

A G E N D A

Central Area Planning Sub-Committee

Date: **Monday, 25th September, 2006**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

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To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 14
To approve and sign the Minutes of the meeting held on 23rd August, 2006.	
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To note the Council's current position in respect of planning appeals for the central area.	
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To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
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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, 23rd August, 2006 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, Mrs. E.M. Bew, A.C.R. Chappell, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, J.W. Newman, Mrs. S.J. Robertson, Mrs E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson.

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

56. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. W.U. Attfield, Mrs. S.P.A. Daniels, R.I. Matthews, Mrs. J.E. Pemberton, Ms. G.A. Powell, Miss F. Short and A.L. Williams.

57. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
J.C. Mayson	Agenda Item 7, Minute 62 DCCE2006/1853/F 92-94 St Owens Street, Hereford, Herefordshire, HR1 2QD	Declared a prejudicial interest and left the meeting for the duration of the item.
Ms. A.M. Toon	Agenda Item 8, Minute 63 * DCE2006/2336/F Hereford Sixth Form College, Folly Lane, Hereford, Herefordshire, HR1 1LU	Declared a prejudicial interest and left the meeting for the duration of the item.
D.B. Wilcox	Agenda Item 11, Minute 66 DCCW2006/2012/F The Plough Inn, Canon Pyon, Herefordshire, HR4 8NU	Declared a personal interest.

*Miss C. Wright, Principal Lawyer, declared a prejudicial interest and left the meeting for the duration of the item.

58. MINUTES

RESOLVED: That the Minutes of the meeting held on 26th July, 2006 be approved as a correct record and signed by the Chairman.

59. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning

appeals for the central area.

Councillor J.C. Mayson drew attention to the appeal that was upheld in respect of planning application DCCW2005/2947/F – Land Adjacent to Brick House, Bush Bank, Hereford, Herefordshire, HR4 8PH. Councillor Mayson explained the history of the site and felt that the appeal decision to allow the retention of the polytunnels was regrettable. Some Members expressed concerns about the Voluntary Code of Practice for the Use of Polytunnels and the lack of central government direction on the issue.

60. DCCE2006/1772/F - LAND AT WHITETHORN FARM, CAREY, HEREFORD, HR2 6NG [AGENDA ITEM 5]

Siting of temporary living accommodation for agricultural workers.

The Principal Planning Officer reported the receipt and summarised the contents of the following:

- An agricultural appraisal prepared by Kernan Countryside Consultants on behalf of local residents;
- A response to the above appraisal by the applicant's agent;
- A further letter of objection from Mrs. Drury; and
- Further correspondence from DPDS Consulting on behalf of local residents.

Councillor W.J.S. Thomas, the Local Ward Member, acknowledged the expertise and depth of the cases put forward by both the supporters and the objectors. On balance, Councillor Thomas felt that imaginative and dynamic agricultural enterprises should be supported and that temporary planning permission should be granted in this instance. He felt that the business would be successful and noted the personal and financial commitment of the applicants to the enterprise.

A number of Members spoke about the importance of diversity in the agricultural sector and welcomed the potential employment and economic benefits of the proposal. It was noted that a temporary permission was sought and this would not set a precedent or prejudice any decisions about the use of the site in the future.

Councillor P.J. Edwards supported the application but felt that, if planning permission was granted, the two caravans already on the site should be removed and the proposed chalet style mobile home should be sited nearer to the site entrance in order to minimise visual impact. The Principal Planning Officer advised that the Caravan Sites and Control of Development Act would permit a seasonal caravan for use by seasonal workers but the other could be removed upon delivery of the chalet style mobile home.

Some Members did not feel that the case for a functional presence on site or in the locality at most times had been proven and could not support the application.

The Local Ward Member acknowledged the need to mitigate noise pollution from the site, particularly to protect the amenity of the occupiers of Yewtree Cottage which was adjacent to the site. The Principal Planning Officer suggested that the Local Ward Member and the Chairman be consulted about the conditions felt to be necessary.

RESOLVED: That

- (i) The Central Area Planning Sub-Committee is minded to approve the**

application subject to the following conditions and any further conditions felt to be necessary by the Head of Planning Services, in consultation with the Local Ward Member and the Chairman, provided that the Head of Planning Services does not refer the application to the Planning Committee:

1. The development hereby approved shall be carried out strictly in accordance with the amended plan received by the local planning authority on 10th July, 2006.

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

2. Prior to the siting of the mobile home hereby permitted the external dimensions and details or samples of the materials to be used externally on walls and roof shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the materials harmonise with the surroundings.

3. The mobile home hereby permitted shall be removed permanently from the site on or before 29th August 2009 and the land reinstated in accordance with details (including timescale) which shall be submitted to and approved in writing by the local planning authority.

Reason: The local planning authority is not prepared to permit a residential mobile home in this location other than on a temporary basis having regard to the special circumstances of the case in accordance with Annex A of PPS7.

4. The occupation of the mobile home shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: It would be contrary to Development Plan policies to grant planning permission for a mobile home in this location except to meet the expressed case of agricultural need.

5. The existing mobile home (brought on site in July 2006) shall be permanently removed off site within one month of the siting of the new mobile home hereby permitted.

Reason: To prevent the proliferation of mobile homes in order to safeguard the character and appearance of the Area of Outstanding Natural Beauty.

6. The mobile home shall not be occupied until works for the disposal of sewage 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.

7. Within one month of the siting of the mobile home hereby permitted, visibility splays shall be provided from a point 0.6 metres above

ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

8. **No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.**

Reason: To minimise the impact of the development in order to safeguard the character and appearance of the Area of Outstanding Natural Beauty.

9. **Prior to the siting of the mobile home hereby permitted a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. The development shall be carried out in accordance with the approved details prior to occupation of the mobile home hereby permitted.**

Reason: In order to protect the amenity of occupiers of nearby properties.

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to 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 Head of Planning Services.]

61. DCCE2006/2347/RM - FORMER SAS CAMP, LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE [AGENDA ITEM 6]

Amendment to application CE2005/3706/RM - Replacement of two storey 'Hereford' house type with three storey 'Middleham' house type (Retrospective).

The Principal Planning Officer reported the receipt of two additional letters of objection.

Councillor R. Preece, a Local Ward Member, felt that the replacement of a two storey house type with a three storey house type was unacceptable and felt it regrettable that this application was retrospective. He said that the application should be refused due to its overbearing impact on adjoining properties and its impact on residential amenity.

Councillor A.C.R. Chappell, also a Local Ward Member, felt that the development was over intensive. He commented on the significant traffic congestion problems on

the local road network and felt that further development would exacerbate this situation. He expressed strong concerns about the retrospective nature of the application and was disappointed that the developer had not ceased work on the building given that it was a clear breach of the planning permission granted. He also drew attention to the objections of Hereford City Council. He commented that the Local Ward Members disagreed with the assertion in the report that ‘...the revised design of the dwelling will not appear unduly prominent in the locality or within the street scene...’ (paragraph 6.2) but concurred that residents would ‘...have the feeling that their privacy is being invaded by existing and proposed dwellings...’ (paragraph 6.5).

Some Members expressed dismay at the retrospective nature of the application, commented on the road congestion that was likely to result from development sites in the area, and felt that the development had a detrimental impact on the locality. A number of reasons for refusal were suggested; detailed in the resolution below.

Counter arguments were also made having regard to the window-to-window relationships, the lack of objection from the Traffic Manager and the similarity of the development to the adjacent buildings which had the benefit of planning permission.

A number of Members emphasised the impact of the three storey building on the street scene and maintained that it was an unacceptable form of development. In response, the Development Control Manager did not feel it likely that the arguments with regard to overlooking, overshadowing and overbearing impact could be sustained on appeal but acknowledged that the perceived impact on the street scene was also a material planning consideration in this instance.

RESOLVED: That

- (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
 - 1. Overbearing impact**
 - 2. Impact on residential amenity**
 - 3. Over intensive development**
 - 4. Impact on the street scene**

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

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the application to the Head of Planning Services as the Sub-Committee’s view might not be defensible if challenged.]

62. DCCE2006/1853/F - 92-94 ST OWENS STREET, HEREFORD, HEREFORDSHIRE, HR1 2QD [AGENDA ITEM 7]

Demolition of existing car showroom premises and erection of 5 one bedroom and 3 two bedroom residential dwelling apartments.

The Principal Planning Officer reported the receipt of amended plans which showed a small area of communal garden and revised access with pedestrian rather than vehicle priority.

The Chairman, speaking in his capacity as Local Ward Member, was disappointed that proposals for this and other development sites in the area had not been brought forward as a whole package. He drew attention to the comments made by the proprietor of The Spinning Dog Brewery and noted that the future occupiers of the apartments would have to expect odour and noise nuisance from the Brewery and The Victory Public House. In response to a question, the Principal Planning Officer clarified the surface water drainage arrangements.

Some Members expressed concerns about the potential increase in traffic congestion on Ledbury Road and St. Owen's Street that would be generated by forthcoming developments in the area. The Development Control Manager advised that the proposed use was likely to generate less traffic than the existing use.

A number of Members expressed concerns about the design of the proposed buildings. The Principal Planning Officer advised the Sub-Committee that the existing use, as a car display area, was a material consideration and it was considered that this proposal would enhance the character and appearance of the area. The Development Control Manager added that the use of good quality materials was essential if this was to be the final form of the development.

In response to a question, the Principal Planning Officer confirmed that the number of units proposed fell below the threshold for affordable housing requirements.

RESOLVED:

That Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

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

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

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

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

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

Reason: To safeguard the amenities of the locality.

5. **E02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality.

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

Reason: To safeguard the amenity of the area.

- 7. Prior to the commencement of development, a Method Statement and Risk Assessment for the safe decontamination and if necessary, removal of the underground tanks shall be submitted to and approved in writing by the local planning authority. Tanks shall be made safe or removed in accordance with the approved details prior to the commencement of any other works on site.**

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

- 8. W01 (Foul/surface water drainage).**

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

- 9. W02 (No surface water to connect to public system).**

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

- 10. W03 (No drainage run-off to public system).**

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

- 11. 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.

- 12. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**

a) a 'desk study' report including previous site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: To ensure that potential contamination is removed or contained.

13. **The Remediation Scheme, as approved pursuant to Condition 12 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.**

Reason: To ensure that potential contamination is removed or contained.

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

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

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

Reason: In the interests of highway safety.

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

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

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.

Informative:

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

63. **DCCE2006/2336/F - HEREFORD SIXTH FORM COLLEGE, FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LU [AGENDA ITEM 8]**

Removal of Planning Condition 3 of Planning Permission DCCE2004/0568/F - Requiring north facing windows to be glazed with obscured glass and permanently fixed shut.

The Senior Planning Officer reported the receipt of the comments of the Environmental Health and Trading Standards Manager (no objections).

In accordance with the criteria for public speaking, Mrs. Hutchinson spoke against the application.

Councillor D.B. Wilcox, a Local Ward Member, acknowledged the concerns of the objector and the need to mitigate the impact of the development. He suggested additional conditions in respect of landscaping and screening in order to protect the residential amenity of adjacent properties.

The Senior Planning Officer advised that the applicant's agent had indicated that

landscaping could be improved and that efforts were being made to reduce potential noise from the sport annex.

A number of Members supported the application subject to the conditions suggested by the Local Ward Member and any other conditions considered necessary by Officers.

RESOLVED:

That planning permission is granted, with an amended description to vary Condition 3 only, subject to the following conditions and any further conditions felt to be necessary by Officers :

- 1. Within 2 months of the date of this permission full details of all the first floor windows in the north west facing elevation, including the nature of their restricted opening mechanism, shall be submitted to an agreed in writing by the Local Planning Authority. The windows shall then be retained and maintained in accordance with the agreed details and not replaced or altered unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To safeguard the amenities of the locality

- 2. The use of the three principal rooms identified in the approved plan shall be retained for non-practical teaching purposes the specific type of which shall be approved in writing by the local planning authority within 2 months of the date of this permission and/or staff room office use only.**

Reason: To safeguard the amenities of the locality

- 3. The permission hereby granted is an amendment to Condition 3 attached to planning permission DCCE2004/0568/F and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.**

Reason: For the avoidance of doubt.

- 4. None of the existing trees to the north of the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority.**

Reason: To safeguard the amenity of the area.

- 5. Within 6 months of the date of this permission a scheme of landscaping for the boundary to the north of the site, 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 development and any necessary tree surgery shall be submitted to and approved by the local planning authority. All proposed planting shall be clearly described with species, sizes and planting numbers.**

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

- 6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the**

development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, 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 variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

7. A landscape management plan for the boundary to the north of the site, including long term objectives, management responsibilities and a schedule of landscape maintenance for a minimum period of 10 years, shall be submitted to and approved in writing by the local planning authority within 6 months of the date of this permission. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual and residential amenity.

Informative:

1. N15 (Reasons for Grant of Planning Permission).

64. DCCE2006/2001/F - THE TRADITIONAL, 139 QUARRY ROAD, HEREFORD, HEREFORDSHIRE, HR1 1SX [AGENDA ITEM 9]

Variation of Condition 3 Planning Permission CE2004/4148/F. To extend opening hours.

The Senior Planning Officer reported the receipt of a petition signed by 161 people in support of the proposal. He also reported that recommended condition 2 should refer to '9.45pm' and not '9.45am' as shown in the report.

Councillor W.J. Walling, a Local Ward Member, commented that he opposed the original application but did not feel that this variation would add significantly to the impact of the business on the locality.

