

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 18th October, 2006**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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Tel: 01432 261882*

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# AGENDA

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

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

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

|   | Pages   |
|---|---------|
| 1. <b>APOLOGIES FOR ABSENCE</b><br>To receive apologies for absence.  |         |
| 2. <b>DECLARATIONS OF INTEREST</b><br>To receive any declarations of interest by Members in respect of items on the Agenda.   |         |
| 3. <b>MINUTES</b><br>To approve and sign the Minutes of the meeting held on 25th September, 2006.   | 1 - 14  |
| 4. <b>ITEM FOR INFORMATION - APPEALS</b><br>To note the Council's current position in respect of planning appeals for the central area.   | 15 - 18 |
| <b>APPLICATIONS RECEIVED</b>  |         |
| To consider and take any appropriate action in respect of the planning applications received for the central area of Herefordshire and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. |         |
| 5. <b>DCCE2006/2641/F - LAND ADJACENT TO CO-OP STORE, HOLME LACY ROAD, HEREFORD, HR2 6DF</b><br>Erection of 4 flats.<br>Ward: <b>St. Martins &amp; Hinton</b>   | 19 - 26 |
| 6. <b>[A] DCCE2006/1978/F AND [B] DCCE2006/1980/L - BARTESTREE CONVENT, BARTESTREE, HEREFORDSHIRE, HR1 4DU</b><br>[A] Erection of a terrace of 3 cottages and provision of additional parking area.<br>[B] Erection of a terrace of 3 cottages and formation of additional parking areas including overspill parking.<br>Ward: <b>Hagley</b>  | 27 - 36 |

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|-----|---|----------|
| 7.  | <b>DCCE2006/2211/F - LAND OFF ANDREWS CLOSE, HEREFORD, HR1 2JX</b>  | 37 - 50  |
|     | 5 no. 1 bedroom supported living units.   |          |
|     | Ward: <b>Central</b>  |          |
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|     | Change of use to members snooker & pool club.   |          |
|     | Ward: <b>Central</b>  |          |
| 9.  | <b>DCCE2006/2888/F - LAND ADJACENT TO 72 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA</b>                                    | 59 - 64  |
|     | Proposed 3 bedroom detached dwelling.   |          |
|     | Ward: <b>Tupsley</b>  |          |
| 10. | <b>DCCE2006/2829/F - 17 WALNEY LANE, HEREFORD, HR1 1JD</b>  | 65 - 72  |
|     | Erection of 3 no. detached houses and replacement garage for No. 17 Walney Lane, associated access works and new passing place. |          |
|     | Ward: <b>Aylestone</b>  |          |
| 11. | <b>DCCW2006/2743/F - 3 YARLINGTON MILL, BELMONT, HEREFORD, HR2 7UA</b>  | 73 - 78  |
|     | Replace 3, 1 metre high fence panels with 3, 1.8 metre high panels at edge of property - retrospective.                         |          |
|     | Ward: <b>Belmont</b>  |          |
| 12. | <b>DCCW2006/2733/F - JABRIN HOUSE, THE ROW, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AP</b>                                    | 79 - 86  |
|     | Erection of detached house and ancillary garage and formation of new vehicular access.  |          |
|     | Ward: <b>Wormsley Ridge</b>   |          |
| 13. | <b>DCCW2006/2837/F - 54 HUNDERTON ROAD, HEREFORD, HR2 7AG</b>   | 87 - 92  |
|     | Change of use to hot food takeaway.   |          |
|     | Ward: <b>Belmont</b>  |          |
| 14. | <b>DCCW2006/2184/F - O.S. 3161, UPPERTON FARM, YAZOR, HEREFORD, HEREFORDSHIRE, HR4 7BB</b>                                      | 93 - 98  |
|     | Erection of permanent polytunnels for growing fruit.  |          |
|     | Ward: <b>Wormsley Ridge</b>   |          |
| 15. | <b>DCCW2006/2634/F - HIGHLANDS, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EN</b>  | 99 - 102 |
|     | Proposed dwelling with garage.  |          |
|     | Ward: <b>Sutton Walls</b>   |          |

|     |  |           |
|-----|--|-----------|
| 16. | <b>DCCW2006/2534/F - BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET</b>                    | 103 - 116 |
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| 17. | <b>DCCW2006/2613/F - 7-8 WALKERS GREEN, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DN</b>             | 117 - 122 |
|     | Conversion of vacant butchers shop into two dwellings.   |           |
|     | Ward: <b>Sutton Walls</b>  |           |
| 18. | <b>DCCW2006/1735/F - 100 BELMONT ROAD, HEREFORD, HR2 7JS</b>                                     | 123 - 128 |
|     | Proposed 5 no. apartments to replace existing dwelling.  |           |
|     | Ward: <b>St. Martins &amp; Hinton</b>  |           |
| 19. | <b>DCCW2006/2845/F - HAWKERSLAND SMALLHOLDING, BURMARSH LANE, NEAR MARDEN, HEREFORD, HR1 3ER</b> | 129 - 134 |
|     | Fodder barn and off grid wind turbine.   |           |
|     | Ward: <b>Sutton Walls</b>  |           |
| 20. | <b>DCCW2006/2760/F - 24 HOSPITAL HOUSES, BURGHILL, HEREFORD, HR4 7RE</b>                         | 135 - 138 |
|     | Change of use to residential curtilage.  |           |
|     | Ward: <b>Burghill, Holmer &amp; Lyde</b>   |           |
| 21. | <b>DATE OF NEXT MEETING</b>  |           |
|     | The next scheduled meeting is Wednesday 15th November, 2006.                                     |           |



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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 25th September, 2006 at 2.00 p.m.**

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

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

**In attendance:** Councillors J.B. Williams (ex-officio)

**70. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. S.P.A. Daniels, T.W. Hunt (ex-officio), R.I. Matthews, Ms. G.A. Powell, Miss F. Short, Ms. A.M. Toon and A.L. Williams.

**71. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

| Councillor  | Item  | Interest                                    |
|-------------|---|---|
| D.B. Wilcox | Agenda Item 5, Minute 74<br>DCCW2006/2012/F<br><b>The Plough Inn, Canon Pyon, Herefordshire, HR4 8NU</b>          | Declared personal interests in these items. |
|             | Agenda Item 8, Minute 77<br>DCCW2006/2391/F<br><b>Burling Gate Farm, Marden, Hereford, Herefordshire, HR1 3EU</b> |   |
|             | Agenda Item 10, Minute 79<br>DCCE2006/2424/F<br><b>10 Kyrle Street, Hereford, Herefordshire, HR1 2ET</b>          |   |

**72. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 23rd August, 2006 be approved as a correct record and signed by the Chairman.

**73. ITEM FOR INFORMATION - APPEALS**

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

Councillor P.J. Edwards expressed disappointment that an appeal against refusal of planning permission in relation to application DCCW2005/1602/F [99 Dorchester Way, Belmont, Hereford] had been upheld on appeal.

**74. DCCW2006/2012/F - THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU [AGENDA ITEM 5]**

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

The Chairman noted that the landowner had sent a letter to Members of the Sub-Committee.

The Senior Planning Officer reported the receipt of additional comments from Canon Pyon Parish Council; the Parish Council welcomed the proposed footpath along the site frontage but maintained their objection to the application. It was also reported that the applicant had submitted a revised layout plan following the Sub-Committee's site inspection.

Councillor J.C. Mayson, the Local Ward Member, noted that the proposed footpath would improve pedestrian safety but was unable to support the application as he felt that the parking and access arrangements would still compromise highway safety.

A number of Members welcomed the revised layout plan, noted that the Traffic Manager had no objections and supported the conversion to four dwellings as a means of providing relatively affordable housing in the locality.

In response to a question, the Senior Planning Officer clarified that the Authority could not control parking outside the site and that any obstruction resulting from roadside parking would be a matter for the Police.

**RESOLVED:**

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

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

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

2. **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.

**75. DCCW2006/2231/F - 43 KINGS ACRE ROAD, HEREFORD, HR4 0QL [AGENDA ITEM 6]**

*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 amended plans which removed the proposed separate access and showed the utilisation of the existing access, thereby keeping the boundary wall intact. It was also reported that changes to the external facia were proposed, with styling cues from the original building being incorporated into the new building; these included similar string courses and window dimensions.

In response to a question, the Senior Planning Officer confirmed that many of the seventeen letters of objection were identical, hence the short summary of points in the representations section of the report.

A number of Members felt that the design of the proposed building, particularly the use of a flat roof, was incompatible with the surrounding buildings and would have a detrimental impact on the character and amenity of the locality. Concerns were also expressed about the potential damage that could occur to the root system of the mature trees on the site.

The Development Control Manager noted that a judgement had to be made on the merits of the design approach. He advised that it would be difficult to defend a refusal reason based on highway safety concerns given that the Traffic Manager had not raised any objections to the proposal. He also advised that the comments of the Tree Officer had not yet been received and these might support a reason for refusal based on the impact of the development on the trees.

**RESOLVED:**

**That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any**

further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:

1. The proposal conflicts with the objectives of Policies DR1, H1 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) as the contemporary design is considered to be unsympathetic to the traditional suburban character and appearance of the wider locality and as such would be an incongruous feature within the streetscape.
2. The proposed parking layout conflicts with Policy LA5 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) as the provision of parking spaces beneath the canopies of the existing mature Cedar and Sycamore trees is considered to have a potentially detrimental impact on their viability and their loss would be seriously detrimental to the landscape character of the area.

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

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

**76. DCCE2006/2099/F - LAND AT 61 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ [AGENDA ITEM 7]**

*Erection of bungalow.*

The Senior Planning Officer reported the receipt of comments from Hereford City Council; the City Council considered that the proposal represented an overintensive form of development. It was also reported that the Highways Engineer had recommended additional conditions. The Senior Planning Officer corrected errors to paragraphs 6.2 and 6.3 of the report, relating to height and boundary distance respectively.

Councillor W.J. Walling, a Local Ward Member, commented on the planning history of the site and noted that land ownership matters and civil covenants were not material planning considerations. Councillor Mrs. M.D. Lloyd-Hayes, also a Local Ward Member, noted that the Sub-Committee had to consider the application before them on its own merits and that the proposal was considered acceptable by officers. The Legal Practice Manager explained the use and status of restrictive covenants.

In response to a question from Councillor Mrs. E.A. Taylor, the other Local Ward Member, the Senior Planning Officer advised that the Conservation Advisory Panel considered the proposal to be a 'missed opportunity' in that the quality of the architectural design could have gone further. In response to another question, the Development Control Manager advised that a standard maintenance condition would protect the retained hedgerow for a period of five years and it might be unreasonable to require further restrictions given the residential context of the site.

**RESOLVED:**

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

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

77. **DCCW2006/2391/F - BURLING GATE FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EU [AGENDA ITEM 8]**

*Retrospective application for change of use of agricultural buildings and yards to store 150 units comprising buses, motor homes, classic cars, caravans and trailers.*

Councillor J.G.S. Guthrie, the Local Ward Member, noted that the comments of Marden Parish Council had been submitted before the full details of the application were known and also noted that the Traffic Manager had not raised any objections. Councillor Guthrie felt that the proposed conditions should deal with traffic and access issues adequately. He emphasised the need to maintain control the use of the land and buildings in order to protect the amenities of the area.

A number of Members supported the Local Ward Member's views.

In response to a question, the Senior Planning Officer advised that the area of hardstanding, if constructed to usual agricultural standards, should drain properly.

**RESOLVED:**

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



1. **A01 (Time limit for commencement (full permission)).**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
2. **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.

**78. DCCE2006/2718/F - 14 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY [AGENDA ITEM 9]**

*Two storey extension to the north elevation.*

The Senior Planning Officer reported the receipt of the comments of Hereford City Council; the City Council had no objections.

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

Councillor Mrs. M.D. Lloyd-Hayes, a Local Ward Member, commented that a tree on the site already caused a degree of light-loss to adjacent properties and she supported the recommendation by officers.

Councillor W.J. Walling, also a Local Ward Member, noted the persuasive arguments of both speakers but felt that the development was acceptable having regard to the material planning considerations.

**RESOLVED:**

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. **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.**

**79. DCCE2006/2424/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 10]**

*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.*

The Senior Planning Officer reported the receipt of additional information about the use of the chiller unit trailer and the freezer unit trailer and advised that the

Environmental Health Manager recommended an additional condition in respect of noise mitigation measures.

In accordance with the criteria for public speaking, Mr. Scott spoke against the application and Mr. Knowles spoke in support of the application.

The Chairman, speaking in his capacity as the Local Ward Member, felt that a temporary two-year permission would provide sufficient time to monitor the situation and to give further consideration to the acceptability of the proposed use.

In response to questions, the Senior Planning Officer explained the use of the mobile coffee carts and associated support vehicles.

A number of Members felt that, given the proximity of residential properties and intensification of site usage, further restrictions were necessary in order to preserve the amenities of the locality. Therefore, it was proposed that the one year temporary be granted and that, in addition to a restriction on hours of delivery, non-sedentary commercial activities be restricted between the hours of 9.00 p.m. and 7.00 a.m..

The Senior Planning Officer commented that this application provided the opportunity to control on-site activities and noted that the Environmental Health Manager had not raised any objections subject to conditions. Some Members commented that a degree of disturbance was inevitable in such city centre locations and noted that there were other businesses nearby that generated noise.

The Senior Planning Officer reminded the Sub-Committee that the applicant could revert to the extant planning permission which had limited restrictions. The Legal Practice Manager suggested that an earlier start might mitigate risks to the viability of the business but a number of Members maintained that the suggested hours of operation were necessary in this instance.

#### **RESOLVED:**

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

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

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

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

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

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

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

- 4. Notwithstanding the connection of the freezer and fridge carts to a mains power supply, the coffee carts and support vehicles described in the description of development shall not be moved or operated in the yard area or moved into or out of the yard before 7.00 am or after 9.00pm on any day except in the case of an emergency.**

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

5. This consent shall expire on the 25th September, 2007. 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.

6. 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.

7. F02 – Scheme of noise attenuation measures

**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.

[Note: Councillor Mrs. P.A. Andrews and Mrs. E.M. Bew wished it to be recorded that they felt that the proposed restrictions on hours would be too limiting for the business.]

80. **DCCE2006/2599/F - 26 ROWLAND CLOSE, HEREFORD, HR1 1XF [AGENDA ITEM 11]**

*Demolition of garage and new single storey extension.*

Councillor W.J. Walling, a Local Ward Member, commented that the proposal was innocuous and supported the application.

**RESOLVED:**

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

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

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

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

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

3. **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.**

81. **DCCE2006/2553/F - PLOT 130, SAXON COURT DEVELOPMENT AT LAND OFF BULLINGHAM LANE, HEREFORD [AGENDA ITEM 12]**

*Retrospective application for window to north facing elevation within bedroom.*

Councillor R. Preece, a Local Ward Member, supported the views expressed in the letters of objection and felt that the application should be refused due to the detrimental impact on adjacent properties caused by overlooking.

Councillor A.C.R. Chappell, also a Local Ward Member, expressed strong concerns about the retrospective nature of this application. He commented that the residents of adjacent properties in Web Tree Avenue and Hoarwithy Road had assumed that the developer would follow the agreed plans and were affronted by the developer's actions.

Councillor Mrs. W.U. Atfield, the other Local Ward Member, also expressed concerns about the situation.

The Development Control Officer reminded the Sub-Committee that the Authority had to determine retrospective planning applications on their own merits and it was for Members to determine whether the impact of the window was so significant that it should be refused. He added that the window-to-window distance was above the minimum standard but a judgement had to be made on the impact of overlooking on private gardens.

A number of Members felt that the window had an intrusive impact on the amenities of adjacent dwellings and should be refused.

Some comments were made about the need to establish the exact extent of development on the former SAS Camp. It was also felt that the number of retrospective planning applications being received needed to be monitored. The Development Control Manager advised that the number of retrospective applications were, in part, the result of efficient enforcement activity by the Authority.

Possible solutions to the situation were discussed but it was considered that the Sub-Committee should make a decision on the application as submitted. A number of Members expressed sympathy for the position that the purchasers of the property had found themselves in.

**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. The retention of the window serving the bedroom would result in an unacceptable level of overlooking of neighbouring properties and their gardens. As such the proposal is contrary to Policies H12, H14 and H16 of the Hereford Local Plan and Policies DR2, H13 and H18 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

- (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 not refer the application to the Head of Planning Services.]

**82. DATE OF NEXT MEETING**

Wednesday 18th October, 2006.

The meeting ended at 3.58 p.m.

**CHAIRMAN**





**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCW2006/1780/F**

- The appeal was received on 13th 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 Front South Ltd. & Bovale Ltd.
- The site is located at Land off Faraday Road, Hereford HR4 9NS.
- The development proposed is Development to provide total care village for the elderly - use class C2 (residential institution) and associated infrastructure.
- The appeal is to be heard by Inquiry.

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

**Application No. DCCW2006/1815/F**

- The appeal was received on 21st 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. & Mrs. S. Crane.
- The site is located at 1 Coppin Rise, Belmont, Hereford, Herefordshire, HR2 7UE.
- The development proposed is Separation of existing dwelling to form two dwellings.
- The appeal is to be heard by Written Representations.

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

**Application No. DCCE2006/1158/F**

- The appeal was received on 27th 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 Regimental Inns Ltd.
- The site is located at 57-59 Commercial Road, Hereford, Herefordshire, HR1 2BP.
- The development proposed is Demolition of rear two storey extensions and construction of new extension to provide living accommodation for 38 key workers and extension to public house.
- The appeal is to be heard by Hearing.

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

## APPEALS DETERMINED

### Application No. DCCW2005/1293/F

- The appeal was received on 21st December, 2005.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by B. Gray.
- The site is located at Bathfield, Hope-under-Dinmore, Herefordshire, HR6 0PX.
- The application, dated 19th April, 2005, was refused on 21st June, 2005.
- The development proposed was Retrospective application for stable block.

**Decision:** The appeal was WITHDRAWN on 22nd September, 2006.

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

### Enforcement Notice EN2005/0074/ZZ

- The appeal was received on 25th April, 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. B. Gray.
- The site is located at Bathfield, Hope-under-Dinmore, HR6 0PX.

**Decision:** The appeal was WITHDRAWN on 22nd September, 2006.

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

### Enforcement Notice EN2005/0036/ZZ

- The appeal was received on 3rd May, 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 S.K. Williams, A.K. Williams and M.G. Williams.
- The site is located at Outfall Works Road, Bartonsham, Hereford.
- The breach of planning control alleged in this notice is " Without planning permission, unauthorised change of use of the land for general industrial and storage purposes falling within Use Classes B2 and B8 of the Town and Country Planning (Use Classes) Order 1987".
- The requirements of the notice are: Cease the unauthorised business use and permanently remove all storage containers and other associated materials, plant and machinery from the land.

