Road.

I have received no further noise complaints since then and would, therefore, recommend that this agreed procedure regarding the metal gate not being used continue or if this is not possible, then the acoustic fencing be extended further to protect the residents from any increased activity."

## 5. Representations

- 5.1 Belmont Parish Council: "Belmont Rural Parish Council has considered this application and wishes to object strongly to this proposal.

This Tesco store is located in a quiet residential estate. This Parish Council has received a number of complaints from nearby residents who are affected by the noise, traffic, fumes and litter from this store and we feel strongly that there must remain one day per week when residents can be permitted to enjoy some partial respite from these operations.

We dispute the findings of the report by Sharps Redmore regarding the impact of these proposals as the report ignores noise from reversing vehicles, horns and shouts associated with the dot.com operation. We also believe the distance from the source of potential noise to the rear wall of properties along Whitefriars road has been over-estimated and ignores the right of residents to enjoy their gardens in peace. We believe a more appropriate location for an expanded dot.com business would be the Tesco store in the Centre of Hereford which has far fewer residential properties within the immediate surrounding area."

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

## 6. Officers Appraisal

- 6.1 The key issue for consideration in relation to this application is the impact on the amenities of adjoining occupiers associated with delivery vehicle activity between 11am and 4pm together with other external activities including the operation of refrigerated compartments and their loading and unloading between 9am and 4.30pm on Sunday.
- 6.2 It is acknowledged that the proposal will increase activity at the rear of the store. This is recognised in the acoustic report, which identifies the need for improvements to the existing gated entrance onto Abbotsmead Road. The proposal is to replace the existing open wooden gate with a 2.3 metre high gate which would be kept closed when not in use to allow access and egress by delivery vehicles. The noise associated with the on-board cooling systems on these vehicles would therefore be effectively contained.
- 6.3 The Head of Environmental Health and Trading Standards raises no objection to the proposal subject to conditional control being exercised in respect of the closure of gates and as such it is considered that the concerns originally identified have been satisfactorily addressed with no further complaints having been made by local residents.
- 6.4 The comments made by the Belmont Rural Parish Council are noted but in the light of the advice received from the Environmental Health Officer (Pollution) it is considered that there are no sustainable grounds to challenge the technical information submitted with the Noise Assessment and more specifically that there would be no demonstrable harm to the residential amenity of nearby occupiers.
- 6.5 Subject to appropriate conditions, the proposal is considered acceptable.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1. No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 7am on weekdays and Saturdays nor after 11pm on weekdays and between 9am - 4.30pm on a Sunday nor at any times on Bank or Public Holidays.

Reason: In order to protect the residential amenity of the area.

- 2. No dot.com delivery vehicles shall enter or leave the premises outside the hours of 11am-4pm on a Sunday.

Reason: In order to protect the residential amenity of the area.

- 3. No Sunday operation of the dot.com delivery service shall be carried out until full details of the gate proposed in the Environmental Noise Assessment received on 14th March 2006 have been submitted to and approved in writing by the local planning authority and subsequently installed. The approved gate shall thereafter be permanently maintained.

Reason: In order to protect the residential amenity of the area.

- 4. All access to the dot.com service area on Sundays shall be via the Abbotsmead Road access which shall not be open until 11am and thereafter shall be kept closed at all times other than to allow the immediate entry and exit of delivery vehicles and unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the residential amenity of the area.

**Informatives:**

- 1. For the avoidance of doubt the term dot.com delivery service refers to the internet home shopping and delivery service operated by the applicant.
- 2. N15 - Reason(s) for the Grant of Planning Permission.

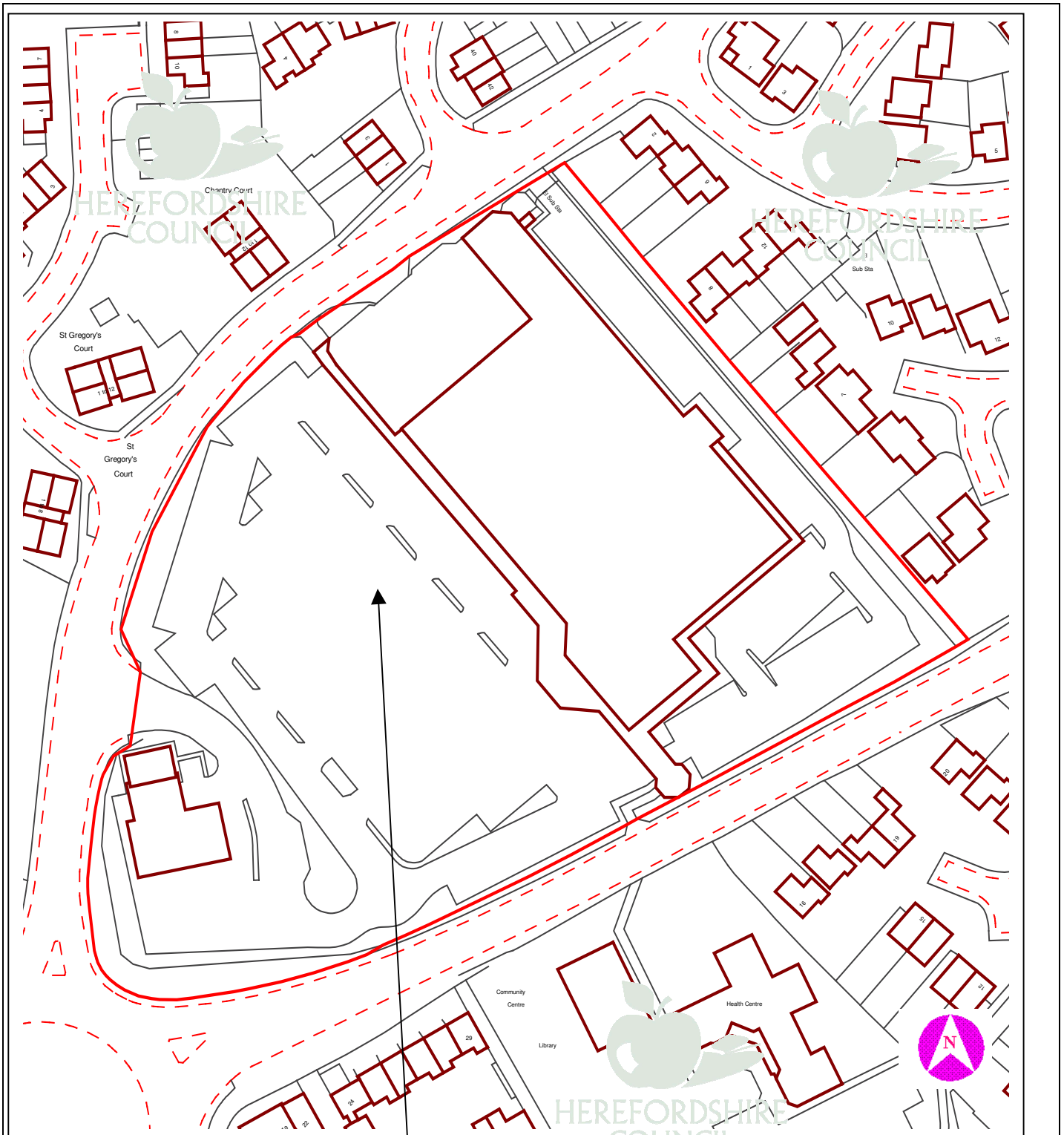
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/0869/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, HR2 7XS

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**12 DCCE2006/0351/F - REPOSITIONING OF EXISTING STATIC CARAVANS (PART RETROSPECTIVE) AND ADDITIONAL 15 STATIC CARAVANS, INCLUDING CHANGE OF USE OF PART OF THE LAND LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HR1 4LP**