Councillor Mrs. E.A. Taylor, also a Local Ward Member, advised that she had visited the premises and noted that, subject to proper maintenance and inspection, odour and noise nuisance should remain within permitted limits. It was felt that the revised hours should not have a significant impact on the existing parking situation.

In response to a question from Councillor Mrs. M.D. Lloyd-Hayes, the other Local Ward Member, the Senior Planning Officer clarified the permitted use of the site as a takeaway fish and chip shop (Use Class A5).

A number of Members spoke in support of the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1, A01 (Time limit for commencement).

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

2. The use hereby permitted shall only be open to customers between 4.45pm and 9.45pm on Mondays; 12.15pm and 9.45pm Tuesday to Fridays; 12.00pm and 9.45pm on Saturdays and at no time on Sundays.

Reason: To safeguard the amenities of the locality.

3. The permission hereby granted is an amendment to planning permission DCCE2004/4168/F and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.

Reason: For the avoidance of doubt.

Informatives:

1. N03 (Adjoining property rights).
2. N15 (Reasons for the grant of permission).

65. DCCE2006/2099/F - LAND AT 61 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ [AGENDA ITEM 10]

Erection of bungalow.

The Senior Planning Officer suggested an amendment to the recommendation, as the consultation period had not yet ended. It was reported that Hereford City Council would not be in a position to comment on the proposal until the following day. It was also reported that a plan showing revised access and parking arrangement had been received but the Traffic Manager had not yet had the opportunity to assess the amended scheme.

In accordance with the criteria for public speaking, Mr. Chapman and Mr. Starling spoke against the application.

In response to a question from the Chairman arising from a comment made by a speaker, the Senior Planning Officer clarified the notification process and confirmed that the correct certificates had been served. He added that civil covenants did not restrict the determination of planning applications, even though such covenants might prevent development from actually going ahead.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Ward Member, felt that consideration of the application should be deferred until the response of the Traffic Manager had been received and the consultation period had elapsed. Officers suggested that the Sub-Committee could authorise Officers to approve the application subject to the resolution of any outstanding matters. However, a number of Members felt that consideration of the application should be deferred until the next meeting of the Sub-Committee given the outstanding issues. It was also felt that deferral would also provide an opportunity to revisit the design and setting of the proposal.

RESOLVED:

That consideration of the application be deferred.

66. DCCW2006/2012/F - THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU [AGENDA ITEM 11]

Conversion to 4 dwellings in lieu of 2 dwellings as approved 25/08/04 application no. DCCW2004/1701/F.

In accordance with the criteria for public speaking, Mr. Vaughan spoke on behalf of Pyons Group Parish Council and Mr. Davey spoke in support of the application.

Councillor J.C. Mayson, the Local Ward Member, felt that the proposal was over-intensive and the parking arrangements could compromise highway safety.

Some Members noted that the Traffic Manager had no objection to the application and they commented that the provision of four two-bedroom units would make the units more affordable. The Senior Planning Officer advised that there was sufficient parking to serve the proposed development and, as the conversion would still result in eight bedrooms (two four-bedroom units to four two-bedroom units), it was not considered that the proposal would represent an over development of the site.

A number of Members expressed concerns about the parking arrangements but noted that, in the absence of any objections from the Traffic Manager, Officers did not feel that these concerns could not be substantiated as grounds for refusal.

In response to a question, the Senior Planning Officer confirmed that a condition in relation to standard hours of operation would be included in any planning permission granted.

Councillor Mayson drew attention to the comments made in the representations section of the report and felt that highway safety was an important consideration.

Given the concerns raised, the Sub-Committee agreed that a site inspection should be held.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

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

67. DCCW2006/2231/F - 43 KINGS ACRE ROAD, HEREFORD, HR4 0QL [AGENDA ITEM 12]

Erection of 5 no. new apartments to comprise 3 no. 2 bed and 2 no. 1 bed dwellings.

The Senior Planning Officer reported the receipt of comments from the Conservation Manager.

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

Councillor Mrs. E.M. Bew, a Local Ward Member, felt that the Sub-Committee would benefit from a site inspection.

RESOLVED:

That consideration of the application be deferred for a site inspection for the

following reasons:

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

68. DCCW2006/2397/T - LAND AT HEREFORD WHITECROSS CLUB, SOLLARS CLOSE, HEREFORD, HR4 0LX [AGENDA ITEM 13]

Proposed replacement floodlight column with new floodlight incorporating an O2 Installation antenna.

The Senior Planning Officer reported the receipt of petitions opposing the application but these did not specify the nature of the objections raised.

In response to a Member's suggestion that the application be deferred for further information, the Development Control Manager advised that the timescale with this application was such that any delay beyond the expiry date of 17th September, 2006 would result in the application being approved by default.

In accordance with the criteria for public speaking, Mrs. Knights spoke against the application and Mr. Wellman spoke in support of the application.

In response to a question, the Senior Planning Officer advised that the position of the replacement floodlight could be controlled through the conditions on the original permission for floodlighting at the site.

A number of Members sympathised with the concerns of local residents but noted that Officers were satisfied that the issue of public safety had been properly addressed in selecting the proposed site.

In response to a question, the Senior Planning Officer confirmed that the monopole mast would not be suitable for mast sharing. The Development Control Manager clarified the position with regard to the Stewart Report and subsequent planning guidance on telecommunications.

RESOLVED:

That Prior Approval is granted.

69. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was to be held on Monday 25th September, 2006 at 2.00 p.m..

At the conclusion of the meeting, the Chairman advised that this was likely to be the last Central Area Planning Sub-Committee attended by Miss C. Wright, Principal Lawyer. He thanked Miss Wright for her professional support and advice, both with the former Hereford City Council and latterly with Herefordshire Council. The rest of the Sub-Committee endorsed the Chairman's comments and wished Miss Wright well for the future.

The meeting ended at 4.50 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No.EN2006/0046**

- The appeal was received on 18th August, 2006.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Callow Marsh Ltd.
- The site is located at Land at Grafton, Hereford.
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from agriculture to the storage of motor vehicles."
- The requirements of the notice are:
 - Cease the unauthorized use of the land.
 - Remove all the motor vehicles from the land.
 - Restore the land to its previous condition.
- The appeal is to be heard by Hearing.

Case Officer: Adam Sheppard 01432 261961**Application No. DCCW2006/1299/F**

- The appeal was received on 22nd August, 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. C. Merriman.
- The site is located at 6 Belvoir Court, Belmont, Hereford, Herefordshire, HR2 7SJ.
- The development proposed is Two storey extension to front of property.
- The appeal is to be heard by Written Representations.

Case Officer: Peter Clasby on 01432 261947**Application No. DCCE2006/0217/F**

- The appeal was received on 23rd August, 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 M. Jarrett.
- The site is located at 54 The Shires, Lower Bullingham, Hereford, Herefordshire, HR2 6EZ.
- The development proposed is Removal/variation of condition 5 of planning application CE2002/0871/F to turn existing garage into a room – retrospective.
- The appeal is to be heard by Written Representations.

Case Officer: Adam Sheppard on 01432 261961

Application No. DCCE2005/4052/F

- The appeal was received on 24th August, 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 R.V. Stevens & J.C. Berry.
- The site is located at Penrose Cottage, Fownhope, Hereford, Herefordshire, HR1 4NN.
- The development proposed is Construction of dwelling and double garage on land at rear of Penrose Cottage and construction of new double garage to serve Penrose Cottage.
- The appeal is to be heard by Written Representations.

Case Officer: Adam Sheppard on 01432 261961

EN2005/0119/ZZ

- The appeal was received on 24th August, 2006.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of **two** Enforcement Notices.
- The appeal is brought by Mr. T.W Jones.
- The site is located at Small Ashes Farm, Marden, Herefordshire, HR1 3DA.
- The breach of planning control alleged in these notices are:
 - (a) *Without planning permission, the importation of material onto the land known as Small Ashes Farm, Marden to create tracks and hard standing and bunding which are not reasonably necessary for agricultural purposes causing operational development to take place.*
 - (b) *Without planning permission, the unauthorized change of use of the land as a site for the operation of heavy goods vehicles and also as an aggregate distribution centre.*
- The requirements of the notices are:
 - (a) *Permanently remove all material used to consolidate accesses, internal tracks and hard standing from the site, this material should then be disposed of in a responsible manner and return the land to it's former condition.*
 - (b) *Permanently cease the use of the land as a site for heavy goods vehicle operations and also as an aggregate distribution centre.*
- The appeal is to be heard by Hearing.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCE2006/0851/F

- The appeal was received on 5th September, 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 Windsor Life Assurance Ltd.
- The site is located at Unit A2 Brook Retail Park, Commercial Road, Hereford HR1 2BQ.
- The development proposed is Variation of Condition 2 attached to planning permission HC970294/PF/E.
- The appeal is to be heard by Written Representations.

Case Officer: Adam Sheppard on 01432 261961

Application No. DCCW2006/0900/F

- The appeal was received on 6th September, 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. R.M. Sosna.
- The site is located at 22 - 28 Friars Street, Hereford, Herefordshire, HR4 0AS.
- The development proposed is New three storey residential unit comprising of 15 flats.
- The appeal is to be heard by Written Representations.

Case Officer: Kevin Bishop on 01432 261946

APPEALS DETERMINED**Application No. DCCW2005/1602/F**

- The appeal was received on 8th May, 2006.
- 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. V.R. Barrell.
- The site is located at 99 Dorchester Way, Belmont, Hereford, Herefordshire, HR2 7ZW.
- The application dated 11th April, 2005 was refused on 19th October, 2005.
- The development proposed was New boundary fence.
- The main issues are:
 - (i) The effect of the boundary fence on highway safety, in relation to visibility at the access to No 101 Dorchester way.
 - (ii) The effect of the proposal on the character and appearance of the area.

Decision: The appeal was UPHELD on 16th August, 2006.

Case Officer: Dave Dugdale on 01432 261566

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

5 DCCW2006/2012/F - CONVERSION TO 4 DWELLINGS IN LIEU OF 2 DWELLINGS AS APPROVED 25/08/04 APPLICATION NO. DCCW2004/1701/F AT THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU

For: CD Developments Ltd. per Mr. A. Last, Brookside Cottage, Knapton Green, Herefordshire, HR4 8ER

Date Received: 21st June, 2006 **Ward: Wormsley Ridge** **Grid Ref: 46316, 48674**
Expiry Date: 16th August, 2006
 Local Member: Councillor J.C. Mayson

This application was deferred at the meet of the Central Area Planning Sub-Committee on the 23rd August, 2006 in order to carry out a Members' site visit. The site visit was carried out on 5th September, 2006.

1. Site Description and Proposal

- 1.1 The application site is comprised of a former public house and grounds located on the western side of the A4110 within the designated settlement boundary of Canon Pyon. The site has the benefit of planning permission to convert the original building to two self-contained residential units and erect a total of four new dwellings within the curtilage to the rear. (DCCW2004/1704/F refers).
- 1.2 This planning permission has been partly implemented and the new dwellings having been erected with some now being occupied.
- 1.3 The present application seeks consent to convert the original building into four 2 bedroom units as a variation to planning permission DCCW2004/1701/F, which permitted its conversion into two 4 bedroom units.

2. Policies

2.1 Leominster District Local Plan:

Policy A1	-	Managing the District's Assets and Resources
Policy A2	-	Settlement Hierarchy
Policy A23	-	Creating Identity and an Attractive Built Environment
Policy A24	-	Scale and Character of Development
Policy A70	-	Accommodating Traffic from Development
Policy A71	-	Vehicle Parking Standards for Development away from Central Shopping and Commercial Areas and Conservation Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
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Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking

3. Planning History

- 3.1 94/0361 Site for four dwellings. Refused 23rd August, 1994.
- 3.2 95/0569/O New access, two dwellings and revised car park layout. Approved 19th October, 1995.
- 3.3 98/0668/O New access, two dwellings and revised car park layout. Approved 20th January, 1999.
- 3.4 NW2000/1800/F 2 no. four bedroomed houses with garages. Approved 1st November, 2000.
- 3.5 CW2003/1547/F Change of use from public house to private dwelling. Alterations and extensions to convert existing building into two units and erection of three units. Refused 20th August, 2003.
- 3.6 DCCW2004/1701/F Change of use from public house to private dwelling. Alterations and extensions to convert the existing building into two units and the erection of two additional units. Approved 24th August, 2004.
- 3.7 DCCW2004/1703/F Change of use of existing car park to residential use and for the erection of two dwellings and associated covered and uncovered parking. Approved 25th August, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.

5. Representations

- 5.1 Canon Pyon Parish Council: Objection summarised as, the provision of an extra two units is overdevelopment, which would be out of keeping with the wider settlement and highway safety would be compromised by the intensified use of the access.
- 5.2 Five letters of objection have been received from Mr. Williams, Canon Pyon Post Office; Mr. Moseley, Langdale House; Mr. Owen, The Cider House; Mr. Thurlow, Rose Cottage and Mr. Martin, The Villa, which are summarised as follows:

- Highway safety issues arising from additional traffic entering and leaving the site.
 - Inadequate on-site parking provision.
 - Proposal will give rise to additional parking on the public highway, particularly on the service road in front of the village store.
 - Noise and disruption during the conversion phase.
- 5.3 Two letters of support have been received from Mrs. V. Santillo, 5 Valentine Court and Miss L. Santillo, 81 Stanhope Street, Hereford, which are summarised as follows:
- The proposal will provide lower cost housing, which may help young people to stay in the village.
 - The volume of traffic using the property has reduced following the closure of the public house.