**Decision:** The appeals are DISMISSED and the Enforcement Notice is UPHELD with corrections on 29th September, 2006.

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

**Application No. DCCE2005/2370/F**

- The appeal was received on 20th October, 2005.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Ms. V. Hanham-Gross.
- The site is located at Worlds End Cottage, Tarrington Common, Hereford HR1 4HR.
- The application, dated 12th July, 2005, was refused on 12th September, 2005.
- The development proposed was Retention of part roof for agricultural or storage use.
- The main issues are whether there is a genuine need agricultural need to justify the re-roofing of this building, and also whether a storage use would be appropriate in this location when considered against the objectives of sustainable development and the effects of such uses on the character and appearance of the countryside.

**Decision:** The appeal was DISMISSED on 5th October, 2006.

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

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



**5 DCCE2006/2641/F - ERECTION OF 4 FLATS LAND ADJACENT TO CO-OP STORE, HOLME LACY ROAD, HEREFORD HR2 6DF.**

**For: P.E.P. Developments Ltd, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH.**

**Date Received: 8th August, 2006 Ward: St. Martins & Hinton Grid Ref: 51166, 38474**

**Expiry Date: 3rd October, 2006**

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

**1. Site Description and Proposal**

1. This application seeks permission for the erection of a new residential development to form four flats with associated off-street parking. This application represents the second submission for this proposal, the previous scheme (DCCE2006/0989/F) having been refused on the following grounds:

*1. The scale and massing of the proposed development would be out of keeping with the character and appearance of the locality and constitute overdevelopment of the site. The proposal is therefore contrary to Hereford Local Plan Policies ENV14, H3, H12 and H14, together with Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S2 and DR1.*

*2. The development provides inadequate off street parking facilities and, if allowed, would lead to vehicles parking and manoeuvring on the highway to the detriment of highway safety. The proposal is therefore contrary to PPG13, Hereford Local Plan Policy T5 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S6 and T11.*

- 1.2 The application site is within the Established Residential Area of Hereford and is located on the northern side of Holme Lacy Road. The application site is adjacent to the Co-Op Store and is currently vacant. The application site has an extant permission for a detached dwelling associated with it, having been approved as part of the redevelopment of the site by the Co-Op (CE2001/2182/F). This application as submitted reduced the length of the proposed building by 1 metre from the previous proposal and two additional parking spaces are included to the front of the site.

**2. Policies**

2.1 National Policy Guidance:

|      |   |                                    |
|------|---|------------------------------------|
| PPS1 | - | Delivering sustainable development |
| PPG3 | - | Housing                            |

2.2 Hereford Local Plan:

|       |   |                                       |
|-------|---|---------------------------------------|
| ENV14 | - | Design                                |
| H3    | - | Design of new residential development |

|     |   |   |
|-----|---|---|
| H6  | - | Amenity open space provision in smaller schemes       |
| H7  | - | Communal open space                                   |
| H12 | - | Established residential areas – character and amenity |
| H13 | - | Established residential areas – loss of features      |
| H14 | - | Established residential areas – site factors          |
| T5  | - | Car parking – designated areas                        |
| T6  | - | Car parking - restrictions                            |

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

|     |   |   |
|-----|---|---|
| S1  | - | Sustainable development   |
| S2  | - | Development requirements  |
| S3  | - | Housing   |
| S6  | - | Transport   |
| DR1 | - | Design  |
| DR2 | - | Land use and activity   |
| H1  | - | Hereford and the market towns: settlement boundaries and established residential area |
| H15 | - | Density   |
| H16 | - | Car parking   |
| T1  | - | Public transport facilities   |

## 3. Planning History

- 3.1 DCCE2006/0989/F - Erection of a two storey block of 4 flats. Refused 31st May, 2006.
- 3.2 CE2001/2182/F - Demolition of existing Co-Op store and 2 no. dwellings. Construction of single storey supermarket and 1 no. 2 storey detached dwelling house. Approved 7th November, 2001.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.

### Internal Council Advice

- 4.2 Traffic Manager: No objection to revised arrangements subject to provision of secure cycle parking.

## 5. Representations

- 5.1 Hereford City Council: '...consider over development and traffic issues'.
- 5.2 Local Residents: Two letters of objection have been received from the following sources:
- Ms Ann Marie Davies, 71 Holme Lacy Road;
  - Mrs S. Puernell, 11 Mount Batten Court.

The comments made can be summarised as follows:

- Approved detached dwelling is the preferred option;
- Inadequate parking;
- Unacceptable access and manoeuvring arrangements;
- Additional two spaces are unacceptably sited.

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 was confirmed with the previous application for this scheme, the application site falls within the Established Residential Area as identified in the adopted Hereford Local Plan and Herefordshire Unitary Development Plan (Revised Deposit Draft). It is of further note that an extant permission exists on this site for residential development. On this basis it remains the case that the principle of this scheme can be supported with the acceptability of this proposal resting upon the details of the development. It is considered that the following matters are the key issues for consideration in the assessment of this proposal:

- Residential Amenities
- Transportation Issues
- Design and Visual Amenities.

### Residential Amenities

6.2 This revised proposal has reduced the length of this development by 1 metre. In other respects the design remains as previously proposed. The development therefore retains a larger footprint to that of the approved single dwelling but is still a two storey building with a frontage reflective of the street scene. The Co-Op Store is a single storey unit but the wider area is generally characterised by two storey dwellings. In accordance with Officer advice associated with the previous recommendation, the scale of the proposal is considered acceptable in this location.

6.3 Turning to the physical impact of the proposal, it is suggested that the advice put forward in the previous recommendation remains. The siting of this proposal, and the relative distances to neighbouring properties is such that it is considered that the impact upon neighbouring properties will be within acceptable limits. The location of window openings, the relative positioning of neighbouring properties and the siting of the built form are all such that no unacceptable loss of privacy, light loss, or overbearing impact will result. A restrictive condition would prevent the introduction of new window openings, with a further restrictive condition requiring obscure glazing in the relevant window openings, in the interests of preserving the amenities of the neighbouring properties. It is considered that no undue noise will result from this proposal, however, conditions to restrict the construction times are proposed in the interests of the amenities of the locality.

### Transportation Issue

6.4 In the refused scheme, the property was to be served by four spaces, one per unit. This falls below the 1.5 per unit required by the adopted Hereford Local Plan, but as previously advised, is in accordance with the requirements of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). Notwithstanding this, the previous application for this scheme was refused by Members on the grounds

of inadequate parking facilities leading to parking and manoeuvring on the highway to the detriment of highway safety. The particular issues of concern raised by Members related to the manoeuvring of vehicles in close proximity to the principal access point, which is shared with the Co-Op and the lack of parking. To address this issue two additional parking spaces were proposed to front of the site. These two additional spaces were, however, objected to by the Traffic Manager on the grounds that their location adjacent to the access would cause highway safety issues. These two additional spaces were therefore removed and as such the proposal reverts to the format as refused.

- 6.5 Notwithstanding the above, and in accordance with the advice associated with the previous application, the Traffic Manager has raised no objection subject to the provision of secure cycle parking (one per unit). The good pedestrian and cycle links to the City Centre are of note and although the size of the units being only one bedroom, it is considered that the parking provision is acceptable.

#### Design and Visual Amenities

- 6.6 The proposal is designed with a front elevation intended to reflect the scale, character and appearance of the locality. The front elevation creates the appearance of a detached dwelling, picking up the bay projection commonplace in this area. The design having regard to the site context, is considered acceptable in this instance. It is assessed that this proposal will preserve the character and visual amenities of the locality. To address the concerns associated with the scale and massing (refusal reason 1 associated with the previous scheme), the length of the building has been reduced by one metre.

#### Conclusion

- 6.7 The reasons for refusal associated with the previous proposal for this scheme are of note, and it is recognised that the variation between the refused scheme and the scheme as now proposed is a reduction in the length of the building by 1 metre, nevertheless, having regard to the recommendation associated with the previous application the Officer recommendation remains for approval.

### **RECOMMENDATION**

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

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

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

- 2 A09 (Amended plans).**

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

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

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



- 4 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.
- 7 F39 (Scheme of refuse storage).  
Reason: In the interests of amenity.
- 8 G01 (Details of boundary treatments).  
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 9 G04 (Landscaping scheme (general)).  
Reason: In order to protect the visual amenities of the area.
- 10 G05 (Implementation of landscaping scheme (general)).  
Reason: In order to protect the visual amenities of the area.
- 11 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.
- 12 H27 (Parking for site operatives).  
Reason: To prevent indiscriminate parking in the interests of highway safety.
- 13 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.
- 14 W01 (Foul/surface water drainage).  
Reason: To protect the integrity of the public sewerage system.
- 15 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.

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

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

**Informatives:**

- 1 N01 - Access for all.**
- 2 N03 - Adjoining property rights.**
- 3 HN01 - Mud on highway.**
- 4 HN04 - Private apparatus within highway.**
- 5 HN05 - Works within the highway.**
- 6 HN10 - No drainage to discharge to highway.**
- 7 N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 8 N19 - Avoidance of doubt.**

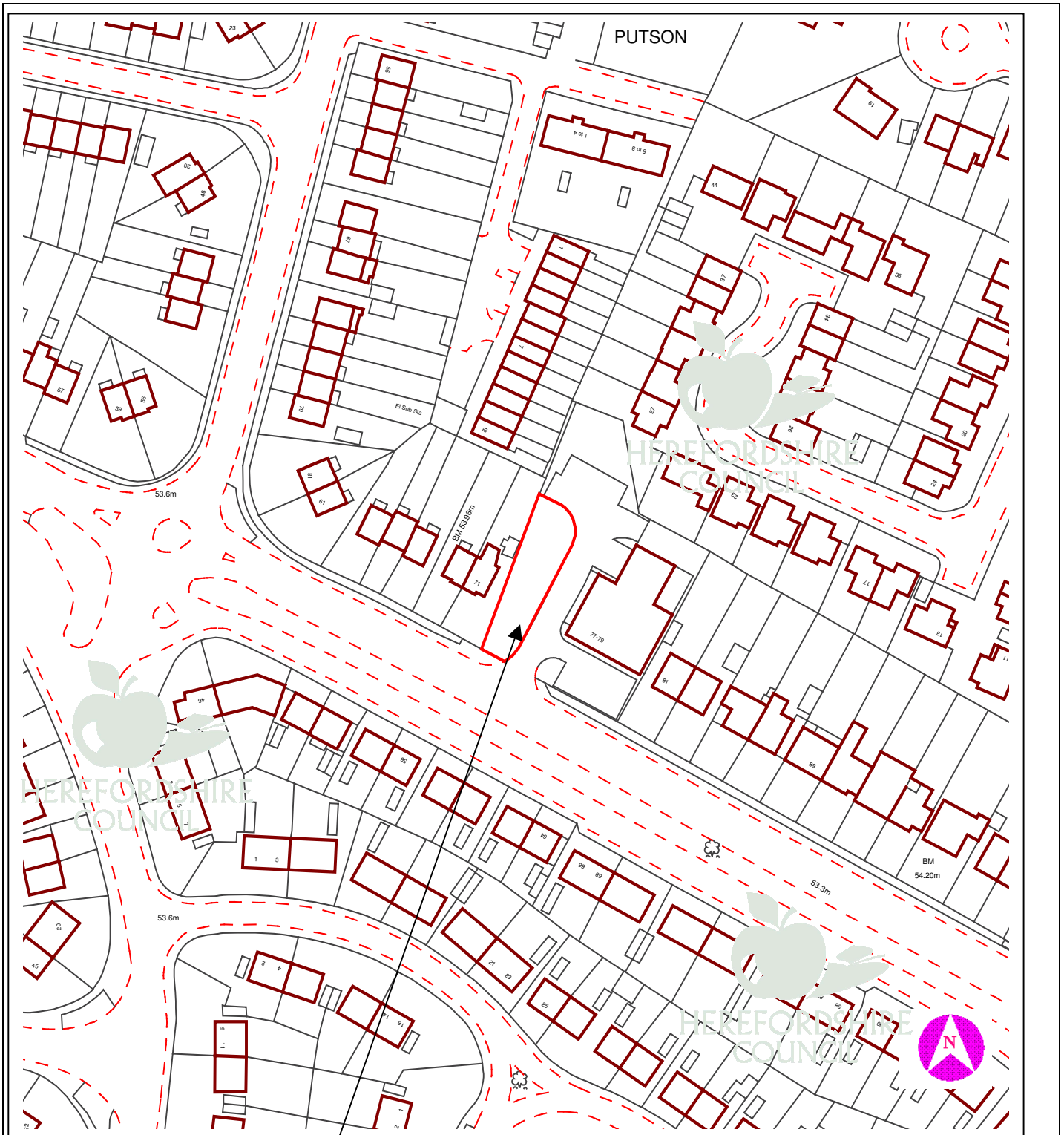
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/2641/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to Co-op store, Holme Lacy Road, Hereford HR2 6DF

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**6A DCCE2006/1978/F - ERECTION OF A TERRACE OF 3 COTTAGES AND PROVISION OF ADDITIONAL PARKING AREA BARTESTREE CONVENT, BARTESTREE, HEREFORDSHIRE, HR1 4DU.**

**For: Strand Homes Ltd, per Mr. P.H. Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG.**

**6B DCCE2006/1980/L - ERECTION OF A TERRACE OF 3 COTTAGES AND FORMATION OF ADDITIONAL PARKING AREAS INCLUDING OVERSPILL PARKING, BARTESTREE CONVENT, BARTESTREE, HEREFORDSHIRE, HR1 4DU.**

**For: Strand Homes Ltd, per Mr. P.H. Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG.**

**Date Received: 20th June, 2006    Ward: Hagley**

**Grid Ref: 56843, 40632**

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

Local Member: Councillor R.M. Wilson

**1. Site Description and Proposal**

1.1 This application seeks permission for the erection of a terrace of three cottages at Bartestree Convent, Bartestree.

1.2 Bartestree Convent itself comprises a part Grade II, part Grade II\* building currently in the process of being converted into flats. To the west of the main convent building is found a new courtyard terraced development, with a further new terraced development to the north of the main building. To the north west of the Convent are found two burial areas, between which is found an open area originally designated for parking in the current arrangements. This application seeks permission for the introduction of a terraced row of three dwellings in this location, with the associated loss of parking spaces. The parking arrangements on site have evolved over the course of the complex history of this site but essentially unit numbers on site increase from 63 dwellings to 66, while 15 parking spaces are lost in this corner position. Overall, parking ratios drop to 1.469 spaces per unit from the 1.55 level as originally approved for this site. The application also seeks to regularise the parking arrangements on site, specifically the area to the south where 12 additional spaces have been formed.

## 2. Policies

### 2.1 National Policy Guidelines:

|       |   |                                       |
|-------|---|---------------------------------------|
| PPS1  | - | Delivering sustainable development    |
| PPG3  | - | Housing                               |
| PPG13 | - | Transport                             |
| PPG15 | - | Planning and the historic environment |
| PPG16 | - | Archaeology and planning              |

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

|    |   |                          |
|----|---|--------------------------|
| S1 | - | Sustainable development  |
| S2 | - | Development requirements |
| S3 | - | Housing                  |

### 2.2 South Herefordshire District Local Plan:

|      |   |  |
|------|---|--|
| GD1  | - | General development criteria                                       |
| C1   | - | Development within open countryside                                |
| C3   | - | Criteria for exceptional development outside settlement boundaries |
| C20  | - | Protection of historic heritage                                    |
| C29  | - | Setting of a listed building                                       |
| C32  | - | Archaeological information   |
| SH11 | - | Housing in the countryside   |
| SH14 | - | Siting and design of buildings                                     |
| SH15 | - | Criteria for new housing schemes                                   |
| T3   | - | Highway safety requirements  |
| T4   | - | Highway and car parking standards                                  |

## 3. Planning History

- 3.1 SH770422PF - South west wing Bartestree Convent change of use to single person residential accommodation. Approved 8th August, 1977.
- 3.2 SH891076PO - New convent. Approved 24th January, 1991.
- 3.3 SH891077PO - Sheltered housing. Approved 23rd April, 1991.
- 3.4 SH891078PO - Sheltered flats with social and recreational facilities. Approved 23rd April, 1991.
- 3.5 SH931577PF - Refurbishment and conversion of existing buildings to student accommodation and new build dwelling houses. Approved 13th June, 1994.
- 3.6 SH940016LD - Repairs, partial demolition of ground floor extension and change of use to form student accommodation. Not determined.
- 3.7 SH960193PF - Tennis Court Site - residential development. Refused 12th June, 1996.
- 3.8 CE2000/1143/F - Restoration, conservation and conversion of convent buildings to provide 23 dwellings. Demolition of incongruous alterations, additions and curtilage

- buildings. Erection of 17 mews cottages. Diversion of internal access road, landscaping and ancillary site works. Approved 2nd November, 2001.
- 3.9 CE2000/1146/L - Restoration, conservation and conversion of convent buildings to provide 23 dwellings. Demolition of incongruous alterations, additions and curtilage buildings. Erection of 17 mews cottages. Diversion of internal access road, landscaping and ancillary site works. Approved 2nd November, 2001.
- 3.10 CE2001/3244/F - Amendments to approved scheme for residential development, conversion to provide two additional lower ground floor apartments. Units 42 and 47. Approved 21st March, 2002.
- 3.11 CE2001/3245/L - Amendments to approved scheme for residential development, conversion to provide two additional lower ground floor apartments Units 42 and 47. Listed Building Consent 21st March, 2002.
- 3.12 CE2001/3246/F - Amendment to approved scheme for residential development for conversion to provide one additional second floor apartment (Unit 33). Withdrawn 11th February, 2002.
- 3.13 CE2001/3251/L - Amendment to approved scheme for residential development for conversion to provide one additional second floor apartment (Unit 33). Withdrawn 11th February, 2002.
- 3.14 CE2002/1750/F - Amended scheme for the conversion of convent and chapel - including new build development. (Scheme providing 17 additional dwellings comprising: 7 new conversions in Chapel/Hall, 8 additional remodelled conversions, 2 additional remodelled new build). Amended access arrangements and site layout. Approved 24th December, 2002=2.
- 3.15 CE2002/1754/L - Amended scheme for the conversion of convent and chapel - including new build development. (Scheme providing 17 additional dwellings comprising: 7 new conversions in Chapel/Hall, 8 additional remodelled conversions, 2 additional remodelled new build). Amended access arrangements and site layout. Approved 24th December, 2002.
- 3.16 CE2003/1283/F - Redesign of units 44, 45, 46 and 47 and 2 no. new units 45a and 47a. Undetermined.
- 3.17 CE2003/1285/F - Redesign of units 44, 45, 46 and 47 and 2 no. new units 45a and 47a. Undetermined.
- 3.18 CE2003/1537/F - Redesign of units 44, 45, 46 and 47 and creation of 1 no. new units 45a. Approved 26th January, 2004.
- 3.19 DCCE2003/1538/L - Redesign of units 44, 45, 46 and 47 and creation of 1 no. new units 45a. Approved 26th January, 2004.
- 3.20 DCCE2003/2390/G - Discharge of planning obligations under S106 dated 10th April, 1991 and 28th June, 1994. Approved 16th July, 2004.
- 3.21 DCCE2004/1266/F - Remodelling of approved apartment no. 43 to provide 2 single bedroom apartments. Approved 15th June, 2004.