**For: Mr. & Mrs. G. Williams, Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW**

**Date Received: 31st January, 2006      Ward: Backbury      Grid Ref: 56857, 36171**

**Expiry Date: 28th March, 2006**

Local Member: Councillor Mrs J. Pemberton

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the introduction of 14 static caravans at Lucksall Caravan and Camping Park, Moridford. The application site is located in the open countryside and is within a designated Area of Great Landscape Value and an Area of Outstanding Natural Beauty. The site is found to the west of the B4224, north of Fiddlers Green, and south of the river crossing and the junction with the B4399.
- 1.2 The application site is a strip of land immediately to the west of the main road, to the rear of the line of existing static caravans. This area was excluded from the original permission for the use of this area for camping and caravanning, though it has recently been used in an unauthorised manner for the storage of touring vans. The land has a relatively steep west to east gradient. The existing access is to the north of the site, a secondary access from which leads directly to the application site. This secondary access point is to be permanently closed in the interests of highway safety.
- 1.3 As originally submitted, this application included the re-siting of the existing static caravans but following an objection from the Environment Agency this element of the application was removed. This application therefore now relates only to the new line of static caravans to the rear of the existing. The land confirmed as being in the ownership of the applicant has also been revised following the original inclusion of an area of land under separate ownership.

**2. Policies**

2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPS7	-	Sustainable development in rural areas
PPG21	-	Tourism
PPS25 (Draft)	-	Development and flood risk

2.2 South Herefordshire District Local Plan:

GD1	-	General development criteria
C1	-	Development within open countryside
C4	-	AONB landscape protection
C5	-	Development within AONB
C6	-	Landscape and AONB
C7	-	AONB enhancement measures
C8	-	Development within AGLV
C9	-	Landscape features
C44	-	Flooding
TM6	-	Holiday caravan/chalet/camp sites
TM7	-	Improvements to existing holiday caravan and chalet sites
TM10	-	Proposals within the Wye Valley AONB
T3	-	Highway safety requirements
T5	-	Traffic management

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

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
S8	-	Recreation, sport and tourism
DR1	-	Design
DR2	-	Land use and activity
DR7	-	Flood risk
T11	-	Parking provision
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape character and areas least resilient to change
RST1	-	Criteria for recreation, sport and tourism development
RST2	-	Recreation, sport and tourism development within Areas of Outstanding Natural Beauty
RST14	-	Static caravans, chalets, camping and touring caravan sites

### 3. Planning History

- 3.1 DCCE2005/2119/F - Repositioning of existing caravans and addition of 13 static caravans to include change of use of part of land. Withdrawn 24th August, 2005.
- 3.2 DCCE2004/2207/F - Low level lighting. Approved 26th August, 2004.
- 3.3 DCCE2004/2208/A - Fascia sign. Approved 27th August, 2004.
- 3.4 SH931333PF - Change of use of part of barn to form reception area. Approved 5th January, 1994.
- 3.5 SH930192PF - Septic tank. Approved 6th December, 1993.
- 3.6 SH911310PF - Change of use to extend park and erect a toilet block. Approved 9th June, 1992.
- 3.7 SH780187PF - Use of land as a holiday camping and caravan site. Approved 10th May, 1978.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 Environment Agency: No objection to amended proposal subject to conditions.

4.2 English Nature: No objection.

##### Internal Council Advice

4.3 Traffic Manager: No objection.

4.4 PROW Manager: No objection.

4.5 Conservation Manager: No response received (DCCE2005/2119/F - no objection).

#### 5. Representations

5.1 Open Spaces Society: No objection subject to maintenance of PROW.

5.2 The Ramblers Association: No objection subject to maintenance of PROW.

5.3 Fownhope Parish Council: Support the application subject to satisfaction in relation to:

- Adequacy of sewerage facilities;
- Flooding;
- Boundary details;
- Landscaping.

5.4 Holme Lacy Parish Council: Expressed concerns over the access and ability of the site to accommodate additional caravans.

5.5 Local Residents: Three letters of objection have been received from the following sources:

- J.A. Newman, River View, Fiddlers Green, Fownhope
- R.J. Hill, Fiddlers Green Cottage, Fownhope
- A. Harris & R. Ensor, Evendene, Mordiford

The comments raised can be summarised as follows:

1. Unacceptable access arrangements
2. Highway safety issues due to intensification of use
3. Adverse impact upon the visual amenities of the locality
4. Adverse impact upon AGLV/AONB
5. Inadequate drainage facilities
- 6 Loss of privacy caused by park related activities
7. Impact upon residential amenities caused by park related activities.

5.6 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 principal issues for consideration in this application are as follows:

- Principle of development;
- Visual amenities;
- Flooding;
- Highway issues.

### Principle of Development

6.2 South Herefordshire District Local Plan Policy TM6 specifically considers improvements to caravan and camping sites. This policy advises that extensions to sites will only be permitted where the scale is appropriate and the design and layout are of the highest standard, it will not adversely impact upon the landscape nor appear visually intrusive, and subject to ensuring the safe movement for cars and caravans to and from the highway. Particular emphasis is placed on the landscape implications of proposals in the Wye Valley AONB and AGLV. Policies TM7 and TM10 further stress design and scale, landscape impact, and highway requirements. This policy stance is echoed on the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft).

6.3 On the basis of the above it is considered that the principle of this development can be accepted, with the acceptability or otherwise of the proposal resting upon the details of the application.

### Visual Amenities

6.4 It is suggested that the most fundamentally important issue with this application is the impact of this proposal upon the landscape. It is of note that this site falls within both AONB and AGLV landscape designations and the application site is effectively on the hillside running up from the riverbank to the main road. The sensitive landscape in which the proposed site is found is of concern and the proposed structures will undoubtedly be more prominent within the landscape than the existing buildings and caravans associated with this park. Notwithstanding this, the number of new caravans is relatively limited and the siting is sensitive in that the permanent built form on site, represented by the static caravans, are concentrated in one area. This park is well screened and on a low part of the valley side, the site is therefore not prominent within the wider landscape. Landscaping will reduce the intrusive nature of this proposal and ensure the attractive appearance of this well kept tourist facility. It is considered that the scale and nature of this proposal is such that the impact upon the visual amenities of the locality remain within acceptable limits. It is assessed that the proposal will not adversely impact upon this sensitive landscape. Although no response has thus far been received from the Conservation Manager, the previous application (DCCE2005/2119/F) received no objection.

### Flooding

6.5 The application as originally submitted raised an objection from the Environment Agency having regard to the location of the existing static caravans within the floodplain. The application has now been amended so as to relate only to the introduction of the new row of 14 caravans. The submitted details confirm that these

new structures are to be appropriately sited above the floodplain and that safe dry pedestrian access is available. The Environment Agency have confirmed the removal of their original objection subject to conditions.

#### Highway Issues

- 6.6 The Traffic Manager sought revisions to the previous application for this proposal (DCCE2005/2119/F) and these have been included in this current application. The existing access is considered acceptable to serve the site, subject to the closure of the secondary access gate for vehicles. It is recognised that the visibility to the north is below the appropriate standards for a road of this type, however, the curvature of the road prevents the required improvements and the location is not considered a 'blackspot'. The potential intensification of the use of this access as a result of this proposal is not considered sufficient to substantiate a refusal.