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

6. Officers Appraisal

- 6.1 The site is identified within the settlement boundary of Canon Pyon in both the Leominster District Local Plan and the emerging Herefordshire Unitary Development Plan, whereby policy allows for new residential development in principle.
- 6.2 The proposal to convert the former public house into four self-contained units offers a limited increase in the number of units over and above the approved scheme, which permitted the creation of two units.
- 6.3 Therefore having regard for the relevant policies, the primary issues in determining this application are considered to be:
- The impact of the proposed additional dwellings on amenity of the wider locality.
 - Access and highways issues.

Visual and Residential Amenity

- 6.4 The extant planning permission to convert the original building permitted first floor extensions on the southern flank and the rear elevations.
- 6.5 The present proposal seeks to enlarge the approved extension by adding a further first floor element incorporating two dormer windows in between the two gable ended extensions already approved.
- 6.6 Each of the four units will provide an acceptable standard of habitable accommodation, served by private rear gardens, as well as having access to the communal courtyard.
- 6.7 Although the comments of the Parish Council are noted, the proposal to create two additional units is not considered to give rise to cramming or over development of the site, as there will be no increase in the total number of bedrooms or any increase in the

footprint of the development. The only alteration required to enable the revised conversion is a modest extension of the roof incorporating dormers at the rear.

- 6.8 Consequently it is not considered that the proposal will give rise to any harm to the visual or residential amenity of the wider locality when measured against the development already approved. A condition restricting the hours during which construction could take place would be included.

Highway Safety

- 6.9 The property is served by an existing vehicular access leading into a courtyard off which allocated parking for each of the existing residential units are located. In addition there is a central area for visitor parking and deliveries. There is capacity within the site to provide sufficient parking to serve the proposed development.
- 6.10 Although it is noted that most of the letters of objection focussed on highway issues, the Traffic Manager has raised no concern about the proposed development. The concerns about parking on the adjacent highway and in front of the village shop are noted but since the required parking provision within the site is no different from the scheme that has already been approved these local concerns could not be substantiated as grounds for refusal.

Conclusion

- 6.11 Overall the proposal complies with the relevant policies in the Local Plan and as such approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. A10 (Amendment to existing permission).**

Reason: For the avoidance of doubt.

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

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

- 4. 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.

- 5. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the**

following times: Monday – Friday 7.00 am – 6.00 pm, Saturday 8.00 am – 1.00 pm
nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard residential amenity.

- 6. No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

Informatives:

- 1. N01 - Access for all.
- 2. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise control of construction and open sites.'
- 3. N19 (Avoidance of doubt).
- 4. N15 - Reason(s) for the Grant of Planning Permission.

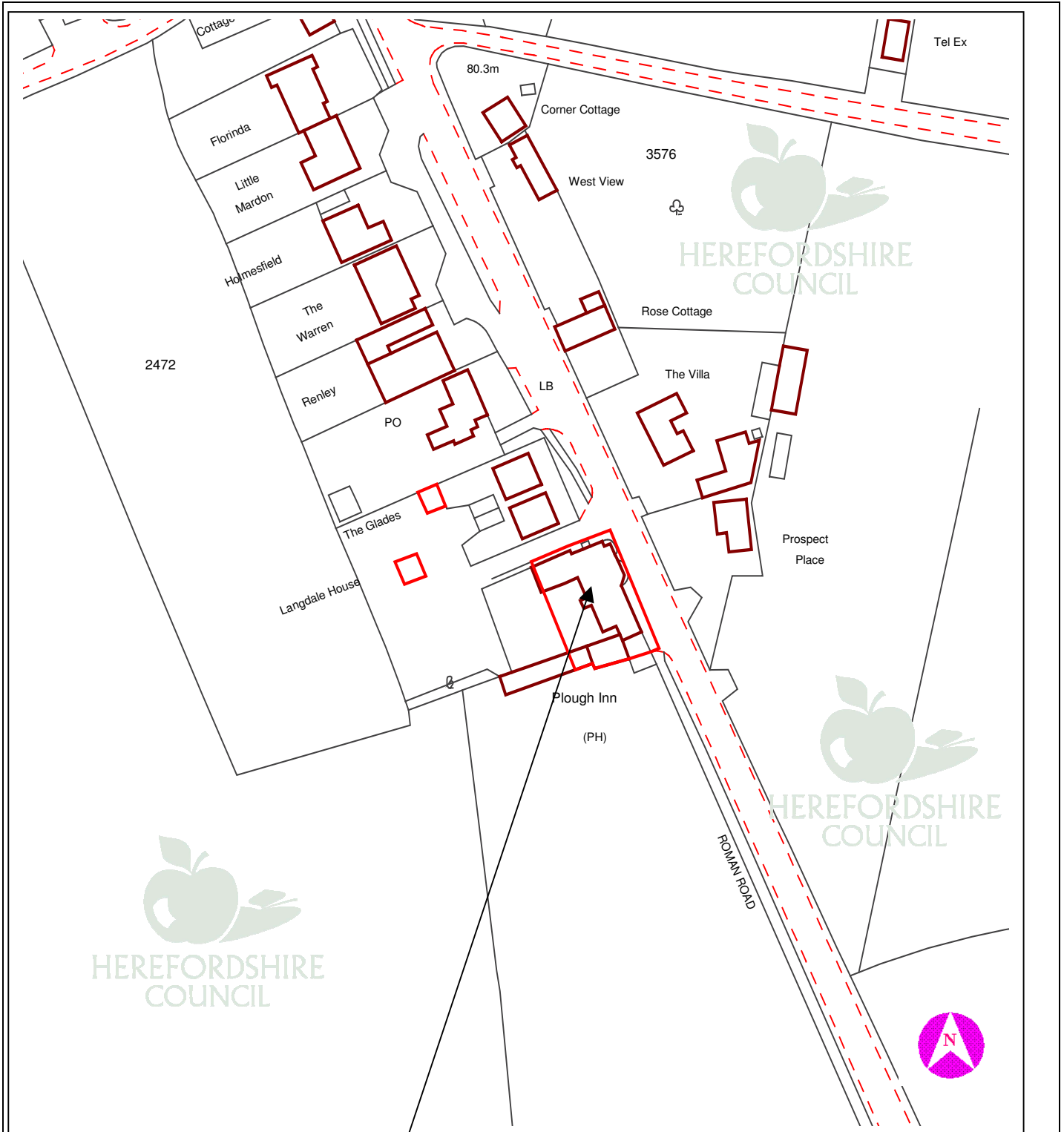
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/2012/F

SCALE : 1 : 1250

SITE ADDRESS : The Plough Inn, Canon Pyon, Herefordshire, HR4 8NU

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6 DCCW2006/2231/F - ERECTION OF 5 NO. NEW APARTMENTS TO COMPRISE 3 NO. 2 BED AND 2 NO. 1 BED DWELLINGS AT 43 KINGS ACRE ROAD, HEREFORD, HR4 0QL

For: Inhabit DDM Ltd. per RRA Architects Ltd., Packers House, 25 West Street, Hereford, HR4 0BX

Date Received: 7th July, 2006

Ward: St. Nicholas

Grid Ref: 49005, 40788

Expiry Date: 1st September, 2006

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

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 23rd August, 2006 in order to carry out a Members' site visit. The site visit was carried out on 5th September, 2006.

1. Site Description and Proposal

- 1.1 The application site is comprised of the eastern half of a large domestic curtilage which presently serves 43 Kings Acre Road within an established area on the western side of Hereford.
- 1.2 The wider area is generally characterised by large two storey detached and semi-detached dwellings with no overall defining architectural style with properties ranging from interwar through to more modern estate type housing. Visually the wide verges and mature public and private landscaping give the appearance of a spacious boulevard which screens views of the dwellings which are generally set well back from the highway, along this particular section of Kings Acre Road.
- 1.3 The application seeks consent to erect a purpose built block containing five residential flats within the subdivided curtilage.
- 1.4 The proposed development is of a contemporary modern design with rendered and timber clad elevations beneath a stepped flat roof with a maximum overall height of 7.8 metres.

2. Policies

2.1 Hereford Local Plan:

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

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
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- Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- Policy H15 - Density

3. Planning History

- 3.1 SC980977PF Conversion of existing dwelling into four self contained flats. Approved 22nd January 1999.

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

- 4.2 Traffic Manager: Has no objection, subject to the imposition of standard conditions.
- 4.3 Conservation Manager: Has no objection, subject to the imposition of standard conditions.

5. Representations

- 5.1 Hereford City Council: Request that this application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council also makes the following additional representations: recommends refusal on the ground that proposed design is out of keeping with the established street scene.

- 5.2 Seventeen letters of objection have been received, which are summarised as follows:

- Flat roof is inappropriate to the character of the area.
- Potential for overlooking and loss of privacy.
- Highway safety issues arising from additional traffic entering and leaving the site.

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 Having regard for the relevant policies, the primacy issues in determining this application are considered to be:

- The Principle of Development.
- Design and the Impact of the Proposed Development on Amenity of the Established Residential Area.
- Highway Safety.

Principle of Development

- 6.2 The application site lies within an Established Residential Area. The adopted and emerging plan policies recognize that there is scope for further appropriate residential development within these areas, providing that the character and appearance of the area is not adversely affected by the proposed development. Therefore the proposal is considered to be acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Amenity

- 6.3 The application proposes a modern design with simple elevations, which are clad with a combination of rendered and timber panels beneath a stepped flat roof that will accommodate the 5th residential unit on the second floor.
- 6.4 In terms of its footprint and overall scale and massing, the proposed development is similar in size to the existing substantial dwelling known as 43 Kings Acre Road.
- 6.5 Furthermore the stepping down from 7.8 metres to 5.5 metres of the flat roof assists with the transition from the height of No. 43, which stands 8.5 metres and the lower ridge height of 7 metres at 39 Kings Acre Road to the east. Furthermore the proposed block is set well back into the site such that it would be well screened by the existing properties either side. Therefore it is not considered that the proposed development will be demonstrably harmful to the character and appearance of the wider locality in terms of its siting, scale and massing.
- 6.6 Views into the site from Kings Acre Road are limited by the presence of mature landscaping and a 2 metre high brick wall, which forms the front boundary. The result is that the ground floor of the proposed building will be largely screened from external view leaving only the upper part of the proposed building partially visible. In order to preserve this landscaping as well as properly protect a large Sycamore which is protected by a Tree Preservation Order, appropriate landscape conditions are recommended.
- 6.7 The concerns of Hereford City Council together with those of the local residents about the discordant nature of the modern design, and in particular the use of a flat roof, in relation to the more traditional style properties surrounding it, are noted. However it is not considered that the design gives rise to a demonstrable loss of visual amenity within the wider locality, consequently the mere fact that the proposed building is not a pastiche of its neighbours does not alone substantiate grounds for refusal.
- 6.8 Overall it is considered that this contemporary approach is appropriate in scale and form and will integrate into this spacious and well-landscaped setting which is already characterised by an eclectic mix of properties of different architectural styles.
- 6.9 Having regard for the relatively enclosed nature of the application site, privacy of the adjoining dwellings will be largely unaffected and the design of the building omits all but obscure glazed bathroom windows on the east and west elevations. The amenity of the dwellings immediately adjoining the proposed development will therefore be satisfactorily preserved.
- 6.10 With regard to the fifth unit located on the second floor, it is considered that any external use of the flat roof as a balcony could harm the amenity of neighbouring

properties as a result of overlooking and the design has omitted any form of terracing or balustrade.

- 6.11 To ensure the continued satisfactory relationship between the proposed building and its neighbours it is considered expedient to prevent the external use of the flat roof and an appropriate condition has been recommended.
- 6.12 In order to protect the amenity of the area during the construction phase standard conditions are recommended controlling hours of operation and prohibiting fires.
- 6.13 The design, siting and layout of the proposed development and its relationship to neighbouring property is not considered to give rise to any harm to the residential amenity.

Highways

- 6.14 There are no highways objections to the development and it is not considered that the development will give rise to any unacceptable increase in traffic. However the Traffic Manager has suggested that the development should provide secure cycle storage in the interests of promoting sustainable modes of transport and for that reason an appropriate condition has been recommended.

Conclusion

- 6.15 Overall the proposal complies with the relevant policies in the Local Plan and as such approval is recommended.

RECOMMENDATION

That subject to no objection being raised by the Conservation Manager, 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. No part whatsoever of the flat roof on the second floor shall be used at any time as a balcony or roof terrace.**

Reason: To protect the residential amenity of adjacent properties.

- 5. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

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.

7. **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.

8. **F22 (No surface water to public sewer).**

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

9. **G16 (Protection of trees covered by a Tree Preservation Order) (TPO 351).**

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

10. **G18 (Protection of trees).**

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

11. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday – Friday 7.00 am – 6.00 pm, Saturday 8.00 am – 1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To safeguard residential amenity.

12. **No materials or substances shall be incinerated within the application site during the construction phase.**

Reason: To safeguard residential amenity and prevent pollution.