- 3.22 DCCE2004/1297/L - Remodelling of approved apartment no. 43 to provide 2 single bedroom apartments. Approved 15th June, 2004.
- 3.23 DCCE2004/4097/L - Conversion of attic space into a studio apartment. Approved 5th January, 2005.
- 3.24 DCCE2004/1492/F - Conversion of attic space into a studio apartment. Approved 5th January, 2005.
- 3.25 DCCE2004/4272/L - Subdivision of apartment to provide two studio apartments. Approved 28th January, 2005.
- 3.26 DCCE2004/4270/F - Subdivision of apartment to provide two studio apartments. Approved 28th January, 2005.

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

##### Statutory Consultations

- 4.1 English Heritage: No comment.

##### Internal Council Advice

- 4.2 Conservation Manager: No objection as revised. Conditions required as specified by the Council's Archaeological Advisor.
- 4.3 Environmental Health Manager: Hours of working condition.
- 4.4 Traffic Manager: *'Although the proposal results in a loss of parking spaces for the approved development, the level of parking (1.469 per dwelling) which remains is still very close to the Government guidelines of a maximum of 1.5 spaces per dwelling as set out in PPG3. As stated in the submitted supporting text there is a predominance of 1 and 2 bed apartments within the development, and all dwellings are allocated at least one parking space. As the proposed levels are within both the maximum set out in our Design Guide for new developments and Government guidelines, I have no objections to the proposal.'*

#### **5. Representations**

- 5.1 Bartestree Parish Council: Raised an objection to the parking area originally proposed to the front of the Presbytery. Also commented...*'The properties will be an over intensification of the site and will take up space currently allocated for the existing properties. Further houses will be an extra load to an already overloaded sewage system. The Parish Council does therefore not support the application'*.
- 5.2 Local Residents: 14 letters of objection from 9 sources have been received following the consultation associated with this application. The objections raised can be summarised as follows:
- This site was developed on the basis that it would not be further developed;
  - The proposal will extend the building operations on site which continue to cause noise and disturbance;
  - Over development of the site;



- Adverse impact upon visual amenities and landscape quality;
- The development will detract from the setting of the Listed Building;
- As revised the proposal will result in totally inadequate parking provision for this site;
- The access, parking and manoeuvring arrangements on site are already inadequate, this will further degrade the situation of site;
- Loss of privacy.

In addition to the comments above, strong objection to the now removed parking area to the front of the Presbytery were received. Comments not relevant to this application were also made, specifically in relation to a burial area adjacent to the site of the three new dwellings. These matters are being investigated independently of this application.

- 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 matters are relevant to this application:

- Principle of Development;
- Highways;
- Visual Amenities and Setting of Listed Buildings;
- Design and Scale
- Residential Amenities.

### Principle

- 6.2 The Convent and surrounding area is, in the adopted South Herefordshire District Local Plan, outside of any identified settlement boundary. The area is therefore open countryside for the purposes of planning policy. Turning to the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft), it is of note that a sub area of the Bartestree Settlement Boundary now surrounds the Convent and the adjacent modern residential development known as Frome Park. The Public Inquiry into the Revised Deposit Draft closed on June 2005 and the Inspector's Report published in March 2006. The proposed Modifications have now been published and on this basis it is considered that the Herefordshire Unitary Development Plan now takes primacy. The revised settlement boundaries in the Herefordshire Unitary Development Plan have regard for the evolution of this area. It is considered that on this basis the application site falls within an identified Settlement Boundary and the principle of new residential development is accepted.

### Highways

- 6.3 The parking situation on site is the most controversial aspect of this development. The original permission on this site was on the basis of 40 dwellings served by 62 parking spaces, a ratio of 1.55 spaces per unit. The most recent application on this site (DCCE2004/1492/F) identified 100 car parking spaces to serve 63 units, a ratio of 1.59 spaces. The Agent advised that the parking as proposed in this application now provides 97 spaces to serve 66 units, a ratio of 1.469 spaces per dwelling unit. Compared to the situation as approved in DCCE2004/1492/F, 15 spaces are directly lost as a result of the three new dwellings, with 12 created in the parking regularisation. Herefordshire Unitary Development Plan policy advises that housing developments will

be subject to a maximum parking provision of 1.5 spaces per dwelling. It is of note that the policy also states that off street parking provision should reflect the site location, the type of housing to be provided, and the availability of public transport. In this case public transport is available with a bus stop on the main A438 at the entrance to the Convent/Priors Frome, and the units are principally one and two bedroom properties, though some three bed units are found. Against this however, one must recognise the rural/urban fringe location of this site and the relative limitations of the public transport provision and lack of amenities/facilities. In this context it is suggested that a figure on or around the 1.5 spaces per unit level should be provided and in this case 1.449 spaces are proposed.

- 6.4 The objections of local residents on the grounds of a lack of parking resulting from this development are understandable having regard to the relatively low level parking provision already on site and the relatively limited public transport and amenities/facilities availability. Ultimately, however, this scheme is in accordance with emerging planning policy and on this basis it is considered that this application cannot be resisted on the basis of the lack of parking provision issue.

#### Visual Amenities and Setting of Listed Buildings

- 6.5 The originally proposed parking area to the front of the Presbytery was of significant concern in the context of the visual amenities of the locality and the setting of the Convent. This aspect of the proposal has now been removed however, and with it the main concerns over the visual impact. The regularisation of the car parking is not considered to raise any issues in this regard and the Conservation Manager has liaised on these changes. The new dwellings are sited appropriately having regard to the Convent; its setting, and the development pattern approach on this site. The design is reflective of the other new build on site and as such the new development will integrate effectively into the development. The removal of Permitted Development Rights will ensure that the evolution of these dwellings is tightly controlled in the interests of the visual amenities of the locality and the setting of the Convent.

#### Design and Scale

- 6.6 The new dwellings are designed to reflect the existing new build dwellings on site with design features, materials, scale, and appearance all to match. The dwellings will therefore relate effectively to the existing new build on site.

#### Residential Amenities

- 6.7 The siting and arrangement of the three new dwellings are such that no over bearing impact or light loss will result. The distances between these properties and the properties to the north, south and east, together with the internal arrangement, are such that privacy will not be compromised unacceptably. To ensure the continued privacy of the neighbours to the north and south a condition will prevent the introduction of new openings in the side elevations.
- 6.8 The construction process involved in the construction of the three new dwellings will clearly cause some disturbance to neighbouring properties, however, restricting this beyond the hours of operation is unreasonable. The standard planning condition relating to hours of work is therefore proposed in accordance with the advice of the Environmental Health Manager. In the interests of clarification it is confirmed that

Environmental Health legislation exists to provide additional control over noise and nuisance during construction.

## **RECOMMENDATION**

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

**DCCE2006/1978/F**

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

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

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

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

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

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

- 4. C05 (Details of external joinery finishes).**

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

- 5. C11 (Specification of guttering and downpipes).**

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

- 6. D06 (Protective fencing).**

**Reason: In order to protect [name of monument] during development.**

- 7. D01 (Site investigation - archaeology).**

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

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

**Reason: [Special Reason].**

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

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

- 10. F18 (Scheme of foul drainage disposal).**

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

11. **F39 (Scheme of refuse storage).**

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

12. **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.**

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

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

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

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

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

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

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

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

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

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

**Informatives:**

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.**
4. **N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.**
5. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
6. **N19 - Avoidance of doubt.**

**DCCE2006/1980/L**

1. **C01 (Time limit for commencement (Listed Building Consent)).**

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

- 2. **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. **C04 (Details of window sections, eaves, verges and barge boards).**

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

**Informatives:**

- 1. **N01 - Access for all.**
- 2. **NC1 – Alterations to submitted/approved plans.**
- 3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 4. **N19 - Avoidance of doubt.**

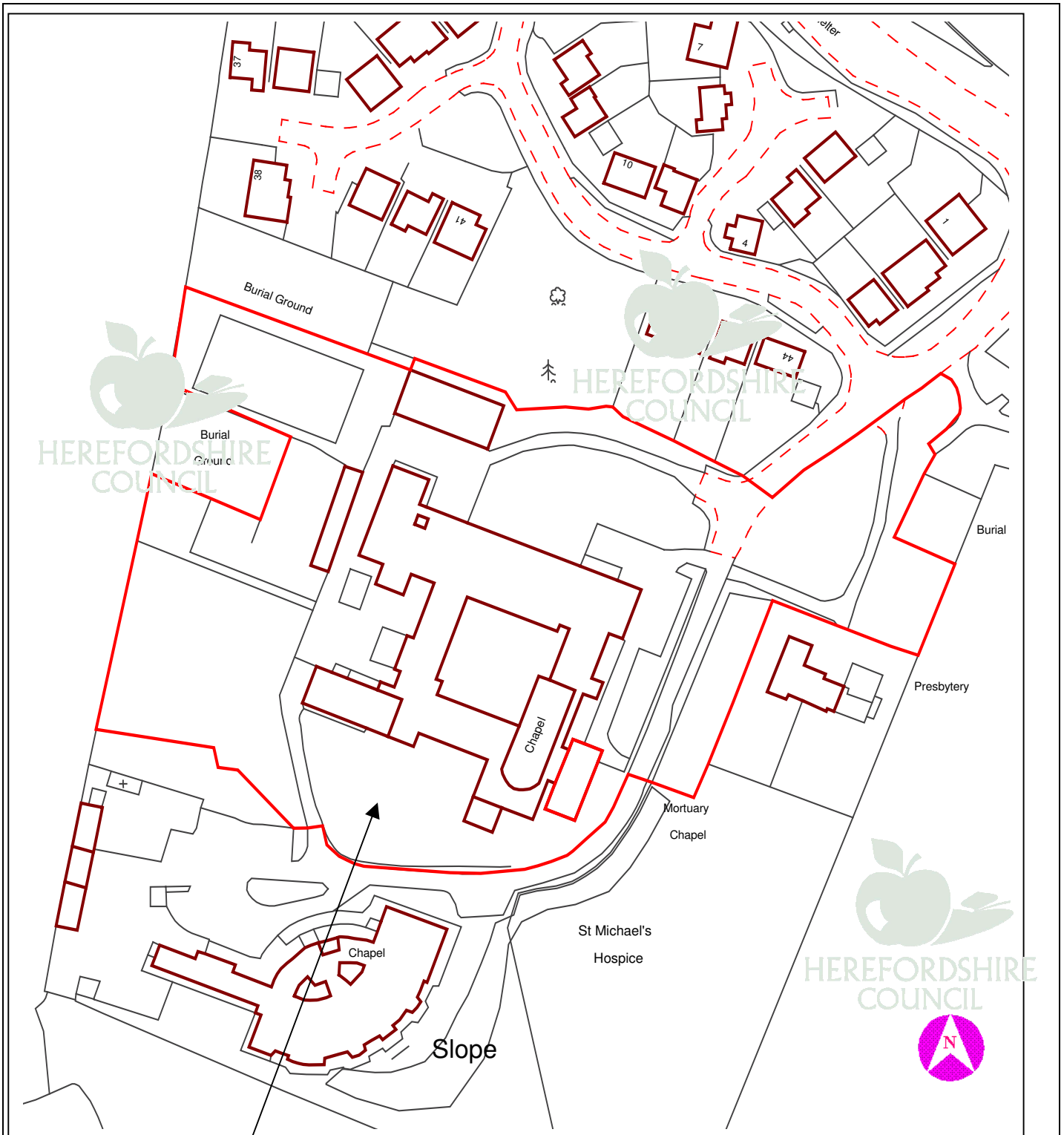
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/1978/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Bartestree Convent, Bartestree, Herefordshire, HR1 4DU

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**7 DCCE2006/2211/F - 5 NO. 1 BEDROOM SUPPORTED LIVING UNITS. LAND OFF ANDREWS CLOSE, HEREFORD, HR1 2JX.**

**For: Herefordshire Housing Association, per Mr. D.D. Davis, 2 St. Oswald's Road, Worcester, WR1 1HZ.**

**Date Received: 4th July, 2006**

**Ward: Central**

**Grid Ref: 51781, 39829**

**Expiry Date: 29th August, 2006**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

- 1.1 This application seeks planning permission for the erection of five supported living units on land off Andrews Close, Hereford. The proposal involves the erection of five units, each one bedroom, in a single one-and-a-half storey property. The first floor accommodation is provided within the roof space. Parking for five vehicles is proposed, together with a turning head. The proposal also involves works to an existing garage block, resulting in an overall loss of 5 garages.
- 1.2 The application site is currently open space and garaging serving the local vicinity. The open space was historically an area of allotments, though this use has now ceased. A footpath, Union Walk, runs along the northern boundary of the application site. The site is served by a single track access lane off Andrews Close. The access track currently serves the garages on the application site, of which there are currently 29. To facilitate the proposed access arrangements improvements to the track involving land currently within the curtilage of No. 6 Andrews Close are proposed, together with the widening of a section of Andrews Close.

**2. Policies**

2.1 National Planning Policy:

|      |   |                                    |
|------|---|------------------------------------|
| PPS1 | - | Delivering sustainable development |
| PPG3 | - | Housing                            |
| PPG9 | - | Nature Conservation                |

2.2 Hereford Local Plan:

|       |   |  |
|-------|---|--|
| ENV14 | - | Design   |
| ENV15 | - | Access for all   |
| H3    | - | Design of new residential development                    |
| H6    | - | Amenity open space provision in smaller schemes          |
| H12   | - | Established residential areas – character and amenity    |
| H13   | - | Established residential areas – loss of features         |
| H14   | - | Established residential areas – site factors             |
| NC6   | - | Criteria for development proposals                       |
| NC7   | - | Development proposals – habitat creation and enhancement |
| NC8   | - | Protected species  |

T5 - Car parking – designated areas

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

|      |   |  |
|------|---|--|
| S1   | - | Sustainable development                                |
| S2   | - | Development requirements                               |
| S3   | - | Housing  |
| S6   | - | Transport  |
| S7   | - | Natural and historic heritage                          |
| DR1  | - | Design   |
| DR2  | - | Land use and activity                                  |
| DR3  | - | Movement   |
| DR5  | - | Planning obligations                                   |
| H16  | - | Car parking  |
| T6   | - | Walking  |
| T7   | - | Cycling  |
| T11  | - | Parking provision                                      |
| T16  | - | Access for all   |
| NC5  | - | European and nationally protected species              |
| NC6  | - | Biodiversity Action Plan priority habitats and species |
| NC7  | - | Compensation for loss of biodiversity                  |
| RST4 | - | Safeguarding existing recreational open space          |

### 3. Planning History

- 3.1 DCCE2006/0058/F - Erection of 5 no. 1 bedroom supported living units. Refused 2nd March, 2006.
- 3.2 DCCE2005/1210/F - Erection of 5 no. 1 bedroom supported living units. Withdrawn 28th July, 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None

#### Internal Council Advice

- 4.2 Conservation Manager: The Council's Ecologist advises that further survey for protected species should be carried out by an appropriately qualified ecological consultant and at an appropriate time of year. This should cover the neighbouring gardens and their ponds where access is made available. The applicant should show that they have made reasonable effort to seek this access, and provide evidence where it has been refused. A habitat creation and management scheme should be drawn up by an appropriately qualified ecological consultant for part of the garden area, and submitted for approval by Herefordshire Council's Ecologist. In the absence of such information it is advised that this application should be refused.
- 4.3 Traffic Manager: No objection subject to conditions but makes the following comment:

*'The existing access road to the garage is proposed to be widened to 3.6m, which meets our criteria for an access serving five dwellings. Although there will be an increase in*



*traffic, this width is adequate to allow a car and pedestrian to pass safely, and is an improvement to the current situation. The design has been modified from the previous application to allow for refuse vehicles to enter and leave the access road, and will similarly allow access for servicing and delivery vehicles. There may however be problems with access by the size of vehicles that are likely to be delivering to the site during the construction phase.*

*The proposal indicates the radii at the junction of the access road with Andrews Close to be kerbed but as this severely restricts the footway along Andrews Close, I would suggest that it would be better to be changed to a vehicular crossing to maintain easy pedestrian access and priority along Andrews Close. The access road would, however, not be adopted and in this format would not provide a turning provision for Andrews Close.*

*The provision of a passing lay-by on Andrews Close is necessary to allow vehicles to pass and prevent vehicles reversing back onto the roundabout and only locally reduces the footway on both sides. An acceptable width of footway remains after construction of the widening, however there will be restrictions during the construction phase.*

*The increase in traffic due to the development will be in part mitigated by the loss of 5 garages.*

*I consider that, although marginal, the proposals could provide an acceptable means of access to serve the garages and proposed development when complete and therefore on that basis have not recommended refusal.*

*However, I am very concerned that there is likely to be significant disruption to the residents of Andrews Close during the construction phase due to the narrowness of Andrews Close and the access road and restrictiveness of the site itself and also the necessity to get utility services and drainage to the site along the access road. Due to the restricted size of the site, the provision of parking for workers will be limited and may lead to indiscriminate illegal parking in the area, which would not be in the interests of highway safety. Further information should be sought as to how the construction works will be carried out'.*

- 4.4 Strategic Housing Manager: *'...Fully support this application..as this meets the need to provide homes with support for the vulnerable as identified in the housing strategy for Herefordshire 2005-2008, as well as the supported people strategy 2005-2010'.*
- 4.5 Forward Planning Manager: *'In the adopted Hereford Local Plan the application site is an established residential area therefore Policies H12 - 14 apply. There would not appear to be any obvious loss to residential amenity as a result of the proposals, as the elevations are relatively low impact; and adjoining properties' gardens bound the majority of the site, which may alleviate any potential privacy issues. The applicants appear to have overcome any access issues.*

*However, in the emerging Herefordshire Unitary Development Plan the application site is safeguarded as open space/allotments under Policy RST4 of the UDP. Development proposals that would result in the loss of public or private open spaces with recreational value, or facilities that help meet the recreational needs of the community will not be permitted unless there is a clear excess in the area (taking account of the wider recreational value of such provision) or alternative provision of at least equivalent community benefit is provided in a convenient and accessible location. It's understood*

*that the land is currently under utilised and is considered to have little recreational or amenity value. If this were to be confirmed by the relevant department then the proposal would be more acceptable. However, that said, it may still be appropriate to seek some sort of developer contribution towards alternative provision. It would appear that many of the issues from the previous application have been resolved. There is an issue regarding the loss of amenity space, as this does not conform to Unitary Development Plan policy. However, if it were agreed that there is a clear excess of open space in the area that is of greater amenity value then the proposal would appear to be acceptable. If this is not the case then it may be appropriate to seek developer contributions to alleviate such a loss'.*

- 4.6 Parks Manager: '*...The applications is for five residential units and should therefore provide either open space on site or a contribution towards the improvement of a local area. We have suggested a contribution of £500 per unit would be appropriate, which would be used towards...the Portfield site...'*

## **5. Representations**

- 5.1 Hereford City Council: The City Council has no objection to this application for planning permission but HCC retains a concern as to width of access road.