#### Other Issues

- 6.7 In relation to the drainage facilities available to serve the application site, following a query on this matter by English Nature further detail was requested and received relating to the drainage facilities on site. It was confirmed that the drainage provision is adequate and was confirmed as acceptable by English Nature.
- 6.8 In relation to residential amenities, and specifically privacy, it is considered that the proposed units themselves have no specific residential amenity implications. The issue therefore revolves around the intensification of the use of this site resulting from these additional units. On balance it is assessed that though this site will be increased in size and capacity as a result of these new units, the overall increase in activities will remain within acceptable limits having regard to the location of the site, its relationship to neighbouring properties, and the actual increase in activities that could be directly related to these new units.

### **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. Prior to the introduction of the static caravans hereby approved, the existing field gate serving the application site shall be permanently closed to vehicular traffic.**

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

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

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

- 4. G05 (Implementation of landscaping scheme (general) variation.**

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

- 5. **Threshold floor levels of the caravans shall not be set less than 46.45m AOD, unless otherwise agreed in writing by the local planning authority.**

**Reason: To protect the development from flood risk.**

- 6. **Dry pedestrian access shall be provided, in accordance with the submitted 1:2500 plan, entitled 'Proposed Layout Alterations', on land no lower than 45.85m AOD and thereafter maintained, to ensure access to the public highway.**

**Reason: To provide a safe dry pedestrian access in a 1% flood event, plus climate change.**

**Informatives:**

- 1. **N01 – Access for**
- 2. **N03 – Adjoining property rights**
- 3. **N04 – Rights of way**
- 4. **HN1 – Mud on highway**
- 5. **HN2 – Public rights of way affected**
- 6. **N11A - Wildlife and Countryside Act 1981 (as amended) - Birds**
- 7. **N11B - Wildlife and Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C) Regs 1994 - Bats**
- 8. **N15 – Reason(s) for the Grant of PP/LBC/CAC**

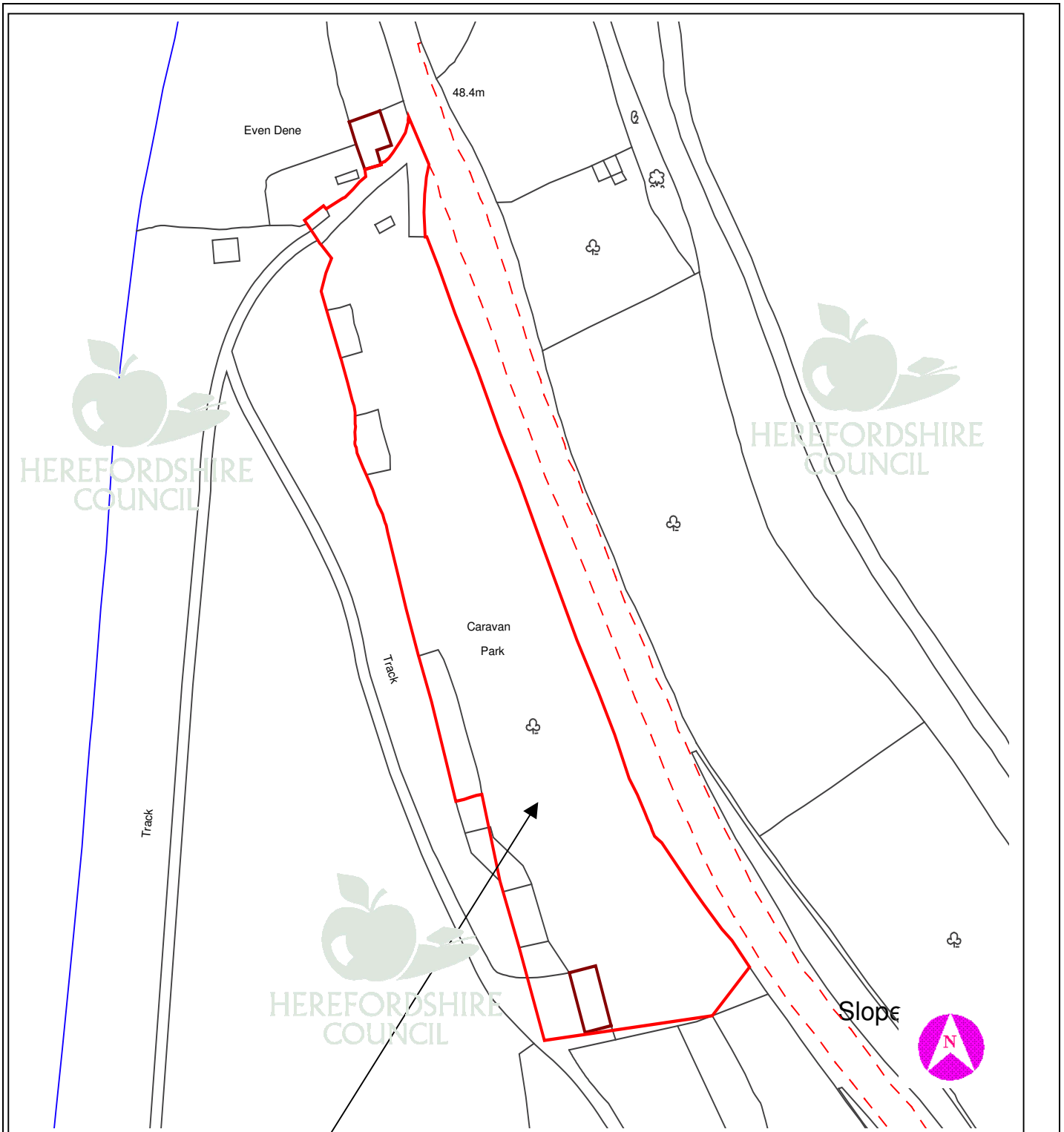
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/0351/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Lucksall Caravan Park, Mordiford, Hereford, HR1 4LP

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**13 DCCE2006/0834/F - PROPOSED TWO STOREY EXTENSION 11 COURTNAY RISE, HEREFORD, HEREFORDSHIRE, HR1 1BP**

**For: Mrs. I. Edwards, per David Edwards Associates, Station Approach, Barrs Court, Hereford, HR1 1BB**

**Date Received: 10th March, 2006    Ward: Aylestone    Grid Ref: 51929, 40861**

**Expiry Date: 5th May, 2006**

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

**1. Site Description and Proposal**

1.1 11 Courtney Rise is a semi-detached dwelling with an attached garage situated within the Established Residential Area of Hereford. The site is located in a small cul-de-sac development where ground levels fall in a south-easterly direction.

1.2 The application seeks planning permission to replace the existing garage with a two-storey addition to the south-east elevation. It is also proposed to construct a mono-pitch roof over the garage and front door. Materials are proposed to match the existing dwelling.

**2. Policies**

2.1 Hereford Local Plan:

ENV14	-	Design
H12	-	Established residential areas – character and amenity
H13	-	Established residential areas – loss of features
H14	-	Established residential areas – site factors
H16	-	Alterations and extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

DR1	-	Design
DR2	-	Land use and activity
H18	-	Alterations and extensions

**3. Planning History**

3.1 None identified.

**4. Consultation Summary**

Statutory Consultations

4.1 None

Internal Council Advice

- 4.2 Traffic Manager: Objection - 'Three car parking spaces required. Garage not used, shown as 'store' on plan. Only one place available on driveway'.
- 4.3 In response to the comment from the Traffic Manager, the applicant's agent submitted a site plan showing three car parking spaces on the forecourt area of the dwelling and also clarified the existing garage will be converted into a utility store room.

**5. Representations**

- 5.1 Hereford City Council: No objections.
- 5.2 Local Residents: One letter has been received from M. Wydra of 9 Courtnay Rose. The concerns raised can be summarised as follows:
- Loss of light;
  - Loss of privacy;
  - Site conditions affecting construction
- 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 key considerations in the determination of this application are as follows:
- a) Principle of Development;
  - b) Design and Scale;
  - c) Impact on Residential Amenities; and
  - d) Parking Requirement.