Informatives:

1. **The applicant is advised that they should follow the advice given in BS5837 (2005) 'Trees in Relation to Construction – Recommendations' to ensure that all the trees on the site are appropriately and successfully protected. The Council's Arboricultural Officer can be contacted on 01432-260135 for further information.**
2. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise control of construction and open sites.'**
3. **N01 - Access for all.**
4. **HN05 - Works within the highway.**

- 5. **HN10 - No drainage to discharge to highway.**
- 6. **N19 – Avoidance of doubt.**
- 7. **N15 - Reason(s) for the Grant of Planning Permission.**

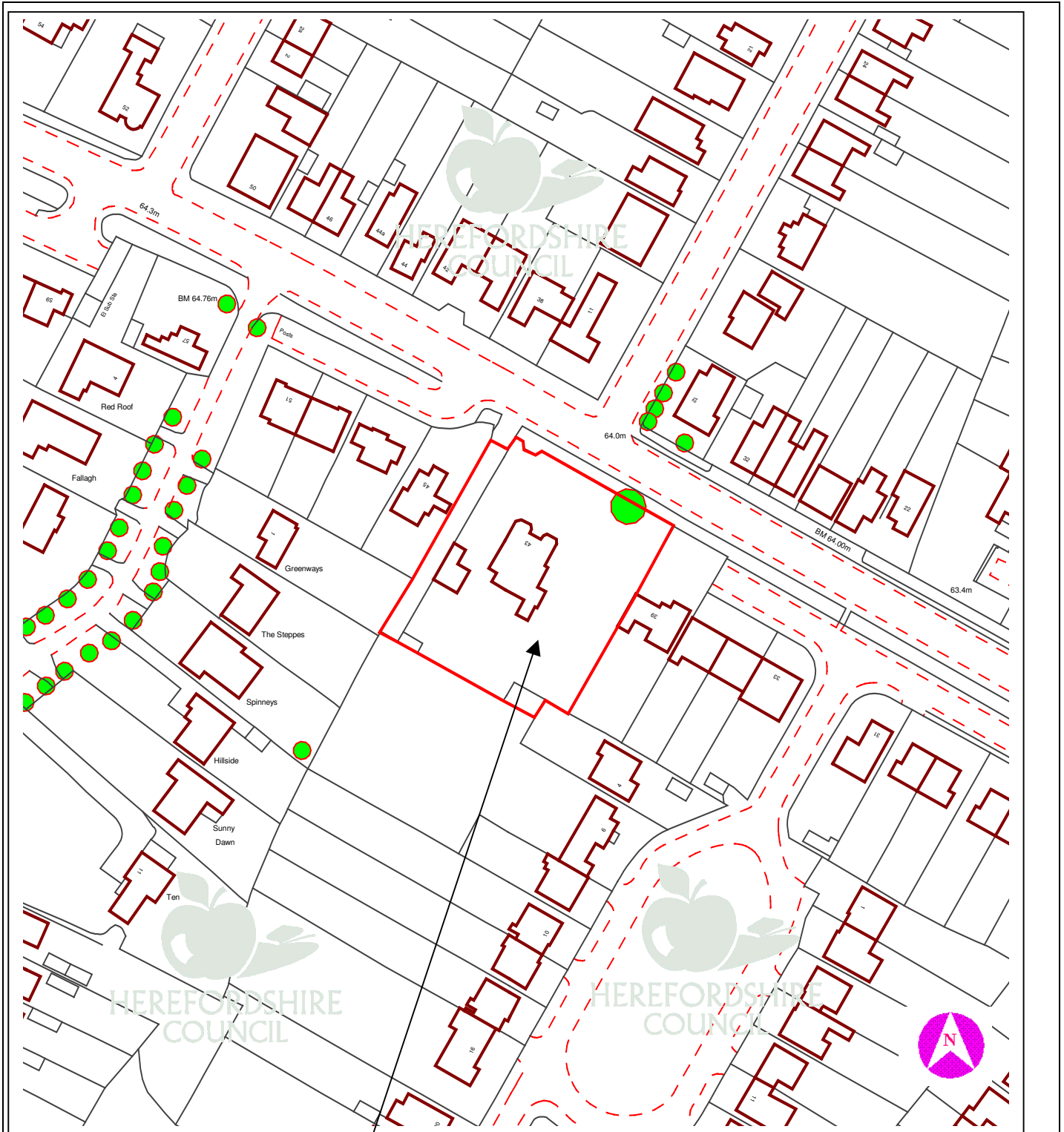
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/2231/F

SCALE : 1 : 1250

SITE ADDRESS : 43 Kings Acre Road, Hereford, HR4 0QL

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7 DCCE2006/2099/F - ERECTION OF BUNGALOW. LAND AT 61 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ

For: Mr. G. Rogers per Balfours, Windsor House, Windsor Place, Shrewsbury, Shropshire, SY1 2BZ

Date Received: 26th June, 2006 Ward: Tupsley Grid Ref: 53030, 39274

Expiry Date: 21st August, 2006

Local Members: Councillors Mrs. M.D. Lloyd-Hayes, Mrs. E.A. Taylor and W.J. Walling

Introduction

This application was deferred at the Central Area Planning Sub-Committee on the 23rd August, 2006 to allow for receipt of the comments of the Parish Council and to further explore the access arrangements on site. In the meantime the applicants have confirmed their wish for the application to be determined. The report has been updated in light of additional information received.

1. Site Description and Proposal

1.1 This application seeks permission for the erection of a dormer bungalow on land to the north of 61 Hampton Park Road, Hereford. The application site itself is located on the western side of Old Eign Hill, to the north of the junction with Hampton Park Road. The site area currently forms an area of garden associated with 61 Hampton Park Road. The northern and eastern boundaries are enclosed by a mature evergreen hedge and a close boarded fence exists along the western boundary. The application site lies within the Established Residential Area of Hereford as defined in both the adopted Hereford Local Plan and the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). The site also falls within the designated Hampton Park Conservation Area.

1.2 This application represents the third for a dwelling on this site. An Outline application (DCCE2005/3114/O) was first submitted in September 2005 and subsequently withdrawn. A subsequent full planning application (DCCE2005/4026/F) was received at the end of 2005 and ultimately secured planning permission subject to conditions. This application secured permission for a two bedroom bungalow with detached single car garage. Permission is now sought for a dormer bungalow to facilitate the creation of habitable space at first floor level, served by a dormer window in the front, east facing elevation, and a velux opening in the rear, west facing elevation. The existing vehicular access would be shared to provide access for both the existing and proposed properties in a similar manner to that approved in the previous scheme.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H3	-	Design of New Residential Development

Policy H6	-	Amenity Open Space Provision in Smaller Schemes
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H13	-	Established Residential Areas – Loss of Features
Policy H14	-	Established Residential Areas – Site Factors
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H3	-	Managing the Release of Housing Land
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking
Policy HBA6	-	New Development Within Conservation Areas

3. Planning History

- 3.1 DCCE2005/4026/F Proposed detached bungalow. Approved 7th March 2006.
- 3.2 DCCE2005/3114/O Proposed detached dwelling. Application Withdrawn 27th October, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.
- 4.3 Conservation Manager: Noted that the broadly ‘arts and crafts’ architectural styling is somewhat later than the majority of the properties within the key areas of the Hampton Park Conservation Area, but also stated that the proposal represented an improvement on the previously approved scheme. No objection subject to conditions.

5. Representations

- 5.1 Hereford City Council: Over intensive development.
- 5.2 Conservation Advisory Panel: ‘Missed opportunity’.
- 5.3 Local Residents: Six letter of objection has been received from the following sources:
- Mr. and Mrs. Chapman, The Hollies, Old Eign Hill (x2)

- Julia Grant-Jones, 135 Old Eign Hill
- Michael and Jean Franzen, 114 Old Eign Hill
- Mr. and Mrs. Starling, 131 Old Eign Hill
- Mr. and Mrs. Davies, 59 Hampton Park Road.

The comments raised can be summarised as follows:

1. The frontage is forward of the building line spoiling the look of Old Eign Hill, the road is currently open at the front of all properties;
2. Potential for the setting of a precedent allowing front extensions to other properties on Old Eign Hill;
3. The proposal will look out of place;
4. The proposal will degrade views;
5. Loss of an attractive green space;
6. The proposal was previously restricted to two bedrooms, the current proposal can easily be reorganised to create a three bedroom property;
7. The boundary wall and its foundations on the northern boundary do not belong to the application site and their width should be excluded from any measurements;
8. The proposal involves a chimney. This is too close to the boundary with potential for smoke and smells;
9. Having regard to boundary concerns a specific restriction was imposed upon building within 3 metres of the northern boundary;
10. The height of the building has been substantially increased, degrading views;
11. Concerns over drainage arrangements;
12. The hedging will not screen the site and dwelling effectively;
13. The hedging must be retained to the front of the site at its current height, as with the previous scheme, in the interests of the visual amenities of the locality;
14. The introduction of the dormer opening will result in a loss of privacy and inter-visibility issues to the east;
15. The proposal is closer to the eastern and northern boundaries, forward of the building line, to the detriment of the amenities of the locality and those of neighbouring properties;
16. The dwelling proposed is not small and will be visible in the street scene, contrary to the suggestions of the agent in their supporting statement;
17. The 7.5 metre distance from the western boundary fence, if accurate, is acceptable [to the occupiers of number 59 Hampton Park Road] but a reduced distance would be unacceptable;
18. The 'velux' window proposed should be obscure glazed and fixed shut in the interests of residential amenities.

In relation to point (9) above it is advised that although the siting of the previous proposal may have been informed by the relationship of the proposal to neighbouring properties, no condition was attached to the planning permission preventing building within 3 metres of the boundary to the north.

5.4 The Agent has, on behalf of the applicant, submitted a supporting statement with this application, the relevant points are summarised as follows:

1. The pre-application enquiry into this site indicated the acceptability of a modestly sized property;
2. If there is a character in this area it stems from the lack of uniformity;

3. The design and scale of this proposal has been informed by planning policy;
 4. The proposal provides a positive relationship between the 'old' and 'new' areas of housing;
 5. A coherent street frontage will be created, supported by the retention of the hedgerow;
 6. The design, materials, and size of this proposal have been informed by the adjacent dwellings and general street scene;
 7. The original design '*whilst dismal and uninspired*' did relate to the existing housing near on Old Eign Hill, however, the Local Authority is looking to raise the quality of the design and acknowledge the setting;
 8. The area is not sensitive, having regard to the varied character of the area and modern development, this is a robust street scene;
 9. The original character and appearance of the street scene has been diluted to the north and east by newer development. This modern development is of little architectural merit and relates in no appreciable way to the original core of substantial villas;
 10. The proposal will allow for a more acceptable transition between the openness of Old Eign Hill and the sense of enclosure on Old Eign Hill;
 11. The proposal is of a more acceptable design to that of the approved scheme;
 12. The proposal will not be detrimental to the character and appearance of the Conservation Area;
 13. The proposal remains a modest bungalow.
- 5.5 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

Principle

- 6.1 As with the previous application it is advised that the site lies within an Established Residential Area as designated in both the adopted Hereford Local Plan and Herefordshire Unitary Development Plan (Revised Deposit Draft) where the principle of new residential development is acceptable subject to Conservation Area, highway and amenity considerations. It is further the case that the start point for the consideration of this proposal is the extant permission on this site (DCCE2005/4026/F).

Design and Scale

- 6.2 The proposed property essentially remains a modest predominantly single storey dwelling with two bedrooms identified. A dormer window is now included and the introduction of habitable space at first floor level results in an increase in height of 1.8 metres, bringing the ridge height up to 6.3 metres from 4.3 metres. The proposal is also 0.9 metres deeper to that of the approved dwelling. The locality is characterised by two storey properties but the characteristics of the site are such that a modest bungalow style property is considered appropriate. Although this property is larger than that of the approved scheme, it is still considered that the scale is acceptable for this location with the dormer bungalow appearance would be appropriate for the site characteristics. The design of the proposal is perhaps more accurately reflective of the inter-war period, as opposed to the original 'arts and crafts' style. The design is a significant improvement over the previous proposal which involved a bland and essentially characterless modern property. Although the proposed design is not in itself considered to be of any exceptional merit, it does represent an improvement.

Residential Amenities

- 6.3 The proposed development is now 2 metres from the northern site boundary, compared to 3.5 metres as approved, and two metres from the eastern boundary, compared to 6 metres as approved. The distance from the western boundary is increased however, from 5 metres to approximately 7.5 metres. Having regard to this re-siting it is considered that impact upon the closest dwelling to the north west, number 114 Old Eign Hill, will be similar to the approved scheme with the dwelling. The dwelling is, of course, higher but the distance between these properties would be increased from approximately 8 metres to approximately 11 metres at the closest point. It is also the case that the dwelling design is changed from being gable ended, to hipped, ensuring that the implications of the height increase are minimised. A fixed and obscure glazed rooflight is the sole opening at first floor level ensuring that no loss of privacy will result. Turning to the east, the dwellings on the eastern side of Old Eign Hill are, at the very closest point, 20 metres away. This is considered ample distance in a suburban location. Notwithstanding the above, and in recognition of the relationship with other properties. Permitted Development Rights are proposed to be removed and new openings restricted to ensure effective protection of residential amenities in perpetuity.

Visual Amenities and Conservation Area Impact

- 6.4 The increased size of this dwelling, and the reduced proximity to the eastern boundary will clearly increase the prominence of the proposed dwelling within both the street scene and the Conservation Area. The Conservation Manager notes that the design proposed is later than that found within the 'core' of the Hampton Park Conservation Area, but it is also recognised that the dwellings to the east and north east are modern 20th Century infill with no significant architectural merit. The proposed dwelling will be something of a contrast with the neighbouring dwelling, but will be of some interest architecturally in the context of the transitional nature of this site, linking the 'historic core' of the Conservation Area with the modern development in this locality. The boundary hedge would be retained and this is considered to be important to the impact of the proposal. A condition will ensure the retention of this feature but it is of note that some hedgerow removal may be required to facilitate an acceptable access arrangement. The proposal is therefore more prominent within the street scene, but with a more noteworthy design. On balance it is considered that the character and appearance of the Conservation Area, and the visual amenities of the locality, will be preserved through this development.