- 5.2 Local Residents: 26 letters of objection have been received from local residents, these have been received from 14 sources. The comments raised of planning relevance can be summarised as follows:

1. The development will result in the loss of an important area of open space, which is identified as safeguarded open space in the Herefordshire Unitary Development Plan;
2. The proposed contribution of 500 per unit is wholly inadequate to mitigate against the proposed loss of this area of open space;
3. The parking and access arrangements are inadequate and unacceptable and will prove detrimental to highway safety;
4. The submitted ecological report is inadequate. This has been confirmed by the Council's Ecologist and English Nature. A second survey has been identified as being required and this should be secured before a decision is made upon the application;
5. The construction process will result in unacceptable noise and disturbance;
6. More appropriate sites are available;
7. There are no provisions for waste storage on site;
8. The site is next to an identified Public Right of Way though the developer does not identify this;
9. The proposed access route does not adequately provide for pedestrians;
10. The proposed access route is inadequate for servicing and access by large vehicles;
11. The provided parking is inadequate for this use which will result in an intensification of the use of the access;
12. The Public Right of Way must not be allowed to be stopped up or obstructed;
13. The footpath should not be enclosed in the interests of public safety;
14. The site is unacceptable to provide the required residential amenities for the occupiers of the units, the site is isolated and enclosed;
15. Potential for asbestos contamination;
16. The design is not in keeping with the local area;
17. Unacceptable impact upon residential amenities resulting from overlooking;

18. Drainage issues;
19. The local highway network is inadequate to serve this site during construction or upon completion;
20. The land is Greenfield land, not Brownfield land;
21. The area is well used as a play area and amenity space;
22. The access is inadequate for emerging vehicles;
23. The land should instead be made more usable as open space/nature reserve;
24. The proposal will cause problems in accessing the rear of properties currently accessed via this area of open space;
25. There are still allotments on site which will be lost if this development is permitted.

A number of objections were also raised to the potential occupants of these units. Having regard to this issue Members are advised that two relatively recent court cases (West Midlands Probation Committee v S.O.S., and 7/11/97, R v Broadland DC ex parte Dove, Harpley and Wright 26/1/98) consider anti-social behaviour and in these instances it was accepted that such an issue could be considered as a material consideration. However, typically such a risk will relate to hazards to health or public safety where a genuine risk can be factually demonstrated and supported by evidence. In this instance it is considered that it is a purely subjective suggestion that this proposal will result in anti-social behaviour and an associated risk to public health and/or safety. The concerns of local residents are understandable but a proposal to house vulnerable persons in a property managed by an appropriate housing organisation cannot be said to represent an absolute risk in itself and therefore does not form a planning basis upon which to object to this proposal.

It is also advised that a number of non-planning matters were also raised including undue influence, budgetary issues, land ownership, and the existence of a legal agreement potentially impacting upon the development of this land. These are not matters for consideration in the context of this application.

- 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 matters represent the principal issues for consideration with this application:

- Principle
- Highway Issues
- Public Open Space
- Ecology
- Residential Amenities
- Design and Scale
- Visual Amenities
- Impact of Construction Process
- Footpath.

### Principle

- 6.2 The application site falls within an Established Residential Area as identified in the adopted Hereford Local Plan. The development of this site in the context of this Development Plan is therefore accepted in principle. Turning to the emerging

Herefordshire Unitary Development Plan (Revised Deposit Draft), it is of note that the application site is now identified as protected open space. The Public Inquiry into the Revised Deposit Draft closed in June 2005 and the Inspector's report published in March 2006. The proposed modifications have now been published and on this basis it is considered that the Herefordshire Unitary Development Plan now takes primacy. Policy RST4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) relates specifically to the safeguarding of open space. This policy advises that development that would result in the loss of an area of public open space will not be permitted unless there is an excess of such space in the area, or if alternative provision of at least equivalent community benefit is provided in a convenient and accessible location. The proposal must therefore be considered in this context.

#### Highway Issues

- 6.3 The access has proved particularly problematic with this site and directly resulted in the lack of support for the previous two proposals. Subsequent to the refusal of the most recent application (DCCE2006/0058/F) further liaison took place with the Council's Highway Authority and Highway Engineers. The access has now been revised to facilitate improvements to the junction point of the access track and it is proposed to widen a section of Andrews Close to enable vehicles to pass. The Traffic Manager is satisfied that the access arrangements are adequate to serve the garages and proposed development and tracking details have been submitted to demonstrate that larger rigid body vehicles, such as refuse collection vehicles, can turn into the access land from Andrews Close.
- 6.4 In other respects the proposed parking provision meets national and local guidelines and the additional vehicle movements associated with this development will in part be off set by the removal of 5 garages from the garage block. Turning is available on site ensuring appropriate manoeuvring space. The improvements to the access arrangements and the widening of Andrews Close will further assist in ensuring that the access and parking arrangements proposed adequately provide for the proposed development.

#### Public Open Space

- 6.5 As discussed above, the application site is designated as protected public space in the emerging Herefordshire Unitary Development Plan. Policy RST4 provides protection to such areas requiring either a demonstration of an excess of space in the locality, or ensuring that the loss of the space is offset through appropriate contributions towards alternative provision. In this case the Parks Manager has not looked to resist the loss of this area of space, and has recommended that if planning is supported a contribution be secured to enable improvements to the nearby Portfields Open Space, which is currently poorly equipped. It is considered that the Portfields site offers the potential to serve a larger neighbourhood and be better utilised than is currently the case. The provision of effective play provision for toddlers, juniors and teenagers is important and this is sometimes best achieved through improving certain sites at the loss of less significant areas of little or less recreational value, as is the case here. The Council's current guidelines require a contribution of £500 per unit for a development of this type. This will be secured through a Section 106 Agreement, the Draft Heads of Terms for which are attached in Annex A.

### Ecology

- 6.6 The application was submitted with an Ecological Statement. This Statement was a resubmission of the report submitted in support of the previous application (DCCE2006/0058/F). The Council's Ecologist advised on this previous application that the submitted details were acceptable and that the site was not optimal. It was advised, however, that appropriate conditions be attached to require further survey work in the spring on the basis that the survey was not taken at the ideal time for, particularly, slow worms. A similar position was taken with this current proposal, however, the Council's Ecologist, after informal discussion with English Nature, advised that a survey should be secured prior to the determination of the application, not after. This is in accordance with best practice.
- 6.7 No slow worms or great crested newts, the two principal species of note in this instance, were found on the application site, and equally it does not appear to be a suitable habitat for them. However, it is also the case that their presence cannot be ruled out and the potential exists for species to be present in the adjacent sites. The carrying out of the survey in September is also not ideal. On this basis it is clearly desirable for a further survey to be carried out in the spring, covering a wider area. On the basis of this the applicant was requested to Withdraw the application pending the completion of such a survey. This was, resisted on the grounds that this position was not taken in the previous application and, furthermore, that the report '*categorically states that the site is not only sup-optimal but provides adverse conditions for Great Crested Newts...*'. Of significance is the fact that the previous refusal on this site (DCCE2006/0058/F) was on the basis of highway safety and the loss of the open space without mitigation, not on ecological grounds. It is therefore considered that a refusal on the basis of no new survey would now be untenable. It is therefore proposed to maintain the position taken in the previous application on this site and condition a further survey prior to commencement of works on site, with provisions to enable effective mitigation measures should new information come to light.

### Residential Amenities

- 6.8 The proposed building is, at the closest point, approximately 25 metres from the closest neighbouring properties. It is therefore considered that privacy and inter-visibility will be within acceptable limits. The overlooking of the rear garden area of properties on Central Avenue will be more pronounced, though it is not considered that this is of concern such that a refusal could be substantiated. The arrangement will be appropriate are reflective of modern sting principals.

### Design and Scale

- 6.9 The design of this building is not characteristic of the neighbouring properties on Central Avenue and Andrews Close, but that is not to say it is inappropriate in concept. The design approach is led by the need to minimise the scale of this building having regard to the sensitivity of the siting. The proposal is a one-and-a-half storey building with first floor accommodation provided within the roof space, this ensures that the building is appropriate in scale for this relatively modest and confined site. The design concept is modest and low key but not unattractive and it is considered that with the use of appropriate materials the building will integrate acceptability into the locality.

### Visual Amenities

- 6.10 The existing garage block is in need of investment and the proposed development includes enhancement works to the block. In respect of the remainder of the site the loss of an open area of green open space is always regrettable but this areas cannot be considered to have significant value to a wider community. It is considered that the enhancement of the Portfields Open Spaces enables to the provision of the most effective and appropriate open space and play provision for the wider community. The building itself is of an appropriate design and in some respects making the area 'living space' and the improvement of the garage block and inclusion of this area within the 'used' area, will enhance its contribution to the visual amenities of the locality. Overall it is considered that the visual amenities of the locality will be maintained through this development.

### Impact of Construction Phase

- 6.11 Following the request for further information from the Council's Traffic Manager in relation to the construction phase and the Agent acting on behalf of the applicant confirmed that the access improvements to Andrews Close and the access track will take place prior to the construction generally. The site establishment (compound etc) will be located on the main site and it is not anticipated that an off-site compound will be required. An appropriate condition will ensure that appropriate details, such as the siting of the compound, are agreed prior to the commencement of development. A planning condition will also ensure that construction working is restricted to appropriate times.

### Footpath

- 6.12 A footpath runs adjacent to, but outside of the application site. This is not an adopted Public Right of Way but is a designated footpath (F80209). It is unlikely that the footpath will be impacted upon by this development but it is confirmed that an appropriate informative will be attached advising of the status and protection to be afforded to the footpath.

### Conclusion

- 6.13 On balance it is assessed that the previous concerns associated with the development of this site have been satisfactorily addressed and, subject to effective conditioning, this proposal represents an acceptable form of development in accordance with national and local planning policy.

## **RECOMMENDATION**

- 1) **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 by 1st December, 2006 in accordance with the Heads of Terms set out in Appendix 1 to this report and any additional matters and terms as he considers appropriate.**
  - 2) **Upon the completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers.**
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. F16 (Restriction of hours during construction).**

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

- 5. F39 (Scheme of refuse storage).**

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

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

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

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

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

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

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

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

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

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

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

- 11. Prior to the commencement of development within the application site a further ecological survey shall be carried out in accordance with parameters and a timescale to be agreed with the local planning authority prior to the commencement of the survey. The survey shall then be carried out in accordance with the agreed details and submitted to the local planning authority for assessment**

**Reason: To ensure that the nature conservation interest of the site is protected.**

- 12. No development shall take place within the application site until details of the ecological mitigation provisions to be made and associated timetable for implementation have been submitted to and agreed in writing by the local**

planning authority. The mitigation shall be based upon the outcome of the survey required by Condition 12 above and the mitigation shall be carried out in accordance with the approved details.

Reason: To ensure that the nature conservation interest of the site is protected.

13. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

14. 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.

15. H27 (Parking for site operatives).

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

**Informatives:**

1. N01 - Access for all.
2. N03 - Adjoining property rights.
3. N04 - Rights of way.
4. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
5. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.
6. HN01 - Mud on highway.
7. HN05 - Works within the highway.
8. HN07 - Section 278 Agreement.
9. HN10 - No drainage to discharge to highway.
10. N15 - Reason(s) for the Grant of PP/LBC/CAC.
11. N19 - Avoidance of doubt.
12. This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.
13. That the officers named in the Scheme of Delegation to Officers be authorised to amend the conditions as necessary to reflect the terms of the planning obligation.



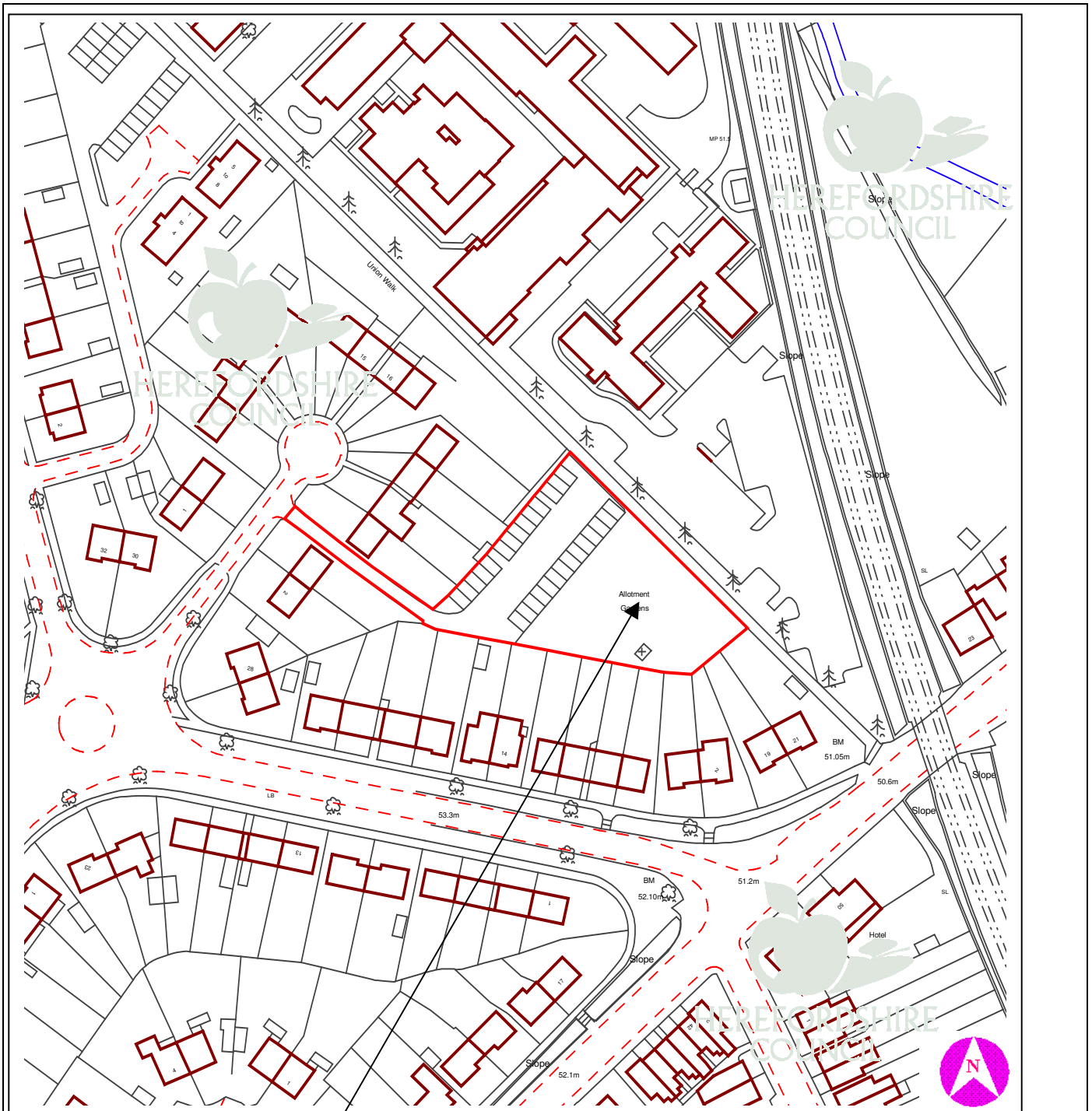
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/2211/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land off Andrews Close, Hereford, HR1 2JX

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## **DRAFT HEADS OF TERMS**

### **Proposed Planning Obligation Agreement**

### **Section 106 Town and Country Planning Act 1990**

- Planning Application – DCCE2006/2211/F
  - Residential development of 5 no. 1 bedroom supported living units
  - At Land off Andrews Close, Hereford.
1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2,500 to provide for the cost of a enhancements and improvements to the 'Portfields' play area/open space facilities which sum shall be paid on or before the commencement of the development.
  2. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
  3. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
  4. The developer shall complete the Agreement by the 1st December, 2006 otherwise the application will be registered as deemed refused.

Adam Sheppard - Senior Planning Officer  
Peter Yates - Development Control Manager

3rd October, 2006



**8 DCCE2006/2739/F - CHANGE OF USE TO MEMBERS SNOOKER & POOL CLUB FORMER JOB CENTRE, BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2LG.**

**For: Rileys Ltd, JWPC Ltd, 1 The Quadrangle, Banbury Road, Woodstock, Oxon, OX20 1LH.**

**Date Received: 17th August, 2006**

**Ward: Central**

**Grid Ref: 51429, 39903**

**Expiry Date: 16th November, 2006**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

- 1.1 The building is currently vacant but was most recently used as a Job Centre and is located on the eastern side of Bath Street, opposite the junction to Gaol Street car park. Immediately to the north are existing semi-detached properties and to the east (rear) is St Owens Adult Training Centre and south are Council Offices. The building occupying the site is a mixed 2/3 storey height constructed from brick with a combination of flat and pitched roofs. The footprint of the building essentially occupies the majority of the site with the exception of a small access strip/parking area along the northern boundary.
- 1.2 The site lies within Hereford City Conservation Area, is designated an Area of Archaeological Importance and lies opposite the former city wall which is a Scheduled Ancient Monument. The site and surrounding area is also designated within the Unitary Development Plan as being an Established Residential Area.
- 1.3 Planning permission is sought for the change of use of the building to a Members Snooker and Pool Club. No external alterations are proposed. A total of 24 tables will be accommodated on two floors including a bar and lounge area at ground floor with staff accommodation/offices at second floor.

**2. Policies**

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

|      |   |   |
|------|---|---|
| S1   | - | Sustainable development                   |
| S2   | - | Development requirements                  |
| S5   | - | Town centres and retail                   |
| DR1  | - | Design                                    |
| DR2  | - | Land use and activity                     |
| DR3  | - | Movement                                  |
| DR13 | - | Noise                                     |
| T6   | - | Walking                                   |
| T7   | - | Cycling                                   |
| T11  | - | Parking provision                         |
| T16  | - | Access for all                            |
| HBA6 | - | New development within conservation areas |

|       |   |  |
|-------|---|--|
| TCR2  | - | Vitality and viability   |
| TCR9  | - | Large scale retail and leisure development outside the central shopping and commercial areas |
| TCR11 | - | Loss of existing offices   |

### 3. Planning History

- 3.1 There is no history of direct relevance to this proposal.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 West Mercia Constabulary: Having met with the applicant and discussed the application with him I can confirm that West Mercia Constabulary will be making no comment in respect of this planning application. If the application is successful West Mercia Constabulary will make representation in respect of the issues of crime and disorder at the subsequent application for a liquor licence, where we would seek the imposition of a number of conditions in order to promote the licencing objective of the prevention of crime and disorder.