Principle of Development

- 6.2 The development plan comprises the Hereford Local Plan and the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). Hereford Local Plan Policies ENV14 and H16 and Herefordshire Unitary Development Plan Policies DR1 and H18 state that alterations and extensions to existing dwellings should be in scale and in keeping with the character of the existing building, preserve to the amenities of nearby residential properties and require a high standard of design.

Design and Scale

- 6.3 The proposed extension would be of the same design and materials as the main dwelling. It is proposed to provide a subservient appearance and retain the dominance of the main dwelling. The design and scale of the proposal would integrate effectively with the existing dwelling without harm to the character and appearance of the locality and the modest size of the extension maintains the dominant appearance of the host dwelling and in this respect the relevant policies are satisfied.

Impact on Residential Amenities

- 6.4 The occupiers of 9 Courtney Rise have raised concerns about the effect of the proposal on their privacy, light and living conditions. The proposed extension would be positioned at a higher level approximately 1 metre above the adjoining property, 9 Courtney Rise. It is acknowledged that the introduction of a first floor extension would result in a level of overbearing. However in this instance it is recognised that there is a 4 metre gap between the two storey side elevations of the properties and it is not considered that the distance is such that would have an unacceptable impact to the neighbouring property. Furthermore, no windows are proposed in the side elevation of the proposed extension. A condition will restrict the installation of windows to the side. In relation to the small window at the rear, a condition will ensure that this will be glazed with obscure glass only in order to protect the privacy of the neighbouring property. For these reasons, it is not considered that the effect on privacy and light would be significant and sufficient enough to warrant refusal in this instance.
- 6.5 With regard to the construction work, the details of the work would be considered under the Building Regulations and as such should not be given weight in this instance.

Parking Requirement

- 6.6 The applicant's agent has demonstrated that the site will be able to accommodate 3 cars to serve the proposed dwelling and as such this would comply with the parking standards.

Conclusion

- 6.7 The proposed development is in accordance with the relevant planning policies. Having regard to the considerations above, it is considered that with appropriate conditions applied, the proposal will represent an acceptable form of development.

**RECOMMENDATION**

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

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

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

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

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

- 3 B03 (Matching external materials (general)).**

**Reason: To ensure the satisfactory appearance of the development.**

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

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

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

**Informatives:**

**1 N03 - Adjoining property rights.**

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

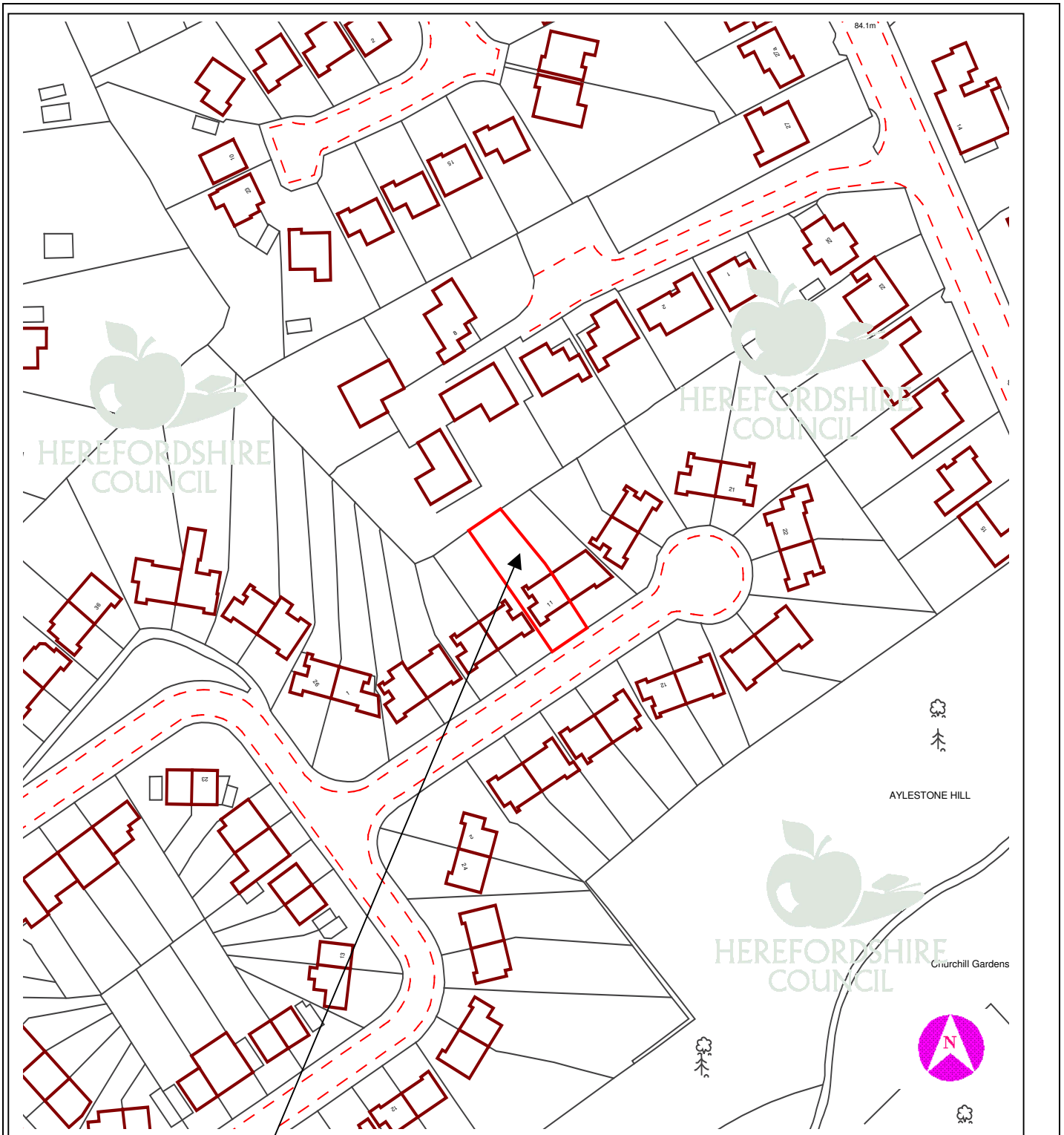
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/0834/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 11 Courtnay Rise, Hereford, Herefordshire, HR1 1BP

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**14 DCCE2006/0765/F – CHANGE OF USE FROM B1 LIGHT INDUSTRIAL TO MIXED USE COMPRISING A RETAIL SHOWROOM, STORAGE AND OFFICES UNIT 4, WHITESTONE BUSINESS PARK, WHITESTONE, HFD HR1 3SE**

**For: HH & PH Collins Properties, Collins Engineering Limited, Unit 5 Westwood Industrial Estate, Pontrilas, Hereford HR2 0EL**

**Date Received: 6th March, 2006**

**Ward: Hagley**

**Grid Ref: 56638, 42415**

**Expiry Date: 1st May, 2006**

Local Member: Councillor R.M. Wilson

**1. Site Description and Proposal**

- 1.1 The site (Unit 4) is located within Whitestone Business Park and accessed off the C1130, just south of the A4103 in the parish of Withington. The building the subject of the application is of a standard steel frame single storey construction clad and roofed with box profile sheeting. Whitestone Business Park is allocated and protected within the South Herefordshire District Local Plan and Deposit Draft Unitary Development Plan for Employment Land with the remainder of the land surrounding the estate predominantly used agriculturally.
- 1.2 Planning permission was approved on the 12th October, 2000 for the erection of a building to be used for light industrial purposes (use class B1). The applicant (Elite Bathrooms and Tiles) have recently taken occupation of the building with the majority of the floor area now being used as a retail showroom. Furthermore, condition 17 of the 2000 planning permission states that there should be no retail or wholesale sales from the building direct to visiting members of the public. This application is in effect for the change of use of the building to enable its use as a retail showroom and storage which if approved, would also then supersede the existing permission and the conditions attached to that permission. The application has been brought to Committee at the request of the Ward Councillor.