Highways

- 6.5 As originally submitted the scheme received an objection from the Traffic Manager in relation to the access, parking, and manoeuvring arrangements. It is significant, however, that on the previous scheme the Traffic Manager was satisfied with the access arrangements subject to conditions concerning vehicle parking, manoeuvring, visibility splays and surfacing. On this basis a revised scheme based upon the approved arrangements has been requested and received reflecting the previously approved access arrangements.

Other Issues

- 6.6 The location of the neighbour's foul drain is currently being investigated by the applicant but ultimately, this is a civil matter and other concerns expressed such as the impact on a view are not a material planning consideration.
- 6.7 It was confirmed at the Central Area Planning Sub-Committee on the 23rd August, 2006 that the land owner contacted the Council and verbally suggested that they did not support the current application and proposed to restrict the sale of the land through a legal agreement such that only the approved scheme can be advanced. The Agent for the applicant has confirmed that the applicant wishes to proceed with the determination in spite of the landowners' comments. In the interests of clarification it is confirmed that the correct notification of the land owner has taken place and that land ownership matters and potential sale arrangements are not material planning considerations.

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

Reason: To safeguard the amenity of the area.

5. **H03 (Visibility splays)**

Reason: In the interests of highway safety

6. **H05 (Access gates).**

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

8. **H09 (Driveway gradient).**

Reason: In the interests of highway safety.

9. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

10. **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.

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

Reason: To enable the local planning authority to maintain control of any future developments within the curtilage in the interests of residential amenity and the character and appearance of the Conservation Area.

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

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

13. **E19 (Obscure glazing to windows and non-opening).**

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

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

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

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

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

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

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

Informatives:

1. **HN05 - Works within the highway.**
2. **HN10 - No drainage to discharge to highway.**
3. **The applicant is advised that a foul drainage pipe may cross the application site.**
4. **N15 - Reason for the Grant of Planning Permission.**

Or:

If the acceptability of the submission relating to the highways issues is not confirmed then the Officers named in the Scheme of Delegation to Officers be authorised to refuse the application on the grounds of highway safety.

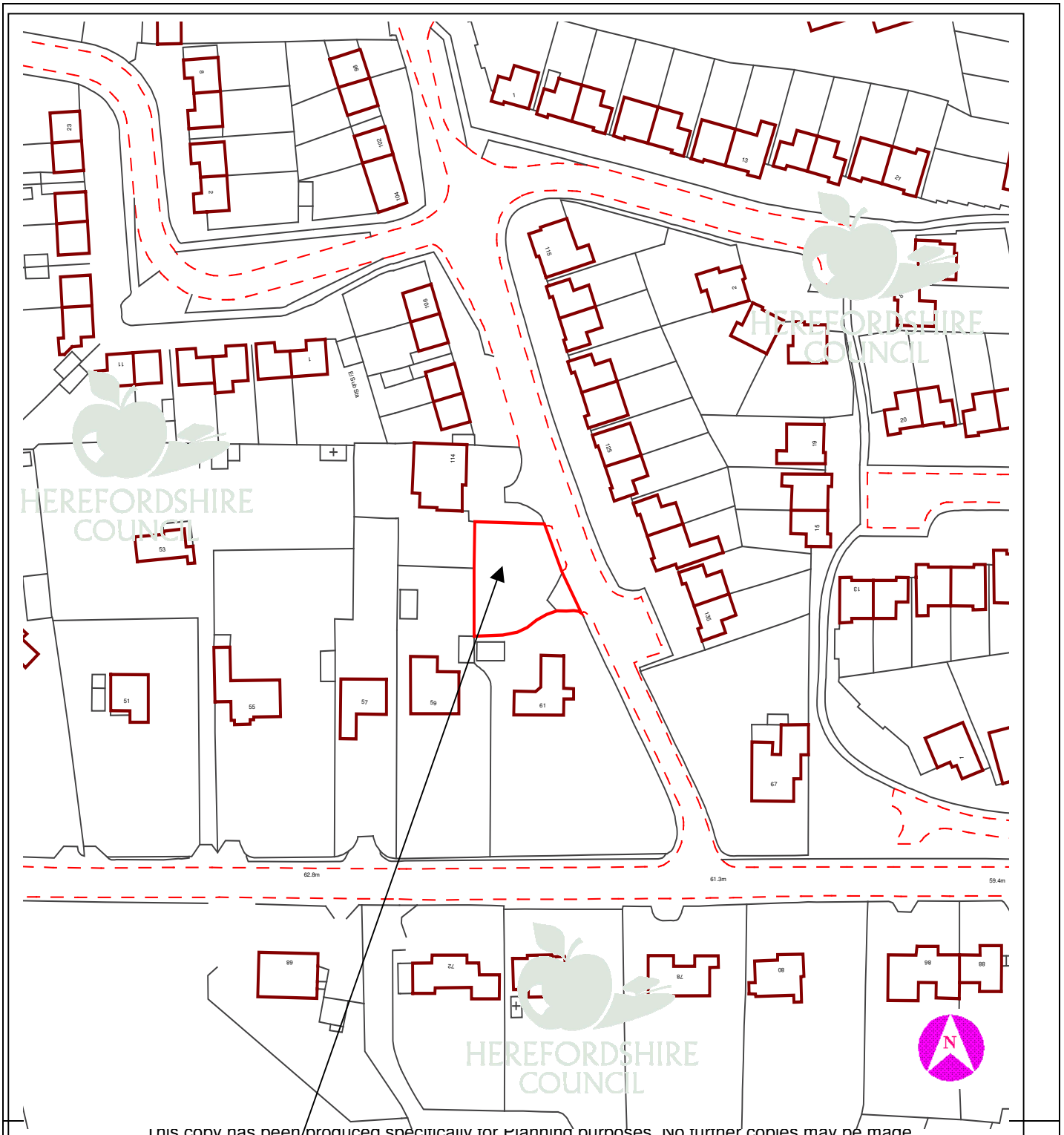
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2099/F

SCALE : 1 : 1250

SITE ADDRESS : Land at 61 Hampton Park Road, Hereford, Herefordshire, HR1 1TJ

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8 DCCW2006/2391/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDINGS AND YARDS TO STORE 150 UNITS COMPRISING BUSES, MOTOR HOMES, CLASSIC CARS, CARAVANS AND TRAILERS AT BURLING GATE FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EU

For: Mr. & Mrs. G. Thomas per Andrew Last, Brookside Cottage, Knapton Green, Hereford, HR4 8ER

Date Received: 21st July, 2006 Ward: Sutton Walls Grid Ref: 52012, 49296
 Expiry Date: 15th September, 2006
 Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The application site comprises a complex of farm buildings and associated hardstanding located between the settlements of Marden and Bodenham on the eastern side of the C1120.
- 1.2 The application seeks consent for the mixed use of the site for agriculture and the storage of a total of 150 motor vehicles, touring caravans or trailers, either externally or within the existing buildings.
- 1.3 The application is partially retrospective in so far as the external storage activity is already taking place without the benefit of planning permission. However there is an extant planning permission for the internal storage of caravans within the existing grain stores and workshop (ref. CW2005/1595/F).

2. Policies

2.1 National:

PPS7 - Sustainable Development in Rural Areas

2.2 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria
 Policy ED7 - Reuse and Adaptation of Rural Buildings for
 Employment/Tourism Use
 Policy ED8 - Farm Diversification
 Policy T3 - Highway Safety Requirements

Further information on the subject of this report is available from Mr. P.G. Clasby on 01432 261947

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR3	-	Movement
Policy E12	-	Farm Diversification
Policy HBA12	-	Re-use of Rural Buildings

3. Planning History

- 3.1 CW2003/3834/F Proposed farm building and areas of stoned hardstanding. Approved 13th February, 2004.
- 3.2 DCCW2005/1595/F Change of use of agricultural building (former workshop and grain stores) to secure storage of caravans. Approved 11th July, 2005.
- 3.3 DCCW2006/1134/F Retrospective application for change of use of agricultural yards to storage of caravans. Withdrawn 24th May, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to the imposition of standard conditions.
- 4.3 Conservation Manager: No objection subject to securing additional landscaping.

5. Representations

- 5.1 Marden Parish Council: Objection. It is observed that the number of vehicle movements to and from this site is causing traffic problems. Access to the site is on a narrow and dangerous bend in the road and access to the storage area is either up a steep slope strait from the road or through a narrow gate. It is agreed that the size of the operation has outgrown the capacity of the site.

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 In April 2006 an application was submitted to regularise the open storage of caravans only on the hardstanding surrounding the farm buildings. (DCCW2006/1134/F).
- 6.2 Following an inspection of the property it was clear that the yard area was being used in association with the buildings for the storage or touring caravans, motor homes and a variety of trailers, cars and historic commercial vehicles.
- 6.3 Although planning permission for the storage of caravans within the buildings was approved in July 2005, the application for the external storage would not have properly regularised the full scope or nature of the activity being undertaken. Furthermore it

was considered that the extant planning permission did not cover the storage of other the types of vehicles as it expressly related to the storage of caravans only.

- 6.4 Therefore the applicant was advised to withdraw the application and submit a fresh application, which covered the whole site to enable the Local Planning Authority to properly consider the actual nature of the activity being undertaken.
- 6.5 In consideration of this revised submission the primary issues are considered to be:
- The principle and scope of the proposed development
 - The impact of the proposed change of use on visual amenity of wider locality
 - Access and highways issues

Principle and scope of the proposed development

- 6.6 Both the adopted and emerging plans recognise the benefits of supporting alternative commercial uses for agricultural buildings in maintaining the rural economy, subject to other material considerations being satisfactorily resolved.
- 6.7 The applicant who would continue a partial agricultural use of the land and buildings, is offering a secure storage facility for touring caravans, motor homes, cars and a variety of trailers, buses and lorries. The latter two being historic vehicles owned by private collectors.
- 6.8 In part the principle has already been established by the extant planning permission for the use of buildings. Therefore the key issue is whether or not the proposed intensification will give rise to any demonstrable harm measured against the existing level of activity.
- 6.9 In terms of the visual impact the difference between the storage of a caravan or another type of vehicle is minimal and therefore the mixed nature of the proposed storage is not considered to be unacceptable in land use terms.
- 6.10 The application seeks consent to store a total 150 vehicles at the property in conjunction with the continued use of the site for agriculture. It is estimated that the area required to store the vehicles would amount to 3600m², approximately 40% of the application site area, which extends to 8900m². Therefore having consideration for the size of the site, the proposed mixed use for agriculture and the storage of 150 vehicles is considered acceptable and would retain the agricultural use as the primary one in terms of floor area utilised. It is considered expedient to impose a condition controlling the total number of vehicles which can be stored at the site in order to ensure that the balance of uses remains appropriate. Furthermore conditions prohibiting any commercial repair, maintenance or sale of vehicles from the property by either the applicant or his tenants are recommended in order to define the nature of the approved development.

Visual Amenity

- 6.11 The site sits in a gentle depression within the landscape and is surrounded to the north, east and south by higher ground. The western boundary with the public highway is formed by a mature hedgerow which would minimise the visual impact of the farm complex within the wider landscape. Furthermore a bund which runs around the area of hardstanding to the north of the buildings has been created in accordance

with a condition attached to an earlier planning permission (CW2003/3834/F), which further acts to screen the area from external views.

- 6.12 For the reasons set out above, visually the proposed external storage use is not considered to give rise to any demonstrable harm that would substantiate the refusal of planning permission. However in order to ensure that the impact on the visual amenity of the wider locality is minimised it is considered expedient to require a comprehensive landscaping scheme to enhance the pre-existing planting/landscaping. The Conservation Manager supports this approach and his advice is reflected in the recommended conditions.

Access and Highways

- 6.13 The property is served by an existing vehicular access, and the Traffic Manager has raised no objection subject to the imposition of standard conditions.
- 6.14 Although the comments of Marden Parish Council are noted, it is not considered that their concerns could be substantiated as grounds for refusal in the absence of any objection from the Traffic Manager. It is proposed to improve the existing access by controlling the provision and retention of visibility splays. The tight controls proposed in relation to vehicle numbers would be an effective and enforceable way of restricting the intensity of use to a point that is considered to be acceptable.

Conclusion

- 6.15 Overall the proposal complies with the relevant policies in the Local Plan and as such approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **A07 (Development in accordance with approved plans).**

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

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

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

4. **This permission relates to the mixed use of the land and buildings outlined in red on the approved plans, for agriculture and the storage of no more than 150 motor vehicles, touring caravans or trailers at any one time.**

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

- 5. No motor vehicles, touring caravans or trailers shall be stored or kept on the agricultural land outside of the land and buildings outlined in red on the approved plans.**

Reason: To define the terms of the planning permission, in the interest of local amenity.

- 6. No motor vehicles, touring caravans or trailers stored at the property shall be sold or displayed for the purpose of sale on the property.**

Reason: To define the terms of the planning permission, in the interest of local amenity.

- 7. No commercial repair or maintenance shall take place to any of the motor vehicles, touring caravans or trailers stored at the property.**

Reason: To define the terms of the planning permission, in the interest of local amenity.

- 8. F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

- 9. 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.

- 10. The landscaping scheme (required to be submitted by condition 9 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.

- 11. 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.