#### Internal Council Advice

- 4.2 Traffic Manager: No objections subject to provision of secure covered cycle storage.
- 4.3 Conservation Manager: The proposal would have minimal impact on the character of the Conservation Area and would therefore be acceptable.
- 4.4 Environmental Health and Trading Standards Manager: There is unlikely to be any nuisance caused by direct use of the premises. Any disturbance/disorder which may arise from members visiting or leaving the premises can be addressed by police and the licensing authority. Nevertheless, a condition requiring the premises to be closed to the public between midnight and 8 am and a condition requiring details of the extract ventilation system and any other mechanical ventilation would be appropriate.
- 4.5 Economic Development Manager: I can confirm that the Economic Regeneration Team are supportive of this application. Although the application would involve the loss of office accommodation in favour of a leisure use, it is our opinion that there is currently a considerable amount of office accommodation readily available within Hereford City. As of the 30th August, 2006 the Council's Property Register listed 31 individual offices or suites of offices available within the city. It should be noted that the majority of available office accommodation is for leasehold rather than freehold basis. It should also be noted that in the longer term it is likely that the Edgar Street Grid development will increase the provision of office accommodation within the city.
- 4.6 Forward Planning Manager: The application site is located within an Established Residential Area under Policy H1 of the Unitary Development Plan. Such areas should remain primarily residential in character and other uses proposed should be compatible with this primary use and appropriate for the site. The application site has a long established commercial use, and due to the proximity of the town centre, a leisure use is unlikely to conflict with surrounding uses.

The previous use of the building was office space. Policy TCR13 regarding loss of existing offices will only be permitted where it can be demonstrated that there is no demand or need for the floorspace; or, that the replacement development and/or use is of acknowledged benefit to the centre concerned. There has been an indication from the Economic Development Department that there is currently an over supply of town centre office space, therefore the loss of such space is unlikely to be an issue.

The proposal also conforms to the Council's retail strategy, which directs key town centre uses that attract many trips, including leisure, in or adjacent to the existing centre, where there is convenient access by a choice of means of transport.

## **5. Representations**

5.1 Hereford City Council: No objection to this application subject to suitable closing time and licencing restrictions.

5.2 Three letters of objection have been received from 1 & 2 Bath Villas and 2 Glenlea Villa who are the immediate neighbours to the site. The main points raised are:

1. The proposals are for 24 hour operation and include the selling of alcohol for the same hours. This will result in significant and unacceptable changes to the character of the neighbourhood.

2. There is no objection to the continuation of office use as any noise and activity generated with such uses are confined to usual office hours of 9am to 5pm. Following that the area is solely residential, quiet and trouble free.

3. There are a number of existing windows in the side elevations of the building which would enable direct overlooking of adjacent residential properties and their gardens.

4. There will be a danger to highway safety as a result of users of the club being picked up and dropped off on Bath Street.

5. Proposals will result in an increase in noise caused by cars stopping and starting, doors banging and people and general activity to and from the premises and that associated with the sale of alcohol from the site.

6. The provision of food will inevitably result in the residual smells of food preparation and disposal.

7. There is no need for a further proposal of this nature particularly in a sensitive and residential area.

8. Most of the local residents are middle aged/elderly and would find the presence of this type of establishment on their doorstep intimidating and frightening particularly in view of the recent newspaper reports of a stabbing incident in a local club of the same type.

9. Existing windows in the side elevation of the building will inevitably be open for ventilation resulting in noise from people plus clacking of balls being hit, background music and so on travelling towards the nearest residential properties.

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

## **6. Officers Appraisal**

6.1 The most recent use of the building was primarily for offices in association with the job centre. Policy TCR11 of the Unitary Development Plan identifies that the loss of office space within Hereford City can be acceptable in principle if there is no demand or need for the office floor space. The Economic Development Manager has confirmed that

there is currently a considerable amount of office accommodation readily available in the city and it is not anticipated that this situation will change particularly with the Edgar Street Grid proposals also incorporating some office accommodation. Therefore, the loss of the office space is considered acceptable.

- 6.2 The site is located in a mixed residential/commercial area although the Unitary Development Plan classifies the area as an Established Residential Area. As such there is already a degree of activity from both people and vehicles in the locality particularly during the day. The site also lies adjacent to the Central Shopping and Commercial Area and policy TCR2 of the UDP supports the introduction of complimentary uses. In sustainability terms, the site is well located for a leisure use being accessible by a choice mode of transport. As such, the principle of a leisure use at the site is also considered acceptable.
- 6.3 The building itself is well suited to a leisure use given the size and relatively large floor areas, the existing front access incorporating disabled access and the minimal alterations required to accommodate the use. The most recent use of the premise as a job centre would have generated some degree of noise and activity and therefore the daytime use of the building as a snooker and pool club will not impact on the amenity of nearby properties. The principle issue is therefore considered to be the use of the building as a snooker club outside normal working hours of 9am-6pm.
- 6.4 The applicants (Rileys Ltd) currently operate 170 snooker and pool clubs nationwide and therefore have considerable experience in this leisure market. The premise will operate on a member's only basis with no access for visiting members of the public. This will enable the applicants to maintain some degree of control over the users of the premise and revoke membership if problems arise. The facilities within would amount to pool and snooker tables, a bar/lounge area and the only entertainment would be through televisions and fruit machines. There will inevitably be some noise within the building but this can be controlled through appropriate conditions such as restrictions on any amplified music and requirements that some of the existing windows facing neighbours are fixed shut. This view is supported by the Environmental Protection Manager who comments that there is unlikely to be any nuisance caused from direct use of the premises.
- 6.5 Any potential noise arising from the use of the site must be balanced against existing background noise levels. Given the location of the site fronting Bath Street, there is already a degree of noise emanating from traffic. Notwithstanding this, it is understandable that there is a local concern that the proposal may lead to an increase in noise and disturbance from both direct use of the facility and from patrons entering and leaving the premise particularly if the use were open 24 hours a day. Although no noise report has been provided by the applicants in support of their desire to operate 24 hours, it is considered that notwithstanding the location of the site adjacent to Bath Street, background noise levels in the immediate locality between the hours of 11.30pm and 7am (defined as the night time period within PPG24) are likely to be considerably lower. As such it is considered reasonable to impose a restriction on the operating hours of the business to coincide with the opening hours of most public houses in the city. The request to sell alcohol will be subject to separate control under the licensing regime.
- 6.6 There are a number of existing windows at ground and first floor, which directly overlook neighbouring properties and their gardens. Given the extended use of the building particularly in the evenings and the nature of the use proposed, it is also



considered reasonable and necessary for these windows to be obscured glazed. In addition, in order to minimise the impact of any noise from within the building these windows should also be permanently fixed shut. Ventilation can still be provided by openings within other elevations. Other concerns such as fumes from the kitchen can be controlled through condition.

- 6.7 Therefore, subject to the restrictions outlined above the proposal is considered acceptable in accordance with the relevant Unitary Development Plan policies.

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

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

- 3. E03 (Restriction on hours of opening) 8am – midnight.**

**Reason: In the interests of the amenities of existing residential properties in the locality.**

- 4. E06 (Restriction on Use).**

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

- 5. E19 (Obscure glazing to windows).**

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

- 6. F14 (Restriction on music).**

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

- 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. F37 (Scheme of odour and fume control).**

**Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential properties in the locality.**

**9. F39 (Scheme of refuse storage).**

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

**Informatives:**

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

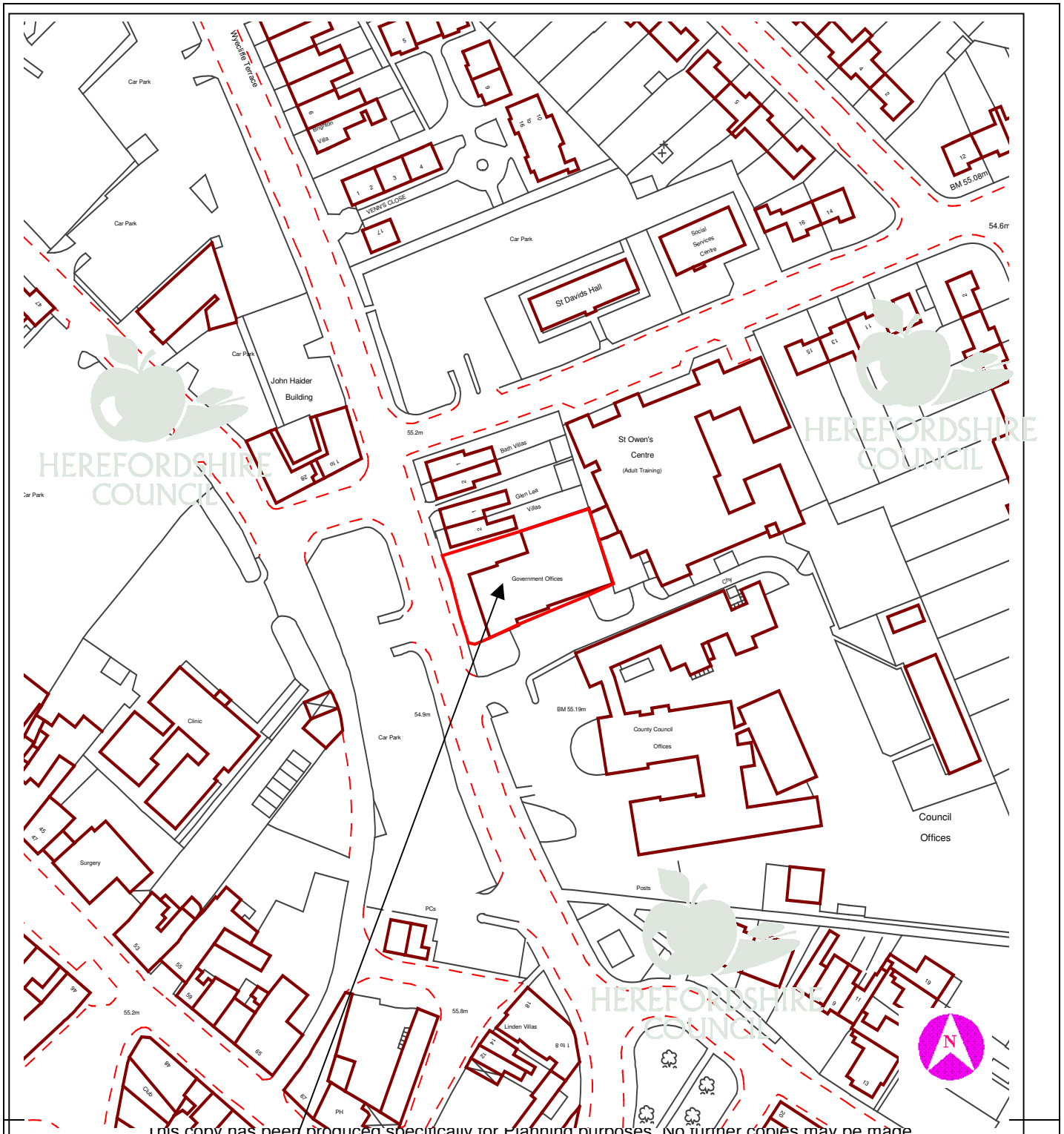
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/2739/F

**SCALE:** 1 : 1250

**SITE ADDRESS:** Former Job Centre, Bath Street, Hereford, Herefordshire, HR1 2LG

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**9 DCCE2006/2888/F - PROPOSED 3 BEDROOM DETACHED DWELLING LAND ADJACENT TO 72 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA.**

**For: Mr. C. Davies, 72 Old Eign Hill, Hereford, HR1 1UA.**

**Date Received: 8th September 2006 Ward: Tupsley Grid Ref: 52837, 39468**

**Expiry Date: 3rd November, 2006**

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

**1. Site Description and Proposal**

- 1.1 The site is located on the southern side of Old Eign Hill approximately 100 metres west of the junction with Hampton Dene Road in the eastern part of the city. The site currently forms part of the garden associated with 72 Old Eign Hill and until recently, a detached double garage existed on site. The existing boundaries are partially enclosed with hedges, shrubs and small trees and a row of garages border the eastern corner of the site. The predominant character of the area is two storey detached and semi-detached properties constructed from a mixture of brick or render with tiled roofs.
- 1.2 Planning permission is sought for the sub-division of the existing garden associated with 72 Old Eign Hill to enable the construction of a three bedroom detached dwelling on the site of the former garage. The existing front garden is also to be turned over to hardstanding to provide two parking spaces for both the existing and proposed dwellings.

**2. Policies**

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

|     |   |  |
|-----|---|--|
| S1  | - | Sustainable development                          |
| S2  | - | Development requirements                         |
| DR1 | - | Design   |
| DR2 | - | Land use and activity                            |
| DR3 | - | Movement   |
| H13 | - | Sustainable residential design                   |
| H14 | - | Re-using previously developed land and buildings |
| H16 | - | Car parking                                      |

**3. Planning History**

3.1 No history.

**4. Consultation Summary**

Statutory Consultations

4.1 Welsh Water: No objections subject to condition.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to provision of two parking spaces for each of the existing and proposed properties.

**5. Representations**

- 5.1 Hereford City Council: No objection to the application.
- 5.2 One letter of objection has been received from 70 Old Eign Hill. The main points raised are:
1. The proposal constitutes an overdevelopment of the plot.
  2. The proposal is not in keeping with neighbouring buildings in neither character, volume or scale.
  3. There are no fully timber clad, or partially timber clad buildings and the predominant roof material in the area is clay tile. The proposed materials will look out of place and incongruent.
  4. The modern design will be totally out of character with all existing properties in Old Eign Hill.
  5. The proposed rear kitchen extension does not honour the existing building lines of the adjoining properties and will impinge on our standard of living and light at the rear of our property.
  6. We will also be overlooked at the rear from the proposed first and second floor windows.
  7. The actual site boundaries are not clear and legal clarification is been sought.
  8. Existing boundary trees will have to be removed/trimmed back.
  9. It is difficult to envisage sufficient off road parking space being available.

We recognise the need for infill planning, however, we are concerned regarding the proposed scale of development and reiterate our concerns considering it to be an overdevelopment of the plot. However, we would not wish to object to a scheme that was more modest in scale and in a style more appropriate to its surroundings.

- 5.3 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. Officer's Appraisal**

- 6.1 The existing property and its associated garden is relatively large and there is adequate space to accommodate a further dwelling without compromising the general residential character of the area. As such, the principle of a dwelling on the site is considered acceptable.
- 6.2 The general form of the main part of the dwelling has been designed to replicate 72 Old Eign Hill in terms of the width, general proportions and height. As such the overall scale of the dwelling is also considered acceptable in relation to the area and size of the site. Whilst the general form of the dwelling is relatively traditional, some of the detailing such as the fenestration and materials are contemporary. This in itself is considered acceptable, as there is no distinguishable character to the area in terms of property designs or materials. Furthermore, the introduction of different architectural styles and materials creates visual interest and can enhance the character of an area. Notwithstanding these comments, there are concerns with some of the design element

such as the extent of glazing on the front elevation and the design of the dormer at roof level. The applicants are currently reviewing these matters.

- 6.3 Whilst the dwelling is relatively large in relation to the plot width, the design is sympathetic to the amenity of neighbouring properties. There are no windows at first or second floor directly overlooking neighbouring properties and the only element, which extends beyond the rear of the existing properties either side, is a single storey flat roofed kitchen extension. At a height of 3 metres, this will not have a harmful impact on the amenity enjoyed by the objector. There is also some dispute over the actual line of the western boundary of the site between the applicants and the objector's land. This is being investigated by both parties but ultimately is a civil matter and should not preclude a decision on the application. The Traffic Manager raises no objection as adequate off street parking is proposed.
- 6.4 Subject to some of the design elements of the scheme being amended, in particular the fenestration and design of the dormer, the proposal is considered acceptable in accordance with the relevant Unitary Development Plan policies.

## **RECOMMENDATION**

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

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

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

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

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

3. **H10 (Parking - single house).**

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

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

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

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

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

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

**Reason: In order to safeguard the amenity of the occupants of existing and proposed dwellings and to prevent over development of the site.**

- 7. The existing windows on the western elevation of 72 Old Eign Hill shall be permanently blocked up prior to commencement of work on the construction of the dwelling hereby approved.

**Reason:** To minimise the impact of the proposed dwelling on the amenity of the occupants of 72 Old Eign Hill.

**Informatives:**

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

Decision: .....