**2. Policies**

2.1 South Herefordshire District Local Plan:

GD1	-	General development criteria
ED4	-	Safeguard existing employment premises
RT2	-	Development outside/adjacent to Hereford City
T.1A	-	Environmental sustainability and transport

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S4	-	Employment

S5	-	Town centres and retail
DR2	-	Land use and activity
DR3	-	Movement
E5	-	Safeguarding employment land and buildings
TCR2	-	Vitality and viability
TCR9	-	Large scale retail and leisure development outside central shopping and commercial areas
TCR25	-	Land for retail warehousing

### **3. Planning History**

- 3.1 CE2000/0281/F - Erection of industrial unit (B1 Use Class). Approved 12th October, 2000.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 None

#### Internal Council Advice

- 4.2 Traffic Manager: No objection subject to the provision of secure cycle storage.
- 4.3 Head of Economic Development: Comments awaited.

### **5. Representations**

- 5.1 Bartestree Parish Council: No objection.
- 5.2 Withington Parish Council: No comments.
- 5.3 One letter of objection has been received from the Campaign to Protect Rural England (CPRE). The main points raised are:
- The proposal is contrary to the development plan policy for maintaining a suitable supply of industrial land and buildings
  - Unit 4 is in the heart of a non retail business park. The site is very rural without any public transport links. CPRE feel it is important to maintain a distinction between business and retail parks and given its location away from the city, Whitestone is not suitable for a retail park
  - The access and local road network is not suitable for the additional volume of traffic that a retail use would generate.
- 5.4 Supporting statements have been provided by both the applicants and their agent which will be referred to in the Officer's Appraisal.

### **6. Officers Appraisal**

- 6.1 The lawful use of the building in question is for B1 (Light Industrial) purposes. The planning permission approved on 12th October, 2000 goes a stage further by removing any opportunity for retail or wholesale sales direct to visiting members of the public from the building. The applicants (Elite Bathrooms and Tiles) offer a complete service



from design and sale to installation. The majority of the floor area (68%) is used as a retail display area for viewing completed bathrooms and ancillary products such as tiles and bathroom cabinets. The remainder of the building is used for the storage of goods for distribution (28%) and offices (4%). As such the building is now being used primarily for retail purposes with some storage and ancillary offices. Therefore, the current use of the building is not in accordance with the approved planning permission and the retail sales from the premises to visiting members of the public is in breach of Condition 17 of the planning permission.

6.2 Policy E5 of the Unitary Development Plan states that proposals that will result in the loss of existing permitted or proposed employment land or buildings to non-employment uses (employment is defined as light industrial, heavy industry and storage and distribution) will only be permitted where:

1. There will be substantive benefit to residential or other amenity allowing alternative forms of development and the site or premises concerned can be shown to be unsuitable for other employment uses including consideration of mitigation measures; or
2. In the cases of proposals incorporating elements of retail use, this is restricted to a minor or incidental activity associated with an otherwise acceptable Part B or employment generating use.

Para 6.4.34 of the UDP also states that: "It is particularly important to avoid the introduction of Part A Retail Uses within established employment areas and industrial estates. The primary role of these areas is to cater for the land requirements for Part B employment uses....."

6.3 The current use is therefore contrary to Employment Policy 5, which seeks to protect industrial buildings for industrial purposes. Policy E5 does permit minor or incidental retail usage but this, in floor area terms, must be ancillary to the primary industrial use of the building. Ancillary is normally defined as up to 10% of the gross floor area.

6.4 Policy TCR25R of the UDP identifies Holmer Road as being the most sequentially preferable site for large scale retail warehousing as it will compliment existing businesses in the locality facilitating linked trips and can also be accessed via public transport, cycling and walking. The current use would be classed as large scale retail warehousing in floor area terms. Reference is made to an existing business operating from Whitestone which incorporates retail sales (Browns Furniture). The retail showroom was approved as part of the planning permission for the building but in floor area terms, the showroom area is very much ancillary to the primary use of the building for general and light industrial purposes.

6.5 The primary source of income for the business is the fitting of new bathrooms and the income derived from on site sales collected by customers is no more than around 3.5% of the total turnover. However, this does not deviate from the fact that the primary use of the building is for retail purposes whether that be for the sale of goods collected by the public or the sale of goods delivered and fitted by Elite Bathrooms.

6.6 The applicants have been searching for some time for larger premises and have inspected premises at Barrs Court Road Trading Estate, Hereford Trade Park, Rotherwas, and Sweetmans Yard. For various reasons these have not met their needs. It is notable, however, that all of the units looked at are also buildings or land

protected for industrial purposes and therefore would not be acceptable in planning terms. Premises such as unit 2 at Brook Retail Park, which has a lawful retail warehouse permission and has been vacant for around 18 months, would in planning terms be a more acceptable location. In fact, this unit at Brook Retail Park was last occupied by Tiles 'R' Us who operate in a similar manner to Elite Bathrooms.

6.7 There is no doubt that the unit now occupied by the Elite Bathrooms offers many benefits to them as a business and they have also undertaken considerable expenditure in relocating to Whitestone. The applicants and their agent state the business already employs 17 people (direct and indirect labour) for fitting bathrooms and this is expected to increase by 10 to 12 this year. The majority of the business also appears to emanate from outside of the city and therefore an out of town location would appear to meet their customer base. Furthermore, it is stated that Elite Bathrooms do not operate in the same way as a normal retail warehouse would do in so much as there is a low foot fall of visiting members of the public to the business. Finally, it is suggested that a personal permission would be satisfactory to the applicants and the landowner.

6.8 The ultimate objection to the proposal lies with the fact that it is contrary to the Development Plan Policies, which seek to protect industrial buildings and land for industrial purposes (class B uses). A personal permission would ensure that the current change of use, whilst being contrary to policy, was not repeated by a future occupier but this scenario could be repeated too often. Several requests are received by the local planning authority every week from local business seeking to use industrial buildings or land for non-industrial purposes and it is considered that granting permission in this case would make it very difficult resist similar proposals at Whitestone Business Park and other safeguarded Employment Sites.