- 12. Within three months of the date of this permission, the access into the application site shall be modified to provide clear visibility from a point 0.6**

metres above the level of the adjoining carriageway at the centre of the access 3 metres from and parallel to the nearside edge of the adjoining carriageway for a distance of 90 metres in both directions. Nothing shall be planted, erected and/or allowed to grow on the area of land so formed, which would obstruct the visibility described above.

Reason: In the interests of highway safety.

Informatives:

- 1. This planning permission does not allow for the use of the property as an operating centre for heavy good vehicles or public service vehicles.
- 2. The applicant or their appointed agent are advised to seek the advice/guidance of the Council's Landscape Officer prior to submitted the landscaping scheme for approval.
- 3. N15 - Reason(s) for the Grant of Planning Permission.
- 4. N19 - Avoidance of doubt.

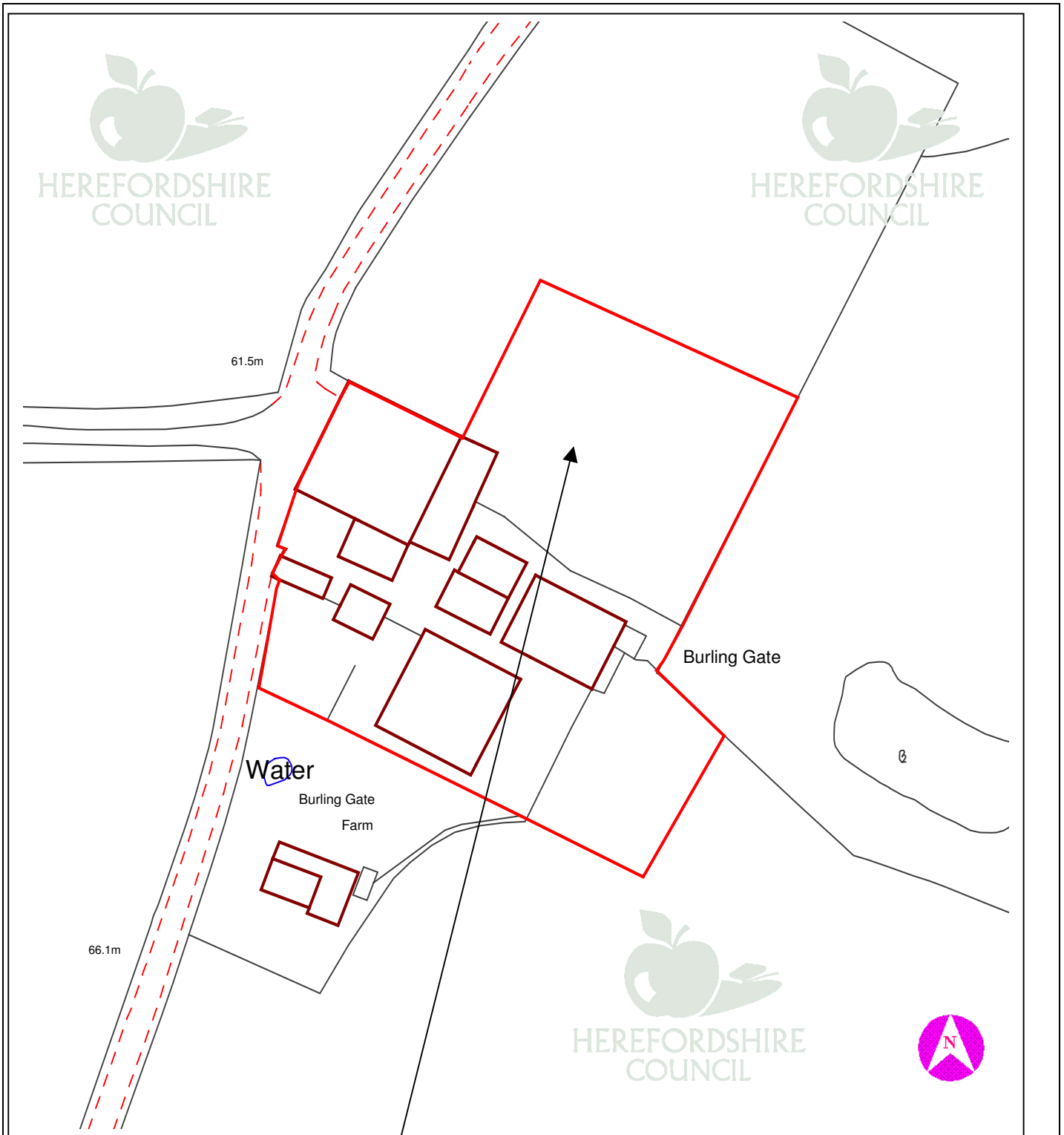
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/2391/F

SCALE : 1 : 1250

SITE ADDRESS : Burling Gate Farm, Marden, Hereford, Herefordshire, HR1 3EU

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9 DCCE2006/2718/F - TWO STOREY EXTENSION TO THE NORTH ELEVATION AT 14 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY

For: Mr. & Mrs. C. Hobbs per Mr. C. Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW

Date Received: 15th August, 2006 Ward: Tupsley Grid Ref: 52578, 40332

Expiry Date: 10th October, 2006

Local Members: Councillors Mrs. M.D. Lloyd-Hayes, Mrs E.A. Taylor and W.J. Walling

1. Site Description and Proposal

1.1 This application seeks permission for the erection of a two storey rear extension to 14 Folly Lane, Hereford. The application site is located to the north of Folly Lane within the established residential area. The existing dwelling on site is a detached dwelling with a single storey conservatory to the rear and a detached single garage on the western boundary of the site.

1.2 The proposal seeks permission for the erection of a two storey hipped roof rear addition, together with a single storey flat roof addition. The proposed extension is 8.5 metres in length, with the first floor projecting 5.5 metres. The addition would be 4.7 metres in width and it is proposed to be rendered with a slate roof

2. Policies

2.1 Planning Policy Guidance:

PPS1 - Delivering sustainable development

2.2 Hereford Local Plan:

ENV14 - Design
H16 - Alterations and extensions

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
S2 - Development requirements
DR1 - Design
H18 - Alterations and extensions

3. Planning History

3.1 None identified on site.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objections.

5. Representations

5.1 Hereford City Council: No response received.

5.2 Local Residents: Three letters of objection has been received from the following sources:

- G.W. Yarranton, 16 Folly Lane;
- R. and A. Edwards, 12 Folly Lane;
- Mr. and Mrs. Kemp, 10 Folly Lane.

The comments raised can be summarised as follows:

1. Loss of privacy;
2. Overbearing impact;
3. Loss of light;
4. Loss of view;
5. Request that if the application is supported conditioning ensures no openings in the west facing side of the addition.

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

6. Officers Appraisal

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

1. Design and Scale;
2. Residential Amenities;
3. Visual Amenities

Each of these issues will be considered individually.

Design and Scale

6.2 The existing property is relatively modest and has an attractive character and well-balanced appearance. The proposed rear extension is designed appropriately having regard to the existing form but it is recognised that the length of the addition creates a somewhat cumbersome side elevation to both the east and west. That said, the location to the rear together with the use of appropriate materials will allow the addition to integrate effectively and its overall scale is not considered excessive. The flat roof approach for the ground floor projection is considered acceptable having regard to the aim to reflect an 'art-deco' design approach. Conditions will ensure the use of appropriate materials.

Residential Amenities

- 6.3 The overbearing impact associated with this proposal is a significant factor for consideration. The detached neighbours to the east and west will both be affected by this proposal.
- 6.4 To the west is number 16. This property is set back from the application dwelling and as such an element of the side elevation would 'face' the proposed addition. At the closest point the addition would be 8.5 metres from the side elevation in question and it is of note that a first floor elevation serving a habitable room is in situ. It is also the case, however, that the habitable room in question is served by a further opening in the rear elevation. It is considered that any loss of light to this room would therefore remain within acceptable limits and an appropriate condition to prevent new openings in the side elevation of the proposed extension will ensure that there are no issues of privacy. A degree of over shadowing will result from this addition due to its siting to the east but having regard to the relative positioning it is considered that any impact would be within acceptable limits. The overlooking from the rear elevation of the addition at first floor level is not considered unacceptable and is similar to other relationships in the locality.
- 6.5 Turning east, No. 12 has ground floor openings in the side elevation serving a garage and a kitchen, though it is of note that further window openings are found to the rear which serve the kitchen and dining area. A first floor obscure glazed opening is also found in this side elevation. This property is closer to No. 14 with a more modest gap of 2 metres separating these properties. An impact of this relationship is that the existing openings receive little direct light but the orientation of the properties is such that no direct sunlight will be lost as a result of this development. The rear elevations of Nos. 12 and 14 are broadly level and as such the addition will project for its full length to the rear of this neighbour. A degree of light-loss and an overbearing impact will therefore result. However, the orientation and relationship of these properties is of note, as is the single storey rear extension to the rear of number 12 and the set back nature of the first floor, the closest window in which serves a bathroom. It is of further significance that a first floor bedroom window is currently found in the side elevation of No. 14, allowing overlooking of the private amenity space of No. 12. As proposed there would only be the bathroom window, which would be conditioned with obscure glazing, facing the neighbouring property. Privacy would therefore be enhanced for No. 12 as a result of this development. On balance it is considered that the overbearing impact will be within acceptable limits and with privacy improved it is ultimately considered that the impact upon No. 12 resulting from this addition is acceptable.
- 6.6 The flat roof design of the single storey element will ensure that no residential amenity implications exist in the context of this addition and it is considered that no adverse amenity implications are associated with this application in relation to the wider locality.
- 6.7 A condition will be attached to ensure that construction takes place during reasonable hours.

Visual Amenities

- 6.8 Folly Lane is characterised by properties of varying designs and ages and as such there is no single dwelling form or period to relate to. The positioning of the addition,

and its design and scale, are such that it is considered that this scheme will not adversely impact upon the street scene or upon the visual amenities of the locality.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

Reason: To protect the amenity of local residents.

Informatives:

- 1. N01 - Access for all.**

- 2. N03 - Adjoining property rights.**

- 3. In the interests of clarification, and in relation to Condition 3 above, it is advised that the roofing material for the flat roof extension shall be agreed and it is expected that this will be a high quality material, such as lead, having regard to the importance of this matter in the context of the design and appearance of the extension hereby authorised.**

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

- 5. N19 - Avoidance of doubt.**

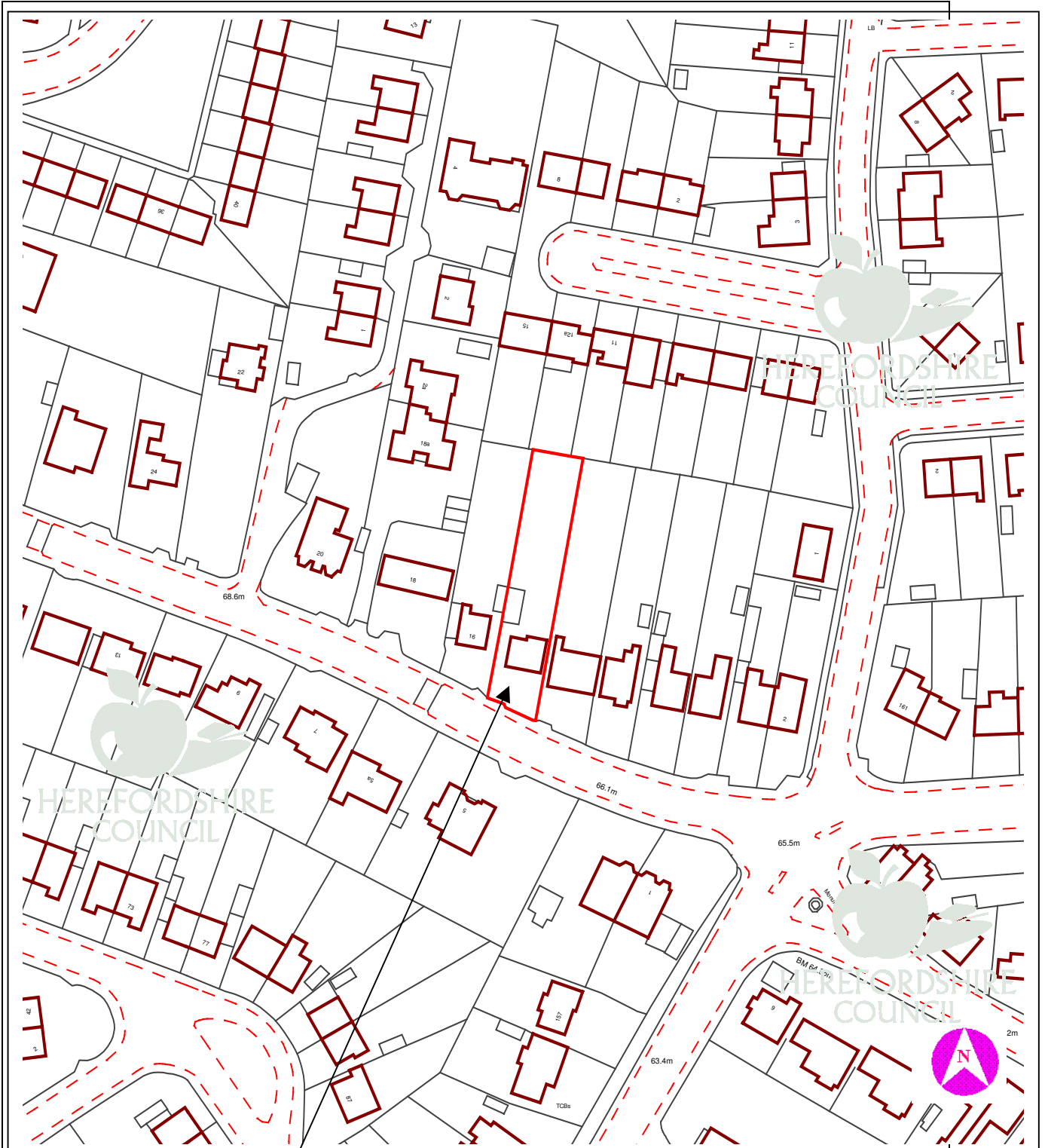
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2718/F