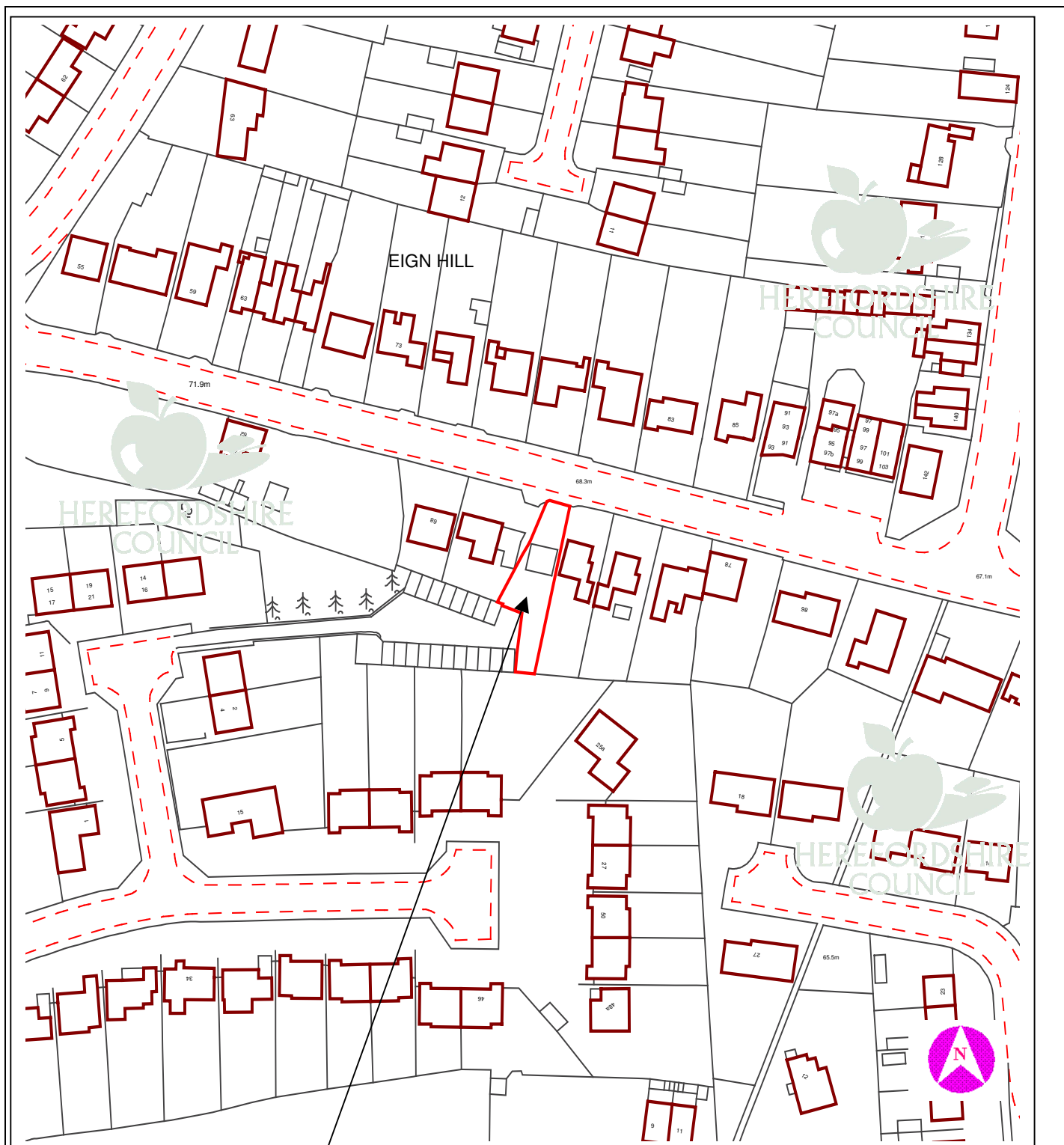
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCCE2006/2888/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to 72 Old Eign Hill, Hereford, Herefordshire, HR1 1UA

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|      |   |  |
|------|---|--|
| S2   | - | Development requirements                     |
| S3   | - | Housing                                      |
| DR1  | - | Design                                       |
| DR2  | - | Land use and activity                        |
| DR3  | - | Movement                                     |
| DR4  | - | Environment                                  |
| H13  | - | Sustainable residential design               |
| H15  | - | Density                                      |
| H16  | - | Car parking                                  |
| T11  | - | Parking provision                            |
| S7   | - | Natural and historic heritage                |
| HBA6 | - | New development within conservation areas    |
| HBA8 | - | Locally important buildings                  |
| HBA9 | - | Protection of open areas and green spaces    |
| LA5  | - | Protection of trees, woodlands and hedgerows |
| LA6  | - | Landscaping schemes                          |
| CF2  | - | Foul drainage                                |

### 3. Planning History

3.1 No history.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water: No comments received.

#### Internal Council Advice

4.2 Traffic Manager: I do not consider that the passing places shown could be accommodated within the adopted highway with the exception of that proposed near the entrance to the site within land owned by the applicant. The cutting back of hedges would change the character of the lane but not increase the available width of surfaced road. The route is also used by walkers to the Lugg Meadows and the increase in traffic and particularly construction traffic is a concern. If a satisfactory series of passing bays cannot be achieved, this application should be refused.

4.3 Conservation Manager: This is an interesting villa set within its own reasonably extensive landscaped grounds. It is therefore of interest and worthy of retention. House 1 would have a detrimental impact in that it would disrupt the principal approach to the main house. It is also located too close to the building and would have a dominant and disruptive impact. This is due to its size and the design of the original house being set within its own grounds rather than as part of a street which the proposal would suggest. We therefore believe that the proposal should be reviewed and no new building should disrupt the approach to the principal house. If we were to contemplate a house on this site it should be clearly subservient to the main house and not come forward in front of the building line. It may be useful to explore the idea of having a mews style building which would replicate the stables found close to many grand mansions. I therefore object to the current proposals for plot 1 and recommend refusal.

4.4 Landscape Officer/Arboriculturalist: Comments awaited.

## 5. Representations

5.1 Hereford City Council: Recommend refusal on the grounds of lack of main drainage and lack of surface water drainage. Land already saturated.

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

1. Walney Lane is a pleasant country lane well used by walkers to access Lugg Meadows. Any alterations will completely change the character of the lane and increase the volume and speed of traffic to the detriment of highway and pedestrian safety.
2. Walney Lane has no footpaths.
3. Visibility on Walney Lane particularly between Nos. 5 and 17 is severely restricted.
4. Some of the proposed passing places are on private property.
5. The hedges along Walney Lane are already well trimmed and do not overhang the carriageway.
6. The increase in traffic generated by the proposal would be to the detriment of amenity of existing occupiers.
7. The approval of this development would set a precedent for other development on adjacent land.
8. The proposals would represent an overdevelopment of the site.
9. The proposed development is badly located and out of proportion with the size of the plot and the design and scale of the houses is incompatible with what is there at the moment.
10. The Environment Agency because of poor results from percolation tests have issued a refusal to the right to discharge from septic tanks. Effluent and soakaways currently a ponds on the surface resulting in obnoxious smells both within and around the application site.
11. Discharges from existing septic tanks currently gravitate across the site of the proposed dwellings.
12. All windows on the western elevation of Plot 2 should be removed except the bathroom window.
13. We are concerned with the likelihood of serious ground slippage between Nos. 15 and 17 as a result of the proposed works and tree removal. If permission is approved a new retaining wall along the boundary will be required.
14. There will be considerable noise and disruption particularly during construction if the development is permitted.
15. The proposed security gates are totally out of character with the area.
16. There will be considerable environmental damage and subsequent loss of wildlife through the removal of a trees and the proposed landscaping is a poor substitute.
17. The development is contrary to CTC6 of the Structure Plan which requires Aylestone Hill/Tupsley Ridge to be protected as a significant landscape feature.
18. If permission is approved all vehicles associated with the construction should be parked within the site.

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

## 6. Officers Appraisal

6.1 The site falls within the settlement boundary as identified in the adopted and emerging Development Plans where the principle of new residential development is acceptable. The site is also relatively large and can accommodate a modest residential

development without compromising the residential and landscape character of the area. The principles are therefore considered acceptable.

- 6.2 The two dwellings proposed on Plots 2 and 3, north of the existing house are located within an area, which is predominantly dense scrub with some semi-mature trees. Existing mature trees in the north western corner of the site are to be retained but the majority of the remaining trees and vegetation within this area is to be removed to facilitate the construction of the dwellings. Comments are awaited from the Landscape Officer but it would appear that which is being removed is of low amenity value.
- 6.3 Sufficient space exists within the area proposed for properties 2 and 3 to accommodate dwellings of the size proposed with associated garden, vehicle parking and manoeuvring areas. The scale of the dwellings are large but the general scale and character of existing properties within the locality is large properties within relatively spacious plots and therefore the scale and density is not considered unacceptable. Two very different designs are proposed incorporating gables and dormer features with different ridge heights, which also assist in diluting the scale of the properties. As such the proposals for the two dwellings on Plots 2 and 3 are considered acceptable subject to receipt of satisfactory comments from the landscape officer.
- 6.4 The proposed dwelling on Plot 1, even in principle, is not considered acceptable. The character of the existing property and its garden is a relatively open setting both in terms of exiting lawned area to the east and the approach to the site. The proposed dwelling on plot 1 disrupts the approach to the site and detracts from both the appearance of the existing property and it's setting. Amended plans have been requested identifying the removal of the dwelling proposed on Plot 1.
- 6.5 The existing access off Walney Lane is to be widened with the provision of new access gates entailing the removal of two mature trees along with a new access road running to the rear (west) of the existing dwelling. This is considered the most appropriate means of access as it will retain the existing open setting around 17 Walney Lane and thus retain the landscape character of the site particularly with the removal of the dwelling on Plot 1. The proposed new garages are also considered acceptable in terms of their design, scale and appearance. Therefore, subject to the removal of the proposed dwelling on Plot 1 the general layout, scale and design of the proposals are considered acceptable.
- 6.6 Walney Lane is a single width unclassified road with no existing passing places serving approximately 15 properties. The mouth of the junction is to be widened to 5.5 metres to enable a vehicle to enter and exit Walney Lane simultaneously, which is not currently possible. In addition to this a passing place is proposed near the access junction. These works are necessary to improve the standard of Walney Lane sufficiently to accommodate further traffic proposed under this development. However, the Traffic Manager remains concerned with the lack of any passing places between the site access and Walney Lane junction. This is currently being explored by the applicants to establish whether a further passing place within the confines of the highway can be created but if this cannot be achieved, the traffic manager recommends refusal.
- 6.7 There will inevitably be some disruption if permission is approved both during the construction phase and also through increased vehicle movements to and from the site after occupation. However, it is not considered that the character of the lane will be

materially changed even with the works proposed as it will still remain predominantly single width with mature hedges and stone walling forming the highway boundary. As such its current character as a 'green lane' will be retained with the exception of the widened entrance off Aylestone Hill.

- 6.8 The applicants propose a bio-disc foul drainage system with final discharge via a soakaway within the confines of the site. This ordinarily would not be a problematic means of foul drainage. However, existing residents have experienced difficulties in achieving satisfactory soakaways due to the porosity of the ground. No percolation tests have been provided to demonstrate that the proposed system will satisfactorily operate. Therefore, as there is a potential problem with foul drainage and there is no opportunity, at the moment, to connect to the mains drainage further investigation into this matter is required. The applicants are currently pursuing this matter with a view to providing evidence including percolation tests to demonstrate that the proposed system will satisfactorily work.
- 6.9 Therefore, subject to the above issues above being addressed, it is considered that a proposal can be supported. The issues being:
1. The provision of an additional passing place within the highway between the site entrance and the Aylestone Hill/Walney Lane junction;
  2. Removal of the proposed dwelling on Plot 1;
  3. Provision of evidence including percolation tests to demonstrate that the proposed foul drainage system will satisfactorily operate on site.

#### **RECOMMENDATION:**

**Subject to the receipt of suitable amended plans and additional information addressing points 1 – 3 above, the officers named in the Scheme to Delegation to Officers be authorised to issue planning permission subject to the conditions below and any additional conditions considered necessary by officers.**

**If points 1-3 above are not satisfactorily addressed/resolved by 18th October, 2006, the application be refused.**

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

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

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

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

3. **The works identified on drawing no. 06061067/09 relating to the widened access off the junction between Aylestone Hill and Walney Lane and passing place shall be completed prior to work commencing on the construction of the dwellings hereby approved.**

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

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

Reason: To safeguard the amenities of the locality.

- 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.

- 7. G01 (Details of boundary treatments including retaining walls).

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

- 8. G03 (Landscaping scheme (housing development) - implementation).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 9. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

- 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. H27 (Parking for site operatives).

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

**Informatives:**

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

- 2. N19 - Avoidance of doubt

Decision: .....

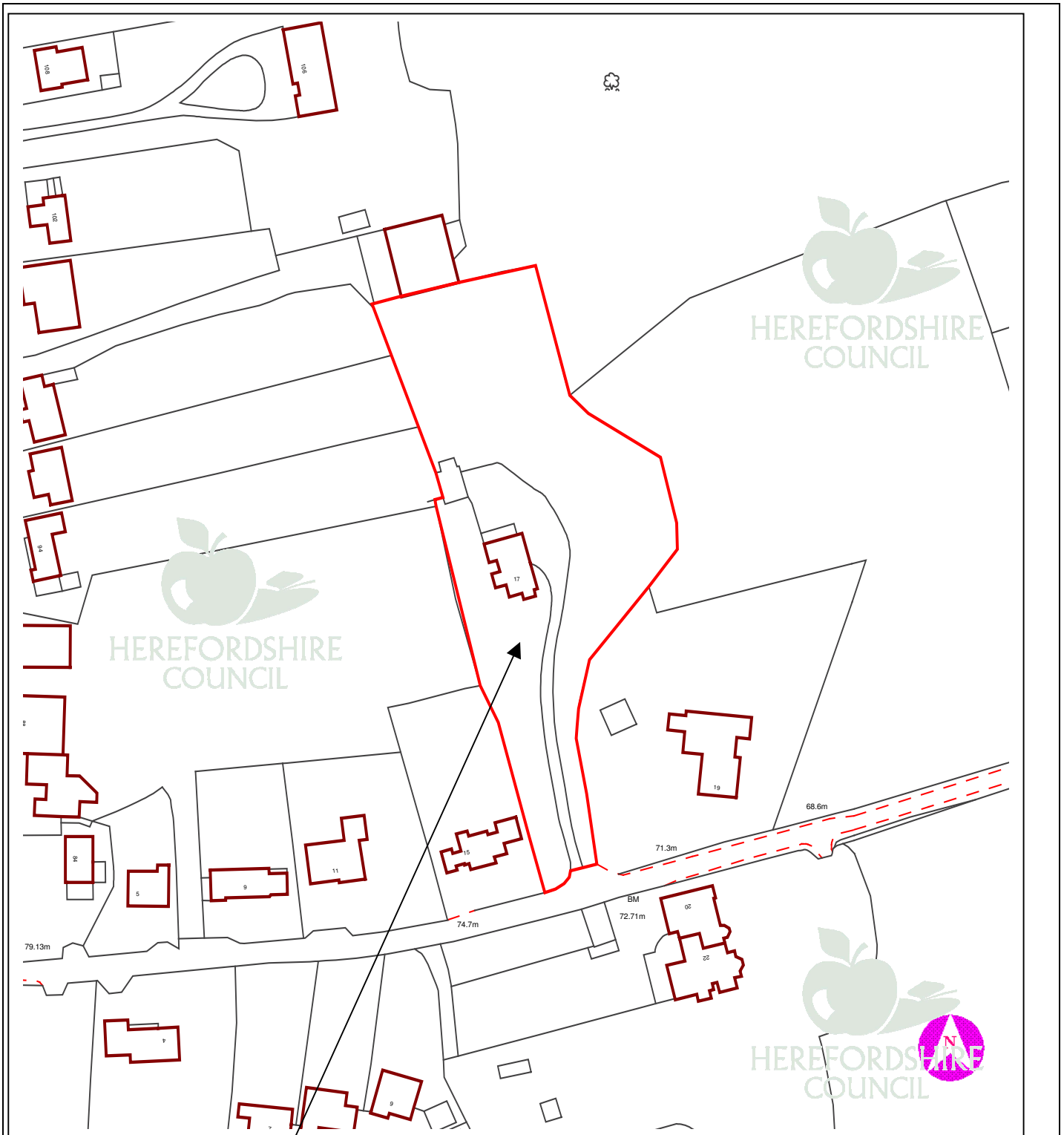
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCCE2006/2829/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 17 Walney Lane, Hereford, Herefordshire, HR1 1JD

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**11 DCCW2006/2743/F - REPLACE 3, 1 METRE HIGH FENCE PANELS WITH 3, 1.8 METRE HIGH PANELS AT EDGE OF PROPERTY - RETROSPECTIVE AT 3 YARLINGTON MILL, BELMONT, HEREFORD, HR2 7UA.**

**For: C. & K. Wathen, 3 Yarlington Mill, Belmont, Hereford, HR2 7UA.**

**Date Received: 18th August, 2006**  
**Expiry Date: 13th October, 2006**

**Ward: Belmont**

**Grid Ref: 49534, 38331**

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

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

- 1.1 No. 3 Yarlington Mill is a modern two storey house linked by a garage to two semi detached houses. These three dwellings front a narrow private drive off Yarlington Mill, a residential neighbourhood cul-de-sac near its junction with Waterfield Road. The house itself is thus side on to Yarlington Mill and its rear garden extends to the junction with Field Farm Mews a secondary cul-de-sac which bounds the northern edge of the site.
- 1.2 This is a retrospective application for the replacement of a length of three former 1.00 metre high fence panels with three 1.8 metre high fence panels. They represent a 6.00 metre extension of a length of 1.8 metre high brick wall and fence enclosure which runs along the rear boundary to Field Farm Mews round to part of the boundary to Yarlington Mill. For the remainder of the boundary along to the private drive access it is proposed to retain a 5.00 metre length of 1.00 metre high fence panels, one of which has been temporarily displaced.
- 1.3 The surrounding area is characterised by an orthodox medium density 1980's style residential layout with open frontage but including examples of 1.8 metre high boundary enclosures for other corner sites.

### **2. Policies**

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

|            |   |                            |
|------------|---|----------------------------|
| Policy S1  | - | Sustainable Development    |
| Policy S2  | - | Development Requirements   |
| Policy DR1 | - | Design                     |
| Policy H18 | - | Alterations and Extensions |

### **3. Planning History**

- 3.1 SH850840PM                      Erection of 88 houses.      Reserved Matters Approved 10th October, 1985.

### **4. Consultation Summary**

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objection to the grant of planning permission provided length of existing 1.00 metre high fence (dimensioned as 5.00 metre length) remains unchanged.

**5. Representations**

- 5.1 Belmont Rural Parish Council: Although there are no objections to this development, we would would to make the point that approval of this application should not be considered a precedent for future applications of a similar nature. The area in question was intended to be open plan in nature with no fences to the front of properties other than of a very low nature to define a boundary. In this particular location, we feel a higher fence does not materially detract from the visual amenity of the area but this would not be the case elsewhere in Yarlington Mill.

- 5.2 Three letters of objection have been received from:

- (A) Mrs. R.M.J. Gregory, Mr. P. Gregory and on behalf of Mrs. V. Adams of 1 Yarlington Mill, Belmont. The grounds of objection are summarised as follows:

Yarlington Mill is the only road in and out of a large estate. It junctions with Waterfield Road; a fast arterial road for the New Farm Estate. It is also used as a rat-run to avoid traffic congestion in Belmont Road.

Vehicles entering Yarlington Mill are often quite unaware of the cul-de-sac until they have passed it and are often travelling too fast.

- (1) The three panels subject of the application are already erected and stand on plinths which makes them in excess of 6' (1.8 metres) in height.
- (2) Completely obstructs vision towards Field farm Mews, thus presenting a danger to motorists and pedestrains alike.
- (3) Yarlington Mill is also used extensively by pedestrians and cyclists from the Newton Farm Estate as a direct route to the Belmont Medical Centre, chemist and Tesco stores.

Young mothers pushing prams and loaded with their purchases often allow youngsters to run a considerable distance in front of them along the west footway of Yarlington Mill.

It will be seen that Yarlington Mill bends towards Field Farm Mews in an arc. In parts the west footway is severely obstructed by shrubbery from land owned by No. 3.

The bend incorporating the presence of 6' (1.8 metre) closed panel fencing would not give parents sufficient time to alert children to vehicles leaving the cul-de-sac.

Similarly such vehicles would not be able to see their approach in time to take avoiding action.

- (B) H.Small, 28 Coppin Rise, Belmont.

The purpose of the 1.00 metre high fence panels was to provide a visibility spur giving exiting drivers a clear view along Yarlington Mill.

Pedestrians walking towards Waterfield Road on the pavement adjacent to No. 3 Yarlington Mill are likely not to see traffic exiting, this is particularly in respect of younger children who may be walking/running ahead of their parents. Also risk to cyclists.

The panels would detract from the overall design of the area as envisaged in the original plans.

- (C) Mr. R. Small, 16 St. John Kemble Court, Newton Farm.