6.9 This retrospective application is contrary to the adopted and Deposit Draft Development Plan policies and for the reasons set out above, is recommended for refusal.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1 The proposal would result in the loss of an existing industrial building to a primarily retail use which represents an unsustainable form of development outside the Central Shopping and Commercial Area or other sequentially preferable sites within the city. As such the development is contrary to Policies GD1, ED4 and RT2 of the South Herefordshire District Local Plan and Policies S1, S4, S5, DR2, DR3, E4, TCR9 and TCR25 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

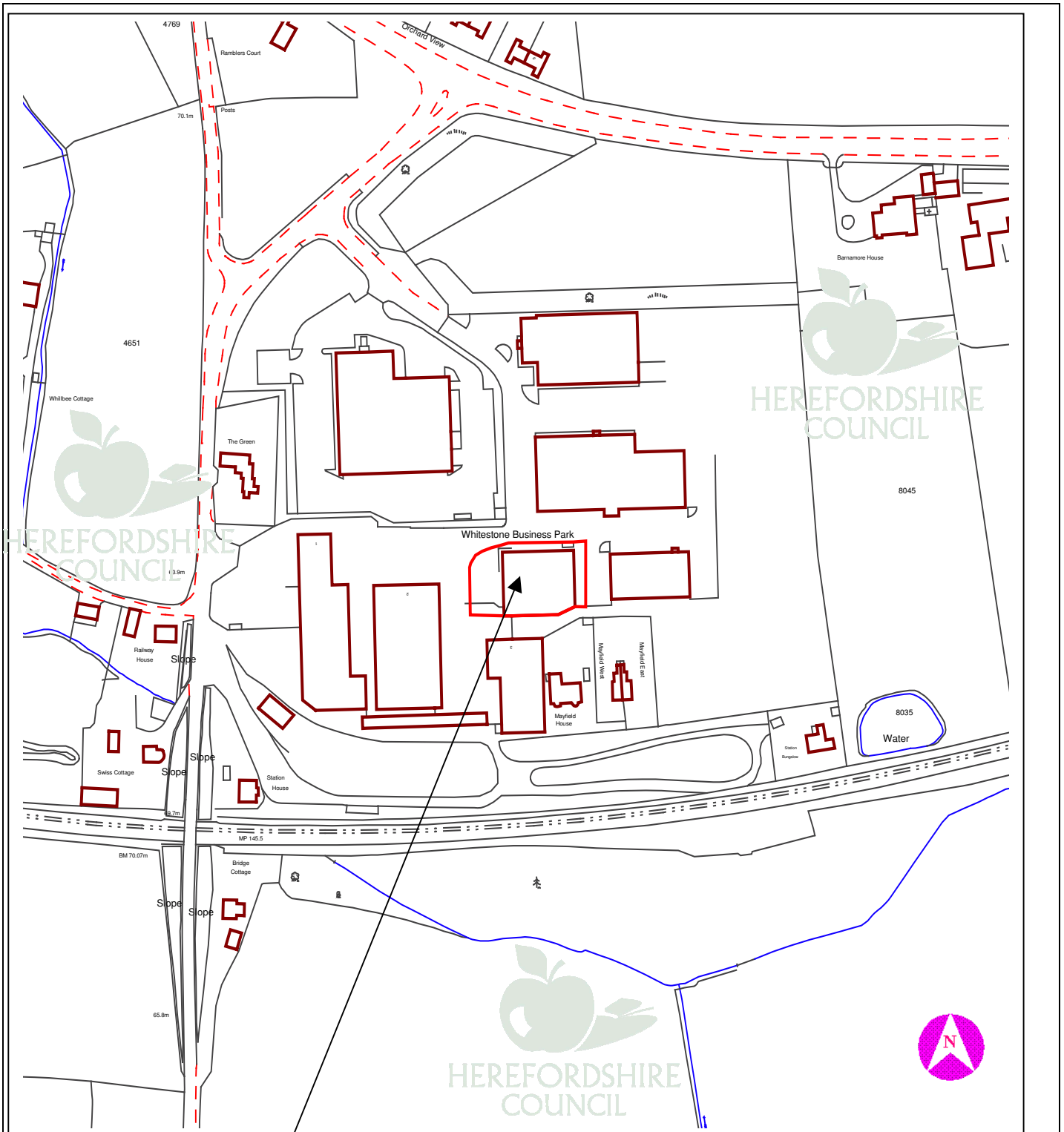
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/0765/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Unit 4, Whitestone Business Park, Whitestone, Hereford, HR1 3SE

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**15 DCCE2006/0625/F - RETROSPECTIVE APPLICATION FOR LAMBING SHED MANOR FARM, WATERY LANE, LOWER BULLINGHAM, HEREFORD, HEREFORDSHIRE, HR2 6EP**

**For: HP Goodwin & Son, per Mr R Pritchard, The Mill, Kenchester, Hereford, HR4 7QJ**

**Date Received: 23rd February, 2006**

**Ward: St. Martins & Hinton**

**Grid Ref: 51918, 38130**

**Expiry Date: 20th April, 2006**

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

**1. Site Description and Proposal**

1.1 The site forms part of Manor Farm, accessed off Lower Bullingham Lane just south of Holme Lacy Road. Immediately east and south of the site are existing residential properties whose gardens physically abut the application site. North of Manor Farm is Manor House Residential Home and to the west are further dwellings.

1.2 The application is retrospective and is for the retention of a single storey lean-to extension of the existing agricultural livestock building. The extension measures 23.5 metres in length by 6 metres in width by 4.5 metres in height to the highest point of the roof. The building is constructed from a steel frame with the roof and ends clad in light grey box profile sheeting and further corrugated sheeting enclosing the side up to a height of 1.5 metres. The site lies within Flood Zone 2.

**2. Policies**

6.1 South Herefordshire District Local Plan:

GD1	-	General development criteria
ED9	-	New agricultural buildings
ED10	-	Siting and design of intensive livestock units and associated structures/facilities
ED11	-	Siting of intensive livestock units from protected buildings
SH16	-	Housing and livestock units

6.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S2	-	Development requirements
DR1	-	Design
DR4	-	Environment
DR9	-	Air quality
E13	-	Agricultural and forestry development
E16	-	Intensive livestock units
DR13	-	Noise

### 3. Planning History

- 3.1 CE2006/0416/S - Agricultural notification for proposed erection of agricultural lambing shed. Application withdrawn 23rd February, 2006.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection.

### 5. Representations

- 5.1 Lower Bullingham Parish Council: No comments received.

- 5.2 One letter of objection has been received from Mr & Mrs D.M. Price, 25 Warwick Road, Lower Bullingham. The main points raised are:

- The extension is an eyesore and has not been built with the same materials as the existing barn to blend in;
- The extension runs along 50% of our boundary entirely enclosing our rear garden;
- The extension was put up before seeking consent,
- The previous building on site was a lean-to rickety structure which was not visible from our property at ground floor;
- The extension is noisy as a result of the wind shaking the corrugated metal structure;
- The development will devalue our property;
- Whilst living next to an agricultural building, the farmer has taken liberties by extending the barn to the absolute maximum in the knowledge that he may offend people that live around the farm. I hope a solution can be found even if it only means reducing the size of the building and making sure the materials blend in.

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

### 6. Officers Appraisal

- 6.1 The extension of the existing agricultural building is acceptable in terms of its design and is subservient in scale to the principal building. Whilst the materials used presently do not match the existing building in colour, a condition could be imposed if planning permission is approved requiring the existing cladding to be painted a similar colour to that which exists on the main building.

- 6.2 The principal issue for consideration is therefore the impact of the building on the amenity of two adjoining neighbours, one of which is the objector. Manor Farm is a working livestock farm, which has largely been enclosed over the last 15 years or so by housing. The housing, particularly south of the application site has been constructed relatively recently and therefore the occupiers of these houses would have purchased the properties in the knowledge that they would be living next to a working livestock

farm. As such it is not considered that the extension will create any further noise, smells or disturbance from the use of the building than is already the case.

6.3 The extension has been constructed along the rear boundary of the objector’s garden largely enclosing the garden. It is acknowledged that this will have an impact on the use and enjoyment of the garden. However, it is not considered that the impact is so significant as to warrant refusal of the application.

6.4 The scale, design and materials for the building and the impact on the amenity enjoyed by neighbouring properties, subject to a condition on the finish, is considered acceptable in accordance with the relevant Development Plan policies.