SCALE : 1 : 1250

SITE ADDRESS : 14 Folly Lane, Hereford, Herefordshire, HR1 1LY

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10 DCCE2006/2424/F - VARIATION OF CONDITIONS 1 & 2 OF PLANNING PERMISSION NO. CE2003/0405/F. (1) - TO PERMIT STORAGE OF 4 MOBILE COFFEE CARTS AND NON HGV ASSOCIATED SUPPORT VEHICLES. (2) - TO PERMIT AREA SHOWN ON PLAN SK02/78/2A TO BE USED FOR STORAGE OF 4 MOBILE COFFEE CARTS AND NON HGV ASSOCIATED SUPPORT VEHICLES AT 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET

**For: Mr. J. Gardner per Hitchman Stone Partnership,
14 Market Place, Warwick, CV34 4SL**

Date Received: 24th July, 2006 Ward: Central

Grid Ref: 51447, 40097

Expiry Date: 18th September, 2006

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

1.1 This application seeks permission for the variation of Conditions 1 and 2 of planning permission DCCE2003/0405/F. The application relates to a commercial activity at No. 10 Kyrle Street, Hereford. Activities on site originally commenced following planning permission granted by virtue of application CE1999/2467/F which allows an area of hardstanding for a mixed residential/commercial parking use and the use of existing residential sheds for conducting a sign writing business. A subsequent application, DCCE2003/0405/F, secured permission to vary this permission to allow for storage of four coffee bar trailers and one swing boat trailer as opposed to the previous arrangement which allowed for two coffee bar trailers and one swing boat trailer. Application DCCE2003/0405/F was granted subject to the following two conditions:

1. The development shall be carried out strictly in accordance with amended plan no. SK02/78/2A received by the local planning authority on 3rd April, 2003 and only 4 'mobile coffee cart' trailers and one swingboat trailer shall be stored on the application site.

Reason: To ensure that the development is carried out strictly in accordance with the amended plan and to control any future storage at the site in the interests of residential amenity.

2. The area shown on amended plan no. SK02/78/2A as 'domestic amenity area' shall be used for domestic purposes only and shall not be used for business purposes including the storage of trailers. Within one month of the date of this planning permission the fencing indicated to be erected around the domestic amenity areas shall be erected to the satisfaction of the local planning authority and in accordance with the specification shown on drawing 4.1.

Reason: To ensure that the development is carried out strictly in accordance with the amended plan and to control any future storage at the site in the interests of residential amenity.

This application now seeks to vary these conditions to allow for the previously identified 'domestic amenity area' to be utilised for storage/parking purposes, and a variation to allow storage of 4 coffee carts and six support vehicles, (specifically four non-HGV vans, one 'chiller' unit trailer, and one freezer unit trailer).

- 1.2 The application site itself comprises a semi-detached house and associated yard positioned on the south-east side of Kyrle Street. Immediately to the south of the site is a tyre business and two vacant units last used as hairdresser's shops. To the north and east are additional units, to the north west and west a mix of residential and commercial uses are found.

2. Policies

2.1 Hereford Local Plan:

- H12 - Established residential areas
- H21 - Compatibility of non-residential uses

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S2 - Development requirements
- DR2 - Land use and activity
- DR13 - Noise
- E9 - Home based businesses

3. Planning History

- 3.1 CE1999/2467/F - New hardstanding for both residential and commercial (non-HGV) parking to include a 16ft trailer mounted set of swingboats. Use of existing residential shed for conducting family signwriting business. Approved 19th January, 2000.
- 3.2 DCCE2003/0405/F - Retention of existing sheds and variation of Condition 2 of planning permission CE1999/2476/F to permit storage of mobile coffee bars and trailer mounted swing boats. Approved 11th June, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 None received on this application.

Internal Council Advice

- 4.2 Environmental Health Manager: 'No objection to this proposal but as this service has received complaints of noise nuisance caused by this activity (though not verified by Officer observations) and close proximity to residential accommodation. I would suggest a condition restricting deliveries etc to day time hours'.
- 4.3 Traffic Manager: No objections.

5. Representations

- 5.1 Hereford City Council: Temporary permission for 2 years to allow review. No vehicles to exceed 2 tons in weight.
- 5.2 One objection letter has been received from No. 12 Kyrle Street summarised as follows:
- The area is still primarily residential;
 - The existing commercial activities on site cause a substantial interference to the quality of life and enjoyment of own property;
 - Any attempt to increase activities will further degrade the situation;
 - The current consent is not being complied with;
 - Unauthorised vehicles and activities are taking place on site causing noise and nuisance;
 - Deliveries take place at unsociable hours;
 - Noise disturbance is totally unacceptable;
 - The activities on site have outgrown the capacity of the site.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 As with the previous application at this site, the principal issue is the impact of the more intensified business use on the amenities of the surrounding area.
- 6.2 From a policy perspective, the application site lies within an Established Residential Area where Policy H12 of the Local Plan requires environmental character and amenity to be safeguarded. More specifically, Policy H21 requires proposals for non-residential development in or immediately adjoining the Established Residential Areas to be compatible with adjacent residential uses. This policy stance is echoed through Policies S2, DR2, DR13 and E9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 6.3 The locality of the application site is characterised by a mixture of residential and small business uses. Of particular note is the recently expanded tyre operation to the south of the site. It is the case, however, that residential properties are adjacent to this site and residential properties dominate the broader character of the locality. The continuing intensification of activities on this site is therefore cause for a degree of concern and it is of note that the Environmental Health Manager has confirmed that complaints have been received in relation to the activities taking place at the site. That said, a commercial use on this site is established and no objections have been raised from either the Environmental Health Manager or Traffic Manager subject to the imposition of conditions.
- 6.4 On balance it is considered that there are insufficient grounds for a refusal in respect of noise and disturbance in relation to the proposed alterations to the site usage. Notwithstanding this it is recognised that activities will now be closer to the boundary to the east of the site, and the introduction of the support vehicles, and in particular the chiller/freezer unit, could have amenity implications. To that end it is suggested that the condition restricting delivery hours as recommended by the Environmental Health Manager is attached, and, additionally, that this permission be limited to a two year

period. This will allow for monitoring of the on site activities and a subsequent reconsideration of the permitted use of this site.

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. E02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality.

- 4. This consent shall expire on the 25th September, 2008. Unless further consent is granted in writing by the local planning authority prior to the end of that period, the restrictions on activities on site shall revert to those as approved by virtue of planning permission DCCE2003/0405/F.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

- 5. The permission hereby granted is an amendment to planning permission CE1999/2467/F (as amended by application DCCE2003/0405/F) and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.**

Reason: For the avoidance of doubt.

Informatives:

- 1. N01 - Access for all.**
- 2. N03 - Adjoining property rights.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 4. N19 - Avoidance of doubt.**

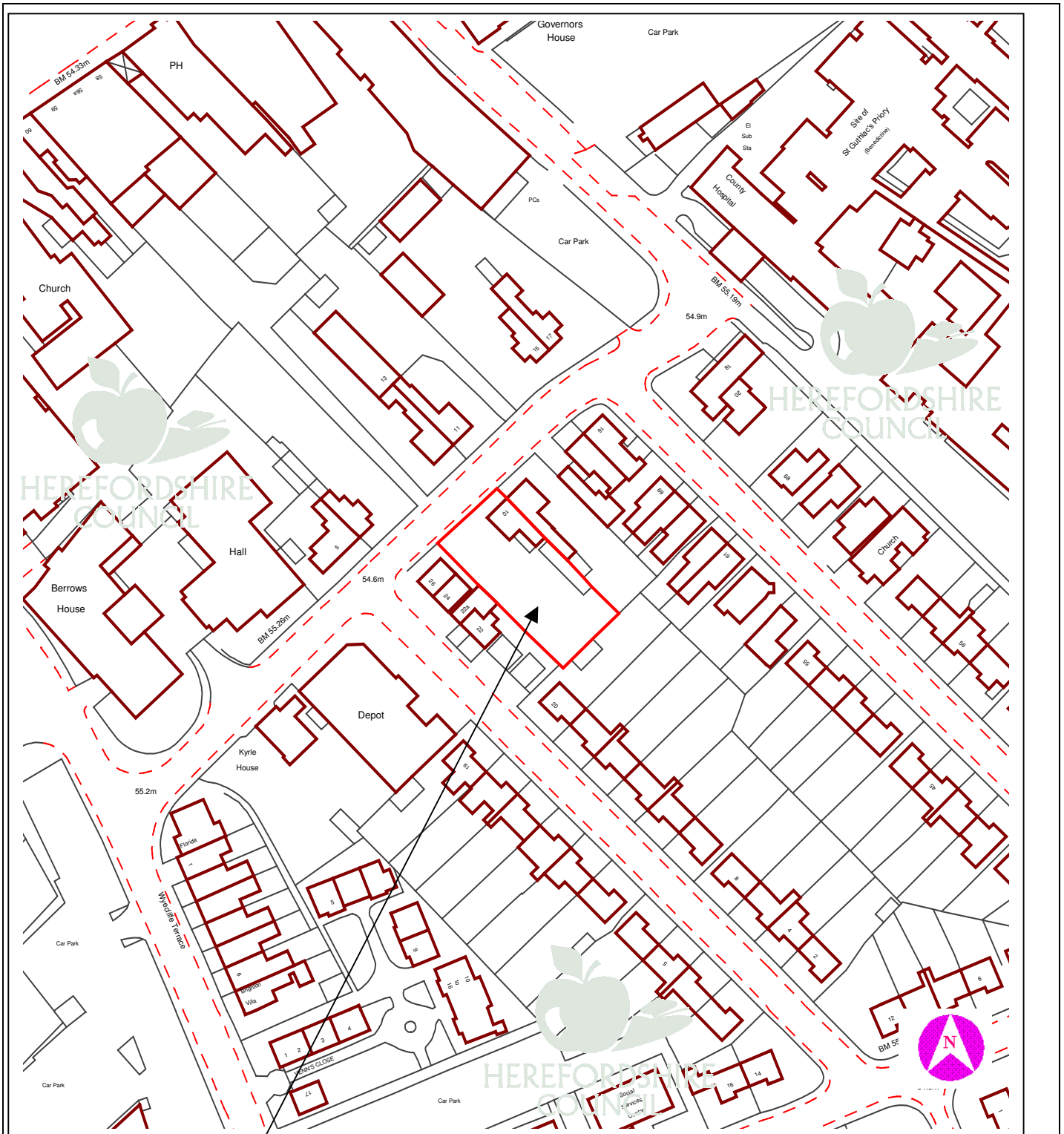
Decision:

Notes:

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Background Papers

Internal departmental consultation replies



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APPLICATION NO: DCCE2006/2424/F

SCALE : 1 : 1250

SITE ADDRESS : 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET

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Further information on the subject of this report is available from Mr. A. Sheppard on 01432 261961

11 DCCE2006/2599/F - DEMOLITION OF GARAGE AND NEW SINGLE STOREY EXTENSION AT 26 ROWLAND CLOSE, HEREFORD, HR1 1XF

**For: Mr. & Mrs. H. Roberts per Ian Guest & Associates,
9 Aylestone Drive, Hereford, HR1 1HT**

Date Received: 7th August, 2006 Ward: Tupsley Grid Ref: 53298, 39460

Expiry Date: 2nd October, 2006

Local Members: Councillors Mrs. M.D. Lloyd-Hayes, Mrs. E.A. Taylor and W.J. Walling

1. Site Description and Proposal

- 1.1 No. 26 Rowland Close is a semi-detached dwelling with an attached garage situated in a cul-de-sac. The site falls within the Established Residential Area of Hereford.
- 1.2 This application seeks consent to replace the existing garage with a single storey side extension to form a new garage, utility room, toilet and store.
- 1.3 This application is reported to the Central Area Planning Sub-Committee as the applicant is employed in the Planning Department.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H12	-	Established residential areas – character and amenity
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: No objections subject to provision of adequate parking on site.

5. Representations

- 5.1 Hereford City Council: No objections.
- 5.2 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key considerations in the determination of this application are as follows:
- a) Design and Scale; and
 - b) Impact on Highway Safety.

Design and Scale

- 6.2 This proposal involves the erection of a single storey side extension. The proposed addition would project 3 metres further forward than the existing garage but would remain in line with the front elevation of the main dwelling thus retaining an appropriate subservient appearance. The flat roof design is considered acceptable in this location having regard to the flat roof design of the existing garage and the presence of other extensions of similar appearance in the locality. It is therefore considered that there would be no undue impact on the character and appearance of the main dwelling and the wider area. The amenities of the property to the north would not be widely affected by the extension.

Impact on Highway Safety

- 6.3 The Traffic Manager raises no objection to this proposal subject to adequate parking arrangements being provided on site. The proposed development would shorten the existing driveway, but adequate space and driveway are retained to meet the required highway standard. The preservation of the parking area will be controlled through condition in order to minimise on-street parking in the locality.