Obstruction of the road for passing pedestrians and for road users as they have to reverse out, visibility is poor and it would be an accident waiting to happen.

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 to the nature of the proposal and representations received, it is considered that the key issues are effect on the streetscape character and visual amenity of the surrounding area and highway safety.

### Streetscape Character and Visual Amenity

- 6.2 Within the surrounding residential layout, houses facing Yarlington Mill and the secondary cul-de-sacs have open frontages. However, the application site and other corner properties were provided with lengths of 1.8 metre high enclosures along parts of the highway boundaries to provide privacy and security for otherwise exposed rear and side garden areas. The three 1.8 metre high fence panels, subject of this application, represent a 6.00 metre long extension to one of these lengths of boundary enclosures to provide additional privacy. The residual 5.00 metre length of boundary adjacent to Yarlington Mill up to the private drive access will continue with the existing 1.00 metre high fence panels.
- 6.3 In this context it is considered that the fence panels do not appear incongruous and do not have a negative effect on the streetscape character and visual amenity of the surrounding area.

### Highway Safety

- 6.4 It is considered that 5.00 metre length of boundary between the private drive access and the nearest edge of the 1.8 metre high fence panels allows an adequate standard of visibility for vehicles using the access and would not compromise the safety of traffic and pedestrians using Yarlington Mill.

- 6.5 The Traffic Manager raises no objection provided the length of existing 1.00 metre high fence dimensioned as 5.00 metre in length) remains unchanged.
- 6.6 With regard to the Parish Council's comments, this proposal has been considered on its merits and would not be regarded as a precedent for the consideration of any future applications for boundary enclosures.
- 6.7 Subject to a condition requiring the maintenance of a visibility splay it is considered that this proposal is acceptable.

**RECOMMENDATION**

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

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

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

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

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

- 3. **A visibility splay shall be provided and thereafter maintained from a point 1.00 metres above ground level at the centre of the existing driveway access to the application site 2.40 metres back from the nearest edge of the Yarlington Mill for a distance along the edge of carriageway to the nearest face of the first concrete post supporting the fence panels hereby permitted. 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.**

**Informatives:**

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

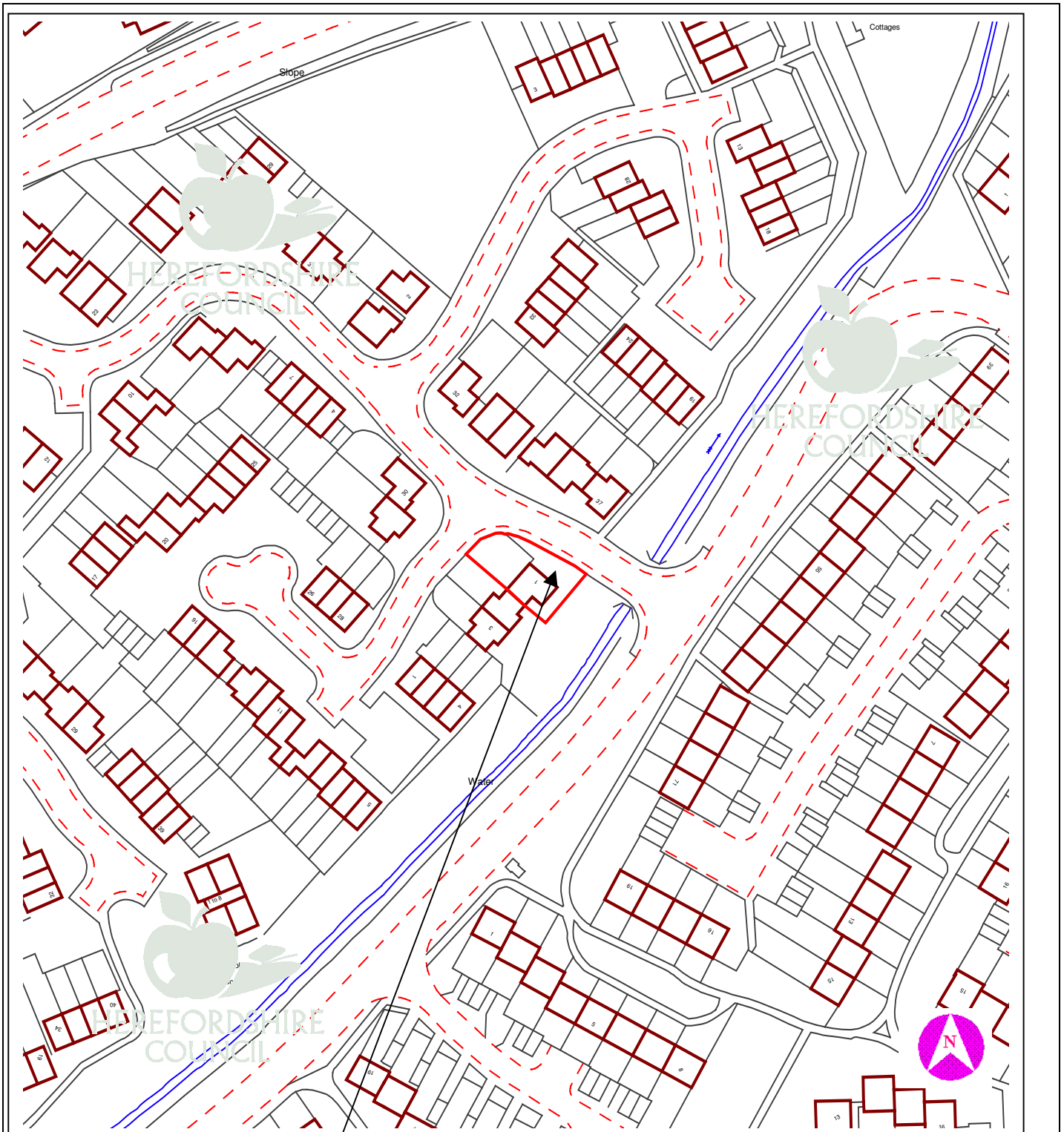
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/2743/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 3 Yarlington Mill, Belmont, Hereford, HR2 7UA

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**12 DCCW2006/2733/F - ERECTION OF DETACHED HOUSE AND ANCILLARY GARAGE AND FORMATION OF NEW VEHICULAR ACCESS AT JABRIN HOUSE, THE ROW, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AP.**

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

**Date Received: 17th August, 2006      Ward: Wormsley Ridge      Grid Ref: 49076, 47774**

**Expiry Date: 12th October, 2006**

Local Member: Councillor J.C. Mayson

**1. Site Description and Proposal**

- 1.1 Jabrin House is a detached cottage flanking the east side of The Row (C1109) towards the end of an informal ribbon of dwellings extending southwards from the principal village street and within the main village settlement boundary as defined in the Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 1.2 The curtilage of Jabrin House includes a garden and small orchard area that stretches southwards some 45.00 metres along the highway frontage. The application site itself is formed from the southern end of this strip of land and has a frontage of 24.00 metres and a depth of 24.5 metres. It is elevated approximately 1.10 metres above the level of the adjoining carriageway and is enclosed by an attractive roadside hedge.
- 1.3 It is proposed to erect a detached four bedroom dwelling in the form of a one and half storey, traditional style cottage with front and rear dormer windows, a rear gabled projection and a single storey utility bay attached to the north side. The length, along the main front wall, would be 10.00 metres and the width 5.00 metres. The rearward projection, almost to the rear boundary, would be 4.50 metres long and the utility bay projection 2.50 metres. Eaves and ridge heights would be 3.50 metres and 6.80 metres respectively. The front main wall would be set back 11.00 metres from the highway boundary. In addition the design includes such local architectural vernacular features as an open gabled, oak framed porch and an external tiered chimney stack. The proposed single garage would be located in an off set position to the front of the house.
- 1.4 Specified facing materials are a reclaimed brick plinth with lime rich render to the walls above and a roof of plain clay tiles. The single storey utility bay would be clad with timber as would the single garage.
- 1.5 Access to the site would be positioned slightly off centre in the front boundary and would lead to the foreground garage and associated turning area. This position would be on the north side approach towards the brow of an undulation in the road. Submitted details indicate that the boundary hedge within the site and the adjoining garden of Jabrin House would be replanted to the rear of the visibility splays.

- 1.6 Opposite the site is 'Gelerts Brow', a detached bungalow, also elevated above the carriageway and with a front main wall set back some 4.50 metres from the highway boundary. To the south, set back behind the proposed position of the house is 'Salerno', a detached two storey dwelling and to the rear an orchard.

## 2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

|            |   |                                      |
|------------|---|--------------------------------------|
| Policy S1  | - | Sustainable Development              |
| Policy S2  | - | Development Requirements             |
| Policy S3  | - | Housing                              |
| Policy DR1 | - | Design                               |
| Policy DR2 | - | Land Use and Activity                |
| Policy DR3 | - | Movement                             |
| Policy DR4 | - | Environment                          |
| Policy H4  | - | Main Villages: Settlement Boundaries |
| Policy H13 | - | Sustainable Residential Design       |

- 2.2 South Herefordshire District Local Plan:

|            |   |  |
|------------|---|--|
| Policy SH6 | - | Housing Development in Larger Villages |
|------------|---|--|

## 3. Planning History

- 3.1 DCCW2006/1154/F Proposed erection of two detached houses and ancillary garage, new vehicular access. Withdrawn 23rd May, 2006.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: Request conditions relating to separation of foul water and surface water discharges from the site.

### Internal Council Advice

- 4.2 Traffic Manager: Recommends standard conditions concerning visibility splays (2.40 metres x 33.00 metres), access gates set back 5.00 metres, vehicular access construction, driveway gradient and implementation of access turning area and parking.

## 5. Representations

- 5.1 Wellington Parish Council: The Council object to this application for the following reasons:

- (1) Not line (sic) with the adopted Parish Plan.
- (2) Large building for the size of the plot.
- (3) Access - the entrance would be in the narrow part of The Row just below a blind brow - dangerous.

Also enclosed a copy of a letter received from a neighbour.

- 5.2 Letter of objection received via Wellington Parish Council from Andrew Lucas, Gelerts Brow, The Row, Wellington. The first part of the letter raises general concerns about new housing development in the countryside around Wellington. The following extract contains more specific concerns relating to the proposal:

On seeing the plans and realizing the size of the proposed building the full horror of this undertaking hit me. My whole bungalow, frontage and garden will be overlooked, both the site and positioning of this dwelling will mean that the new occupants will be able to look directly into my kitchen, living room, bathroom and one bedroom, resulting in complete loss of my personal privacy. The proposed site entrance, (even though apparently "redesigned" from the last application by the applicants), is still onto a very narrow and at peak times very busy side road that is used as a "rat run" by most of the villagers, it is literally a few yards from the blind brow of a hill to the south and an equally blind corner to the north. The siting of this dwelling here would still only add to an already dangerous section of road. Many of the residents of The Row choose to live here because of its quiet location, the building of this dwelling would only detract from that, not only during the process of construction, but also after with even more everyday living noises and light pollution that increased population of a small area brings with it, particularly as this dwelling is to be a four bedroom house, that means that at least four people could live there, each of whom could have a car, all adding to the number of vehicles using what could be a very dangerous access to the road. Please ladies and gentlemen of Wellington Parish Council, I beg you, please stop this building from going ahead.

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 to the nature of the proposal, relevant development plan policies, representations received and other material considerations, it is considered that the key issues for consideration are as follows:-

1. The Principle of Development
2. Siting, Design and Visual Amenity
3. Residential Amenity
4. Highway Safety

### The Principle of Development

- 6.2 The site lies within the defined Main Village settlement boundary for Wellington as defined in the Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 6.3 Policy H4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) states that the provision of housing in the main villages will be restricted to sites within the identified settlement. Residential development will be permitted on both allocated and windfall sites within these boundaries where proposals are in accordance with the housing design and other policies of the Plan.
- 6.4 The site is also within the larger village settlement boundary for Wellington as defined in the South Herefordshire District Local Plan. Policy SH6 effectively directs new housing development to land within the settlement boundary subject to Policies SH8, GD1 and other appropriate plan policies.

- 6.5 In the above-mentioned development plan policy context, it is considered that there is a clear presumption in favour of the land use principle of residential development on the application site.
- 6.6 The Parish Council's response includes a non-specific assertion that the proposal is not in line with the Parish Plan. It is unclear where the suggested conflict lies. However the previously mentioned policy considerations should be given overriding weight in this instance.

#### Siting, Design and Visual Amenity

- 6.7 The design of the proposed house possesses a scale and character which invokes local architectural vernacular features and qualities which are generally regarded as appropriate in a Herefordshire rural context.
- 6.8 The siting some 11.00 metres back from the highway boundary gives a transitional building line between 'Jabrin House' to the north and 'Salerno' to the south. Spacing in relation to those neighbouring dwellings, is not too tight, so the proposed house would scan reasonably well in the roadside scene.
- 6.9 In the circumstances it is considered that the proposed dwelling would make a visually comfortable and appropriate architectural statement in this location.
- 6.10 The removal of a length of boundary hedge to accommodate the access and formation of visibility splays would be unfortunate but a suitable condition would secure the reinstatement of a hedge behind the visibility splays as indicated on the submitted drawings.
- 6.11 Overall it is considered that the proposal will not be detrimental to the visual amenity of the surrounding area.
- 6.12 The design and construction of the dwelling pays regard to sustainability considerations as explained in the following extract from the applicant's Design and Sustainability statement:-

The house will be of sustainable and energy conserving construction, comprising an internal, traditionally jointed, (i.e. morticed, tenoned and pegged), green oak structural frame with the external walls constructed using a Structural Insulated Panel System (SIPS), which recycles waste material from the timber industry and possesses exceptional thermal insulating properties. The utility bay and the garage will use a stressed skin softwood frame panel system. The use of green oak, SIPS and softwood framing represents a structurally economic, thermally efficient and environmentally sustainable form of construction. Timber is a naturally occurring resource which is capable of replenishment and has numerous environmental benefits as it grows providing a good source and habitat for wild life and absorbing and converting carbon dioxide, the principal "greenhouse" gas, to oxygen. The energy required to convert the raw material to a building component is substantially less than that for masonry or steel elements. In addition we as company have a policy of trading only with suppliers who operate established and approved comprehensive replanting and regeneration programmes.

### Residential Amenity

- 6.13 'Gelerts Row' is a bungalow situated on the opposite side of the road to the application site. Its front main wall contains windows to a kitchen, living room, bathroom and bedroom. The occupiers have expressed strong concerns about overlooking and loss of privacy from the proposed house. The distance between the front main wall of the proposed house and that of 'Gelerts Row' is some 21.00 metres. It is considered that this is a reasonable spatial relationship between the two dwellings and should not produce an unacceptable risk of overlooking or loss of privacy. As for the concerns about construction noise, every day living noise and light pollution, it is not considered these will be of a level that would cause undue harm to residential amenity.
- 6.14 'Salerno' the neighbouring detached two storey dwelling is positioned gable end on to the application site rearward of the proposed dwelling. It has three windows in the gable end to a landing, secondary bedroom and attic. The gable-to-gable distance between the two dwellings would be some 12.00 metres. Again it is considered that there would not be an adverse amenity impact.
- 6.15 The rearward projection of the proposed dwelling would be close to the rear boundary to an extended orchard area, however it is not considered that there would be any negative amenity consequences.
- 6.16 In relation to 'Jabrin House' itself it is also considered that the siting would be acceptable.

### Highway Safety

- 6.17 Along the frontage of the application site the width of the adjacent carriageway is narrow. The proposed access point is close to the brow of an undulation so that it would be only 0.87 metres below the high point. Provision for parking and a turning area is made within the curtilage of the site.
- 6.18 The Traffic Manager has assessed the proposal and is satisfied, subject to conditions requiring visibility splays, set back gates and construction details, that the access is acceptable from a highway safety point of view.

### Conclusions

- 6.19 The concerns of the Parish Council and objector have been taken into account but in the light of this appraisal, it is considered acceptable in accordance with development plan policies.

## **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. No development shall take place until a scheme of replacement hedge planting has been submitted to and approved by the local planning authority. All hedgerow planting in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner.**

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

**5. W01 (Foul/surface water drainage).**

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

**6. 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.**

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

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

**8. Before any other works hereby approved are commenced, visibility splays shall be provided and thereafter be maintained from a point at the centre of the access to the application site and 2.40 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33.00 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.**

**9. Before any works are commenced in connection with the formation of the visibility splays required pursuant to condition 8 above, details of the engineering works including earth moving, finished ground levels, construction materials and surface treatment for the formation of the visibility splays shall be submitted to and approved by the local planning authority.**

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

**10. H05 (Access gates).**

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

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

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

- 12. H09 (Driveway gradient).

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

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

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

**Informatives:**

- 1. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.
- 2. HN01 - Mud on highway.
- 3. HN04 - Private apparatus within highway.
- 4. HN05 - Works within the highway.
- 5. HN10 - No drainage to discharge to highway.
- 6. N03 - Adjoining property rights.
- 7. N19 - Avoidance of doubt.
- 8. N15 - Reason(s) for the Grant of PP/LBC/CAC.