**RECOMMENDATION**

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

- 1 Within two months of the date of this planning permission, the roof and side cladding of the building hereby granted shall be coloured a dark blue grey (BS18B29) or a similar dark colour to be agreed in writing with the local planning authority.**

**Reason: In the interests of visual amneity.**

**Informative:**

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

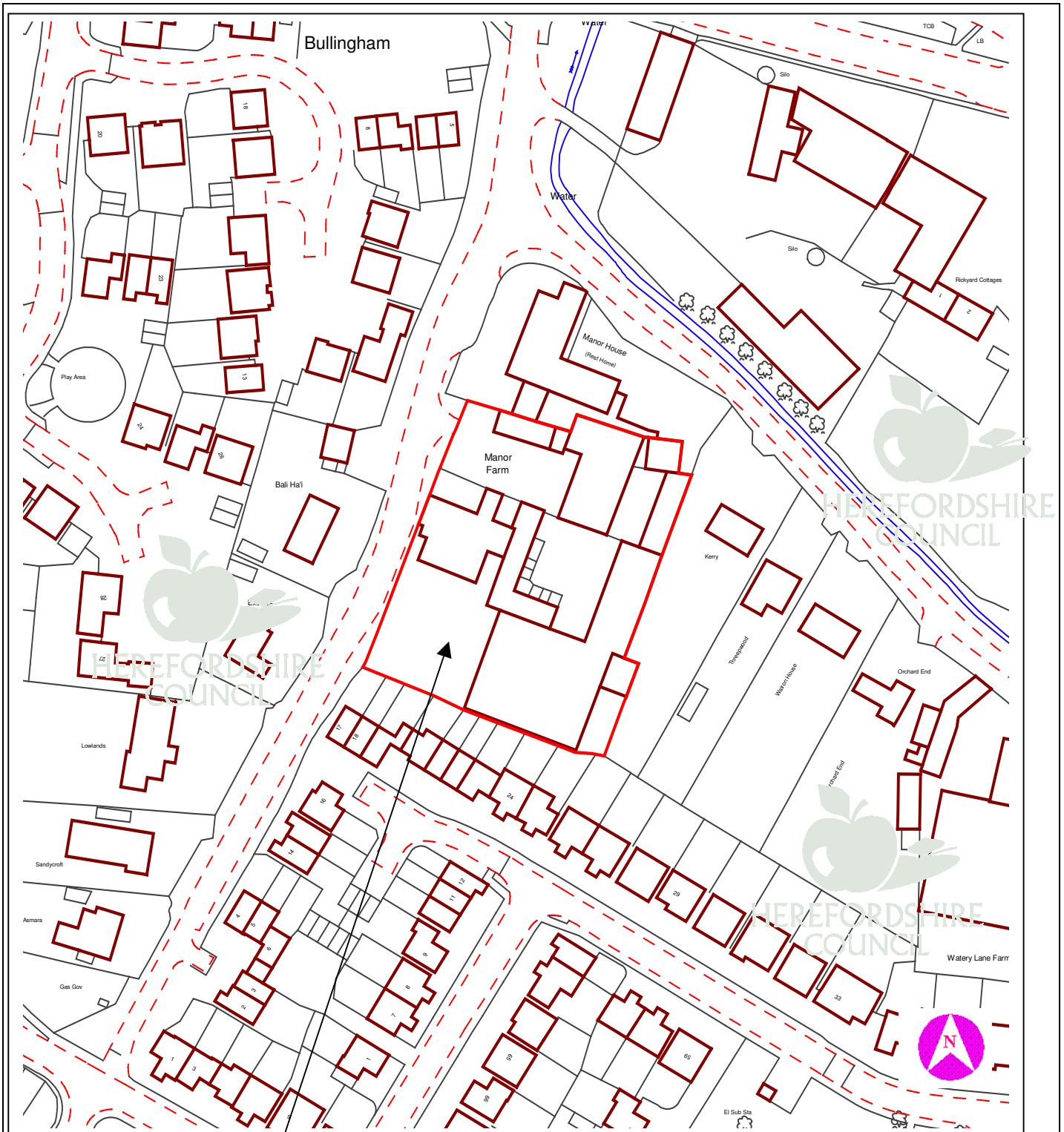
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/0625/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Manor Farm, Watery Lane, Lower Bullingham, Hereford, Herefordshire, HR2 6EP

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**16 DCCE2006/0663/F - SIDE EXTENSION TO CARE HOME  
FIELD FARM HOUSE RESIDENTIAL HOME, HAMPTON  
BISHOP, HEREFORDSHIRE, HR1 4JP**

**For: Advent Estates Ltd, Maple Timber Frame,  
Tarnacre Hall Business Park, Tarnacre Lane, St  
Michaels, Preston, PR3 0SZ**

**Date Received: 7th March, 2006    Ward: Backbury    Grid Ref: 54406, 38580**

**Expiry Date: 2nd May, 2006**

Local Member: Councillor Mrs. J.E. Pemberton

**1. Site Description and Proposal**

- 1.1 The site known as Field Farm House Residential Home is located at the end of an unmade track approximately 150 metres south of the B4224 in Hampton Bishop Parish. The site was formerly part of Field Farm but the farmhouse and adjoining barns were segregated from the remainder of the farm in 1994. The former farmhouse is of a two storey brick construction under a hipped slate roof. Attached to which are a range of single and one-and-a-half storey outbuildings which have subsequently been converted and extended to link in with the farmhouse. All of the buildings on site are now used and occupied as a residential care home for the elderly.
- 1.2 Immediately north east of the site are former agricultural buildings forming part of Field Farm and running close to the southern boundary of the site is an earth embankment/stank built as a flood defence barrier. The remainder of the site is largely surrounded by agricultural land. The site lies within the open countryside and also falls within the Flood Plain designated as Flood Zone 2 and 3.
- 1.3 Planning permission is sought for the construction of a two storey extension off the northern gable of the existing property to create capacity for a further 30 residents incorporating en-suite bedrooms, communal lounge and dining areas and a training facility.

**2. Policies**

2.1 South Herefordshire District Local Plan:

GD1	-	General development criteria
C1	-	Development within the open countryside
C44	-	Flooding
CF4	-	Residential homes

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S11	-	Community facilities and services
DR1	-	Design

- DR4 - Environment
- DR7 - Flood risk
- CF7 - Residential nursing and care homes

### **3. Planning History**

- 3.1 CE2005/1591/F - Side extension to care home to include additional bedrooms and day spaces. Application withdrawn 14th November, 2005.
- 3.2 CE2001/1815/F - Alterations and extensions to residential home. Approved 24th May, 2001.
- 3.3 SH941236PF - Extensions and alterations to existing buildings, change of use of existing two storey dwelling to residential nursing home. Approved 7th December, 1994.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Environment Agency: The Agency objects to the proposed development as the site and access lie within the 1% (1 in 100 year) Flood Plain of the River Wye. Our historical records indicate that the site has previously flooded during major events with the existing ground level at the location of the proposed extension sitting approximately 1.5 metres below the December 1960 flood level although the Stank (flood bank) had breached adjacent to the Bunch of Carrots Public House. The breach of the Stank which, is no more than 50 metres from the application site at its closest will cause the residents, especially those on ground floor, to be seriously affected. Furthermore if the stank overtopped, breached or failed the depth, speed of inundation and the velocity of floodwaters would be significant presenting a potential severe risk to life. On this basis and as no Flood Risk Assessment has been provided the development is contrary to PPG25.

Notwithstanding our in principle objection, given the policy and flood risk, there may be detailed design aspects which could be incorporated into the building/site (including access) which could help to mitigate the above (if the local planning authority are minded to approve). These should be put forward as part of a Flood Risk Assessment.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection subject to condition requiring details of the new parking layout to be provided.

### **5. Representations**

- 5.1 Hampton Bishop Parish Council: No objection.