Conclusion

- 6.4 The proposed development is in accordance with the relevant planning policies and 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. **H10 (Parking - 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. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 3. **N19 - Avoidance of doubt.**

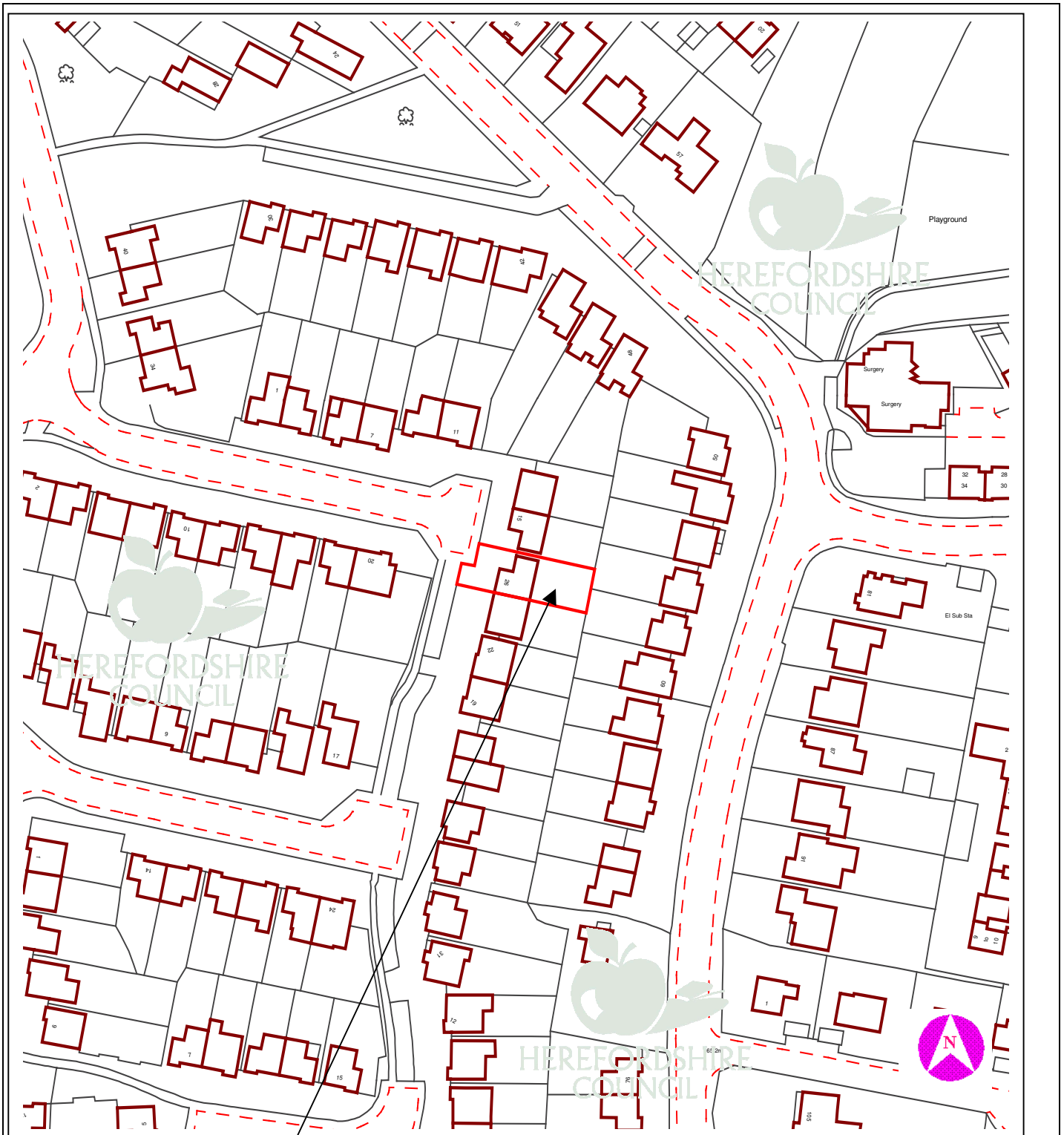
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2599/F

SCALE : 1 : 1250

SITE ADDRESS : 26 Rowland Close, Hereford, Herefordshire, HR1 1XF

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12 DCCE2006/2553/F - RETROSPECTIVE APPLICATION FOR WINDOW TO NORTH FACING ELEVATION WITHIN BEDROOM. PLOT 130, SAXON COURT DEVELOPMENT AT LAND OFF BULLINGHAM LANE, HEREFORD

For: George Wimpey South Wales, Unit C Copse Walk, Cardiff Gate Business Park, Pontprennau, Cardiff, CF23 8WH

Date Received: 1st August, 2006

Ward: St. Martins & Hinton

Grid Ref: 50988, 38326

Expiry Date: 26th September, 2006

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

1. Site Description and Proposal

- 1.1 The site is located in the north eastern corner of the new residential development currently taking place on the former SAS Camp known as Bradbury Lines. Immediately to the north are existing properties bordering the site along Web Tree Avenue and to the east are properties bordering Hoarwithy Road. Ground levels within the site are around 1.8 metres higher than existing levels within the gardens of properties on Hoarwithy Road and Web Tree Avenue. The boundaries are now enclosed with a 2.8 metre high fence (1.8 metre close boarded fence with a further metre of trellis above). A new native hedge along with mature trees have also been planted along the boundaries of the site but these are yet to mature and therefore with the exception of mature Leylandii trees to rear of number 64 Web Tree Avenue, the north west boundaries remain largely open.
- 1.2 This area of the development site is now largely complete and a two storey 4 bedroom detached property has been constructed on the application site and is now occupied. Following the approval by the Central Area Sub Committee of the Reserved Matters Ref: CE2005/1130/RM on the 9th August, 2005 the layout within this corner of the site was revised including changes in the dwelling types and designs in order to reduce the impact on existing properties bordering the site. Condition 3 of the Reserved Matters Approval prevents the introduction of any new windows or dormer windows within the northern elevation of the dwelling the subject of this application. A window has been installed at first floor serving the bedroom on the northern elevation and therefore this application seeks retrospective consent to retain the window.

2. Policies

2.1 Hereford Local Plan:

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

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

DR1	-	Design
H13	-	Sustainable residential design
H18	-	Alterations and extensions

3. Planning History

- 3.1 CE2005/1130/RM - Residential development of 2, 3, 4 and 5 bedroom houses, flats, car parking, garages, roads and sewers thereto and landscaping (Phase 2). Reserved Matters Approval 9th August, 2005.
- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane. Outline planning approved 10th February, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objection.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Three letters of objection have been received from 62, 64 and 66 Web Tree Avenue the main points raised are:
- The Council have already confirmed in writing that there will be no first floor windows from this property with aspect towards Web Tree Avenue;
 - The window interferes with our privacy to a very high degree, we find the approved scheme acceptable with only one window at first floor with obscure glass serving the bathroom.
 - The property in question is in an elevated position 2 metres higher than those in Web Tree Avenue and the outlook from the window will be directly into the rear bedrooms and bathrooms of existing properties in Web Tree Avenue;
 - The existing planting that has been undertaken is non-existent and the mature Leylandii trees may be removed as they have been damaged by Wimpey;
 - Wimpey have no intention of removing the window as the property is now sold and occupied and it is yet another example of the total disregard for planning regulations and feelings of neighbouring residents.
- 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 window in question is located at first floor on the northern elevation and serves one of the principal bedrooms. The scheme approved at Committee on 9th August 2005 on the site was for the construction of a detached three storey property with windows at ground, first and second floors overlooking Web Tree Avenue. Through negotiations, the dwelling design and type was changed to the property now built - namely a two storey dwelling sited further away from the Web Tree Avenue boundary with the front elevation facing eastwards. However, the approved (amended) scheme was for the window the subject of this application to be located on the western elevation facing away from existing properties within Web Tree Avenue with the only first floor window facing Web Tree Avenue being a small obscure glazed bathroom window. Condition 2 of the Reserved Matters Planning Permission does, however, allow for the insertion of additional windows at first floor on this elevation subject to planning permission being obtained.
- 6.2 The issue is essentially whether the degree of overlooking of the neighbouring properties within Web Tree Avenue and particularly their gardens is significantly or materially greater as a result of the retention of this window. The slab level of the approved dwelling and the associated garden is around 1.8 metres higher than the garden levels within the properties in Web Tree Avenue. Whilst a new fence with trellis above has been installed along with a new hedge and mature tree planting, there is already direct overlooking towards neighbouring properties and their gardens from the approved ground floor windows. The line of sight from the first floor window as opposed to ground floor will enable a slightly greater aspect of the surrounding gardens but ultimately, it will not mean that any more garden would be visible than is presently the case from ground floor windows.
- 6.3 In terms of the properties themselves, a distance of 38 metres exists between the window subject of this application and the rear elevation of the nearest property within Web Tree Avenue. This is considered satisfactory to safeguard amenity within the properties and is well above the minimum standard distance of 21 metres.
- 6.4 Therefore, given the existing situation it is not considered that the retention of the window will ultimately lead to a significant reduction in privacy as a result of overlooking of the adjoining gardens. The fact that the application is retrospective should also not influence Members consideration of the application as it must be considered on its planning merits in accordance with the relevant development plan policies and on this basis, the proposal is considered acceptable.

RECOMMENDATION

That planning permission be approved.

Informatives:

1. **N15 - Reason(s) for the Grant of PP/LBC/CAC**
2. **N19 - Avoidance of doubt**

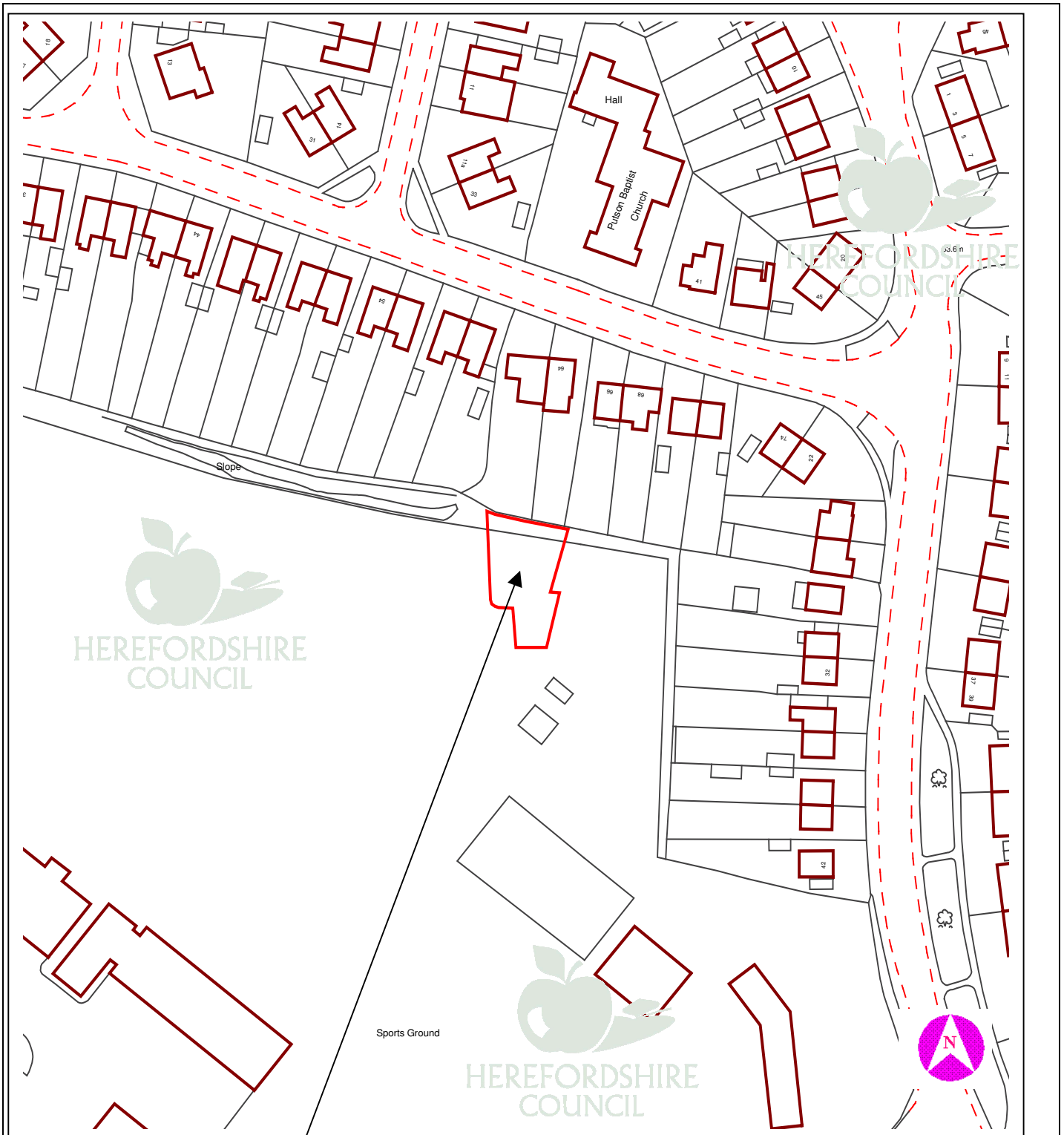
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2553/F

SCALE : 1 : 1250

SITE ADDRESS : Plot 130, Saxon Court Development at Land off Bullingham Lane, Hereford

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