### **6. Officers Appraisal**

- 6.1 Planning permission was approved on the 24th May, 2001 for the construction of a large two-storey extension of the existing residential home. This planning permission remains live and the applicant is in the process of implementing the permission. The

planning permission is therefore a material consideration in the assessment of this application particularly with regard to the flooding issues.

- 6.2 The proposed extension is to be constructed in a similar position as the approved scheme, off the northern gable of the existing property. Although the extension is large, the overall mass is being broken up through the walls and roof being stepped forward from the existing property given the appearance of three separate blocks. The link between the existing care home and the proposed extension is to have a lightweight appearance being predominantly glazed, is set back from the face of the existing care home with a lower ridge line. These design features assist in drawing a clear visual break between the existing and proposed and ensure the extension does not visually dominate the existing property. The walls are proposed to be clad with weatherboarding above a brick plinth to soften the appearance and ensure it harmonises with its rural, wooded setting. Although some minor changes to the design are still required, the overall scale, design and materials are considered a visual and architectural improvement over that which was approved in 2000.
- 6.3 The site lies within a high-risk flood plain with the use and occupiers being particularly vulnerable to the consequences of flooding. The comments of the Environment Agency are not disputed in so much as the site lies within the high risk Flood Plain, has flooded previously and is at risk of flooding in the future. As such, the proposal is contrary to both the Development Plan Policies and advice contained within Planning Policy Guidance Note 25 with regard to new development and flood risk.
- 6.4 The fallback position for the applicants, as stated earlier, is a strong material consideration in the assessment of this application. The current scheme proposes to utilise the roof space to provide additional bedrooms. The consequences of which are that the actual footprint within the flood plain is now 12% smaller than with the scheme approved in 2000. As such, the impact of the development on the flood storage capacity of the surrounding areas is less with the current than the approved scheme. This does not, however, remove the flood risk of the site. Some of the normal methods of mitigation against flood risk are not possible in this instance. For example, raising finished floor levels by approximately 2 metres would not be acceptable in design terms nor to the client as it would significantly restrict the amount of accommodation provided and/or result in the ridge of the extension being considerably higher than that of the existing buildings. Similarly, no secondary means of dry access is available to the site. Notwithstanding this, the applicants are working with the Environment Agency to look at what other measures can be taken. These include incorporating flood proofing construction techniques into the design of the extension and the site being put on the Environment Agency Flood Line warnings direct system linked to a detailed flood evacuation plan which lays out the procedure for evacuating the residents in the event of a flood warning. Ultimately, however, it is unlikely that these measures will be sufficient to overcome the Environment Agency objection.
- 6.5 On balance, given the extant planning permission which is in place and the visual and design benefits of the proposed scheme as opposed to the approved scheme it is not considered that a refusal of planning permission purely on flood risk grounds is justified in this instance. This decision is also made on the basis that there is a reasonable expectation that the applicants will proceed with the existing permission, if this application fails. Therefore, notwithstanding the Environment Agency objection, for the reasons set out above, the development is considered acceptable.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 A12 (Implementation of one permission only).

Reason: To prevent over development of the site.

- 4 B01 (Samples of external materials).

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

- 5 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.

- 6 F18 (Scheme of foul drainage disposal).

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

- 7 E06 (Restriction on Use).

Reason: The local planning authority wish to control the specific use of the land/premises.

- 8 Prior to the commencement of the development hereby permitted, details shall be provided of the measures to address the flood risk to the building and its occupants. The details shall include flood proofing construction features/techniques in the design of the building and a flood evacuation procedure to the Environment Agency's approval. The building shall be constructed in accordance with the approved details and the evacuation plan completed and clearly displayed prior to occupation of the building hereby permitted.

Reason: To safeguard the safety of the occupants in the event that the site floods.

**Informative:**

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

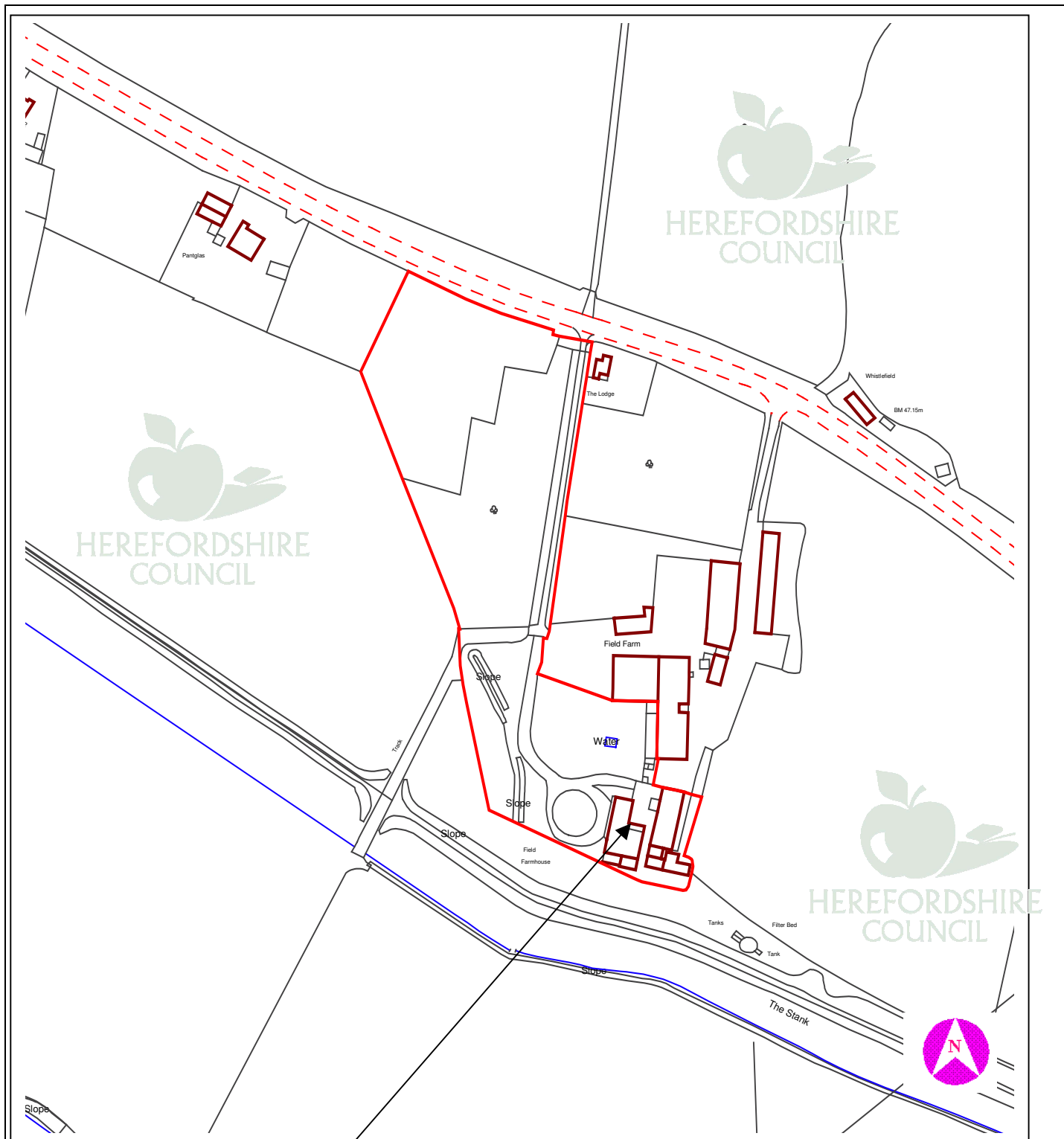
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/0663/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Field Farm House Residential Home, Hampton Bishop, Herefordshire, HR1 4JP

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