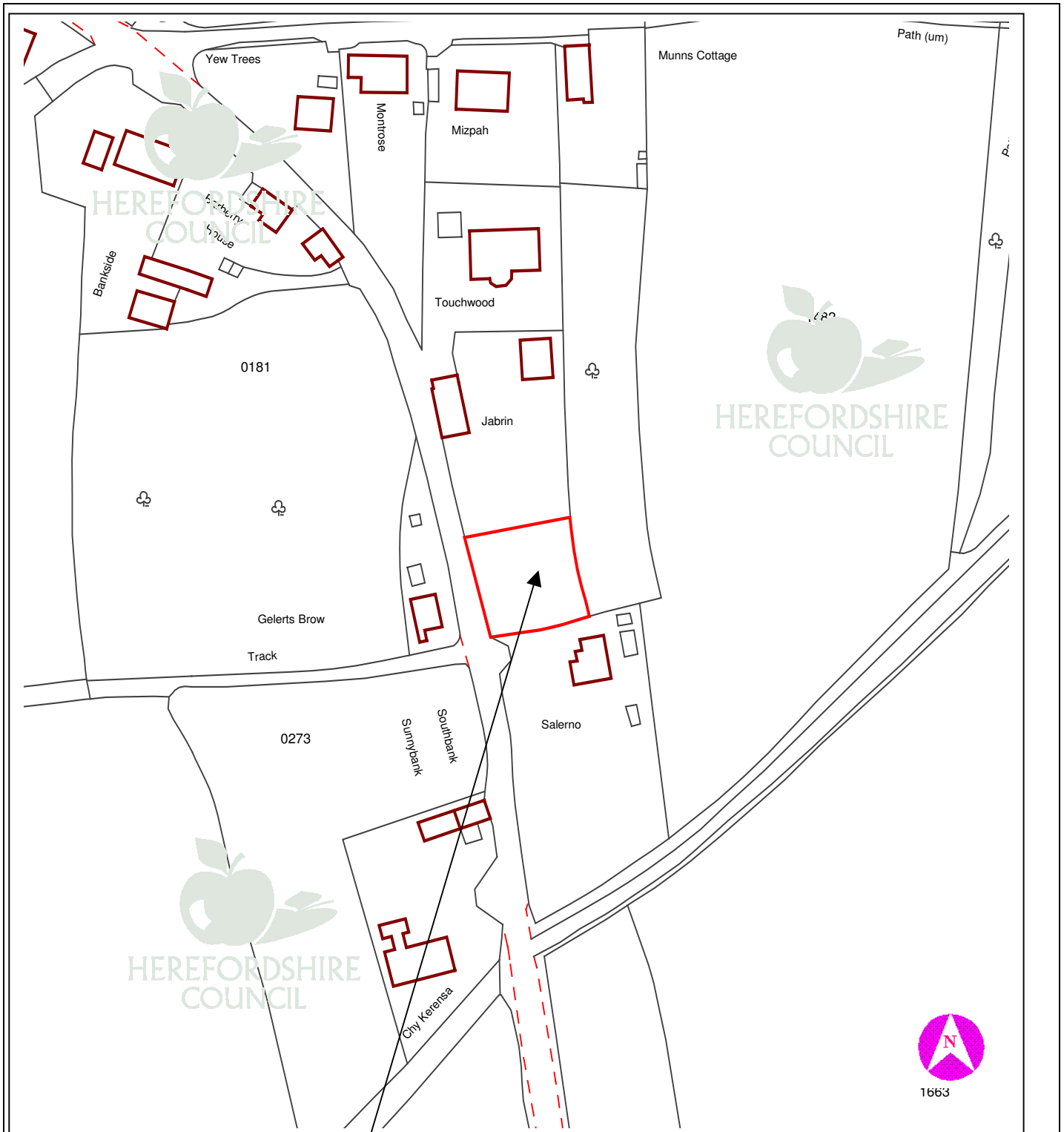
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/2733/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Jabrin House, The Row, Wellington, Hereford, Herefordshire, HR4 8AP

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**13 DCCW2006/2837/F - CHANGE OF USE TO HOT FOOD TAKEAWAY AT 54 HUNDERTON ROAD, HEREFORD, HR2 7AG.**

**For: S. Kaur, 54 Hunderton Road, Hereford, HR2 7AG.**

**Date Received: 1st September, 2006      Ward: Belmont      Grid Ref: 50009, 39013**  
**Expiry Date: 27th October, 2006**

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

**1. Site Description and Proposal**

- 1.1 This application site comprises the existing newsagents and general stores at 54 Hunderton Road, Hunderton, Hereford. The proposal is to change the use of the premises to a hot food takeaway.
- 1.2 The only external alteration is the provision of an odour extraction system which will be attached to the side of the applicant's dwelling which adjoins the shop. It is intended to paint the flue the same colour as the dwelling to reduce its impact.
- 1.3 The proposed opening times are:
- 11.30 am-2 pm and 4.40 pm-9.45/10 pm Monday-Saturday.
- 5 pm-9.30 pm Sunday (if demand).
- 1.4 Any rubbish will be collected within the vicinity of the shop and if necessary an extra litter bin will be provided.

**2. Policies**

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

|              |   |                                  |
|--------------|---|----------------------------------|
| Policy DR2   | - | Land use and Activity            |
| Policy DR4   | - | Environment                      |
| Policy TCR15 | - | Hot Food Takeaway Outlets        |
| Policy T11   | - | Parking Provision                |
| Policy CF6   | - | Retention of Existing Facilities |

**3. Planning History**

- 3.1 DCCW2006/0931/F Change of use to hot food takeaway. Withdrawn 28th April 2006.

**4. Consultation Summary**

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Whilst I am slightly concerned that only two parking spaces can be provided, the proposed takeaway is situated in the middle of a sizeable residential area and will reduce trips to other takeaways, therefore no objection.
- 4.3 Head of Environmental Health and Trading Standards: "I confirm that I met with the applicant and the ventilation engineer, Bill Richards who is to carry out the works.

Mr. Richards has also installed a similar system at a fish and chip shop in Tewkesbury and I visited the premise several months ago. At the time of my visit, there was no odour from the cooking that was being done. I can also confirm that the Environmental Health Department in Tewkesbury have not received any complaints of odour from the premise.

As discussed with the applicant, it will be essential that regular cleaning of the system be carried out and I would, therefore, recommend that the cleaning of the system be conditioned as indicated by the engineer.

I also informed the applicant that the flue would need to be as high as possible and with no coverings as shown in their application."

**5. Representations**

- 5.1 Hereford City Council: Hereford City Council requests that this planning 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 has no objection to this application for planning permission. Hereford City Council feel the applicant be reminded of Section 9 (Regulation of Eating House) Act 1985.

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

- The takeaway will generate noise and disturbance late at night and possibly antisocial behaviour.
- There is already takeaways at The Oval and Belmont Road.
- The excuse of ASDA taking their trade is hypothetical and if people want food from a supermarket they can already use Tesco's at Belmont.
- Litter, which is already an issue in this area would be dramatically increased to the detriment of the area.
- This part of Hunderton Road is on a busy bus route and this would add to the congestion.
- Cooking smells/odour will be an issue.

- 5.3 Twenty eight letters of support have been received, the main points are:

- Other shops have closed in the area therefore it is better to retain these premises as a takeaway rather than have nothing in the area.

- The impact that ASDA will have is recognised and this alternative use should be supported.
- Odour is a major issue, however the system to be installed will remove this problem.

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

## 6. Officers Appraisal

- 6.1 This proposal has been submitted as a result of the new retail developments in Belmont Road (Farm Foods etc.) and the impending opening of the ASDA supermarket. The owners are very concerned regarding the impact on their business and have seen other shops close in the area. They have therefore considered alternative options to retain a business use on the premises. They have decided that a takeaway facility would be a positive development for the local community and would retain a business premises.
- 6.2 In assessing this planning application the following are considered to be appropriate:
- 1) Impact on Neighbours
  - 2) Highway Issue
  - 3) Litter
  - 4) Visual Impact of Associated Equipment

### Impact on Neighbours

- 6.3 The site lies within the established residential area of Hunderton where Policy H1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) seeks to protect the environmental character and other uses should be compatible. It is clear that a change of use from a general store to a takeaway will change the mode of usage of the premises and the objectors have drawn attention to increases in litter, odour, vehicular traffic and a perceived threat of antisocial behaviour. These are serious concerns and are relevant material considerations. In response the applicant has provided a specification of the odour control equipment to minimise these concerns which the Council's Environmental Health and Trading Standards Officer has assessed. During pre-application discussions a visit to a similar premises using this system was undertaken by the Environmental Health and Trading Standards Section to confirm its effectiveness.
- 6.4 The intended opening hours would be between 11.30 am-9.45 /10 pm Monday - Saturday and 5 pm-9.30 pm on a Sunday.
- 6.5 Objectors have drawn attention to a relationship to people leaving the local public house and then calling at the takeaway with a perceived threat of antisocial behaviour. The applicant has advised that the shop has previously opened later than its existing hours. In order to protect residential amenity a closing time of 9.45 pm Monday-Saturday and no opening on a Sunday (it is presently only requested on a scenario if demand dictated) would assist in alleviating those fears. These time periods are not dissimilar to recent takeaways approved in other residential areas of the city.

Highways Issues

- 6.6 The shop lies on the northern side of Hunderton Road which forms part of the main distributor road through Hunderton. It is on the main bus route and there are no restrictions on roadside parking. The Traffic Manager whilst acknowledging reservations has highlighted its sustainable location and therefore raised no objections. The objectors' concerns are noted, however the existing use already draws customers in vehicles as well as those on foot and whilst problems may occur in parking, the nature of the road system is considered acceptable to cater for this need.

Litter

- 6.7 The applicant has offered to undertake a modest litter patrol and install an additional bin. Whilst a concern this can be controlled with a suitable litter management condition.

Visual Impact Associated With Equipment

- 6.8 The ventilation and extraction systems will run up alongside the end gable of the applicant's house that adjoins the shop. It is proposed to paint the flue to match. This will reduce its visual impact and is considered acceptable. It will protrude to the height of the ridge but offset on the rear slope of the roof.

Conclusions

- 6.9 The concerns of the local residents are noted as is the support. The objections concerning odour, litter and antisocial behaviour are aspects which can be controlled by conditions which form the recommendations and therefore the proposal is considered acceptable.

Access and Design Statement

- 6.10 An Access and Design Statement has been submitted which confirms that the premises will have a level access for all with no steps.

**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. The use hereby permitted shall only be open to customers between the hours of 1.30 am to 9.45 pm daily Monday-Saturday and at no times on a Sunday.**

**Reason: In the interests of the amenities of existing residential property in the locality.**

- 3. Before the extraction system and ducting is used on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will**

minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.

Reason: To safeguard the amenity of the area.

- 4. Prior to the commencement of development, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litter bins on the premises and information relating to regular litter patrols. The approved details shall be implemented prior to the first use of the premises which shall thereafter be operated in accordance with the management plan.

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

- 5. A scheme for the ventilation of fumes and odours arising from the use hereby permitted shall be submitted for the approval of the local planning authority and the use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained, as long as the use continues.

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

- 6. The flue above the roof level of the premises shall be painted in a dark matt finish, which shall have been approved by the local planning authority prior to its installation. The flue shall be maintained in accordance with the approved colour thereafter.

Reason: To safeguard the character and appearance of the area.

- 7. E15 (Restriction on separate sale of takeaway from adjoining house).

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

**Informatives:**

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

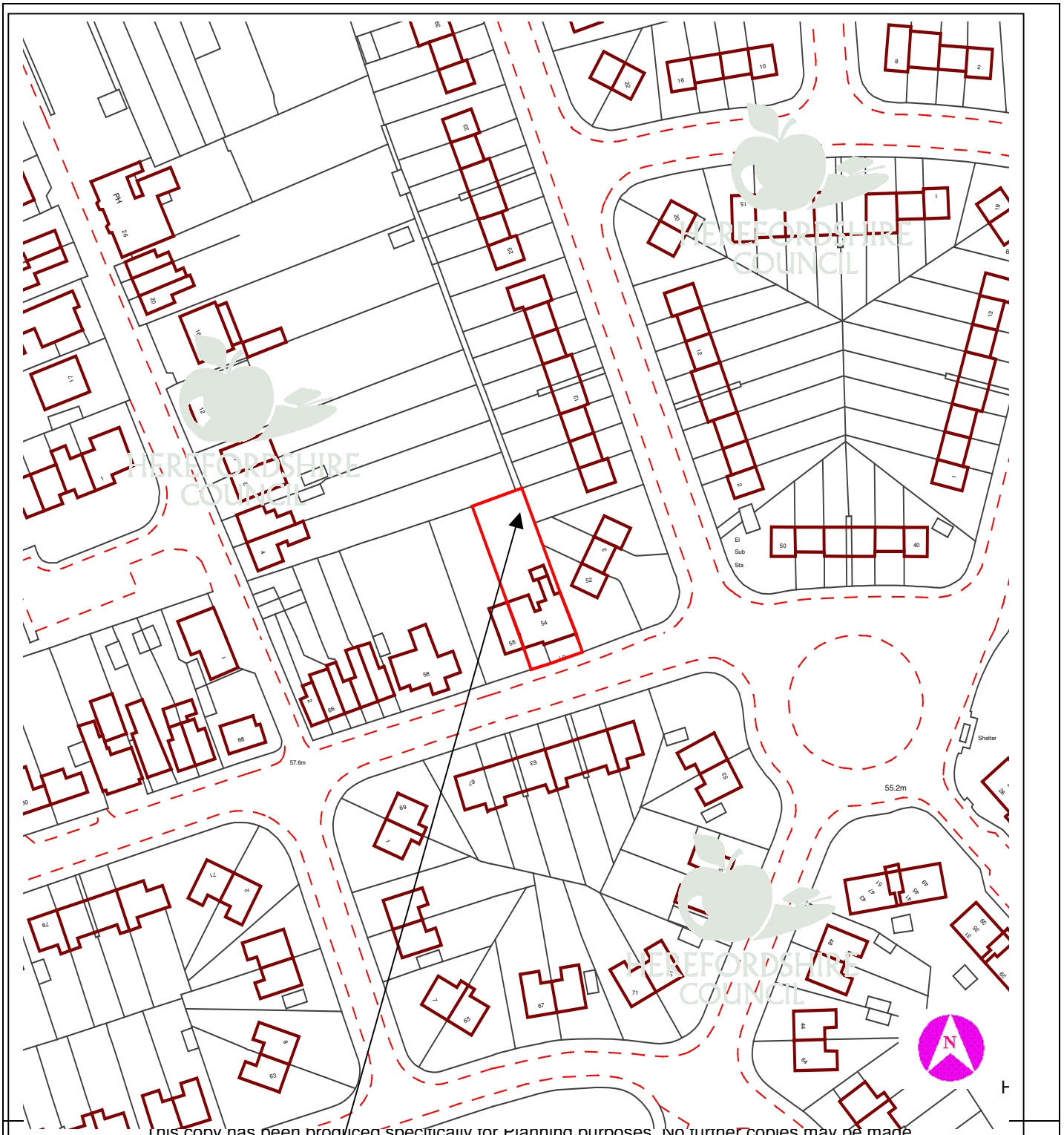
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**APPLICATION NO:** DCCW2006/2837/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 54 Hunderton Road, Hereford, HR2 7AG

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**14 DCCW2006/2184/F - ERECTION OF PERMANENT POLYTUNNELS FOR GROWING FRUIT AT O.S. 3161, UPPERTON FARM, YAZOR, HEREFORD, HEREFORDSHIRE, HR4 7BB.**

**For: Mr. A.M. Powell per Sunderlands, Offa House, St. Peters Square, Hereford, HR1 2PQ.**

**Date Received: 30th June, 2006      Ward: Wormsley Ridge      Grid Ref: 39294, 46598**  
**BVPI Expiry Date: 29th September, 2006**

Local Member: Councillor J.C. Mayson

**1. Site Description and Proposal**

- 1.1 Upperton Farm is located on the southern side of the A480 Hereford to Weobley road at Yazor. The proposal is to erect permanent polytunnels on land approximately 250 metres south of the main farm buildings across the opposite side of the dismantled Hereford to Kington railway line. The railway line forms the northern boundary and is heavily treed. The west and southern boundaries are established hedges with an orchard forming the eastern boundary. The site measures approximately 4.25 hectares and slopes gently down from north east to south west.
- 1.2 The tunnels will run in the same direction as the slope and the polythene would be removed by 1st October every year and not replaced until 31st March of the following year. The crops to be grown are blueberries and these will be grown from the land. Once planted the plants can survive for up to 50 years hence the requirement for a permanent permission.

**2. Policies**

2.1 National Guidance:

PPS7                    -            Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S7            -            Natural and Historic Heritage  
 Policy E13          -            Agricultural and Forestry Development  
 Policy ARCH3      -            Scheduled Ancient Monuments

2.3 Herefordshire Council – Polytunnel Code of Practice

**3. Planning History**

- 3.1 None.

**4. Consultation Summary**

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.

- 4.3 Conservation Manager: (Archaeology): "If as proposed the polytunnelled area stops short of the monument - (a buffer zone of approximately 100 metres) there would not in my view be particular concerns. The course of the dyke follows a raised topographic terrace in this location, so it would remain clearly visible even with the polytunnels to the west.

Also, the lack of any public rights of way in close proximity lessens (in practical terms) the effective visual impact."

- 4.4 Conservation Manager: (Landscape):

"Visual impact

I am concerned that polytunnels on this site would be visually intrusive to a degree and would have a moderate adverse visual impact. However, if the development is acceptable in principle, then it would be possible to screen to the site to some extent by allowing the boundary hedges to grow up and to plant new native species hedgerow trees where possible. Trees would help to break up views of the polytunnels. Oak (*Quercus robur*) and Ash (*Fraxinus excelsior*) would be suitable."

**5. Representations**

- 5.1 Yazor Parish Council: "Due to careful location and screening, there is no objection."
- 5.2 Offa's Dyke Planning Advisor confirms that the planning application will not impinge on the Dyke in any way.
- 5.3 CPRE are concerned that the Offa's Dyke passes close to the proposed site which is a considerable tourist amenity. CPRE are anxious to protect the open landscape in rural areas and are aware of the deleterious effect that large area of glistening polythene can produce. In this case, if permission is granted, the plastic would be 'in situ' during the late spring and summer months for up to 50 years.
- 5.4 Two letters of support have been received from M. & M. Powell, Moorhampton Farm, Moorhampton, Hereford and Mrs. E.J. Jacobs, Samaru, Moorhampton, Hereford. The main points raised are:
- Do not tend to support polytunnels as they are often a 'blot on the landscape'. however, in this instance the applicant is commended for the consideration he has taken in selecting the particular area.
  - We are the only house which would be able to see them but we have no objections.



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

## 6. Officers Appraisal

6.1 This proposal seeks to provide permanent polytunnel coverage on approximately 4.25 hectares of land between the months of April and September each year. The tunnels are required to be able to commercially grow blueberries which can survive for up to 50 years hence the need for the permanent permission. In this instance the key aspects to consider are:

- 1) Landscape Impact
- 2) Archaeological Impact

### Landscape Impact

6.2 The site or surroundings do not hold any landscape designation. It is well located and is afforded excellent screening from the boundary trees and hedges of the dismantled railway as well as providing a backdrop when viewed from the south and west. Further enhancement can be achieved with improved maintenance of the southern and western hedgerows which can be conditioned. It should also be noted that when the trees and hedges lose their leaves the polythene will have been removed and not returned until the trees and hedges start to grow their foliage again. The Conservation Manager has also confirmed that subject to enhanced boundary treatment the proposal is acceptable.

### Archaeology

6.3 The Council's Archaeologist has confirmed that the site falls short of Offa's Dyke and due to the topographic terrace in this location it will still be clearly visible even when the polytunnels are cloaked in polythene. Accordingly there are no archaeology concerns. This view is also echoed by the Planning Advisor to the Offa's Dyke Association.

### Conclusion

6.4 One of the objectives of PPS7 is to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources and manages valued landscapes and provides high quality products.

6.5 There is no landscape designation in this area and Offa's Dyke at its nearest point is over 100 metres away and the Council's Archaeologist has confirmed no objection. Therefore the proposal is considered to comply with the Development Plan by sustaining a diverse and adaptable agricultural sector subject to appropriate conditions as stated below.

## RECOMMENDATION

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

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

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

**2. A09 (Amended plans).**

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

**3. The polythene shall be removed from the tunnels on or before the 1st October every year and not replaced until 31st March in any year.**

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

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

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

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

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

**6. G11 (Retention of hedgerows (where not covered by Hedgerow Regulations)).**

**Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.**

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

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

**Informatives:**

**1. N19 - Avoidance of doubt.**

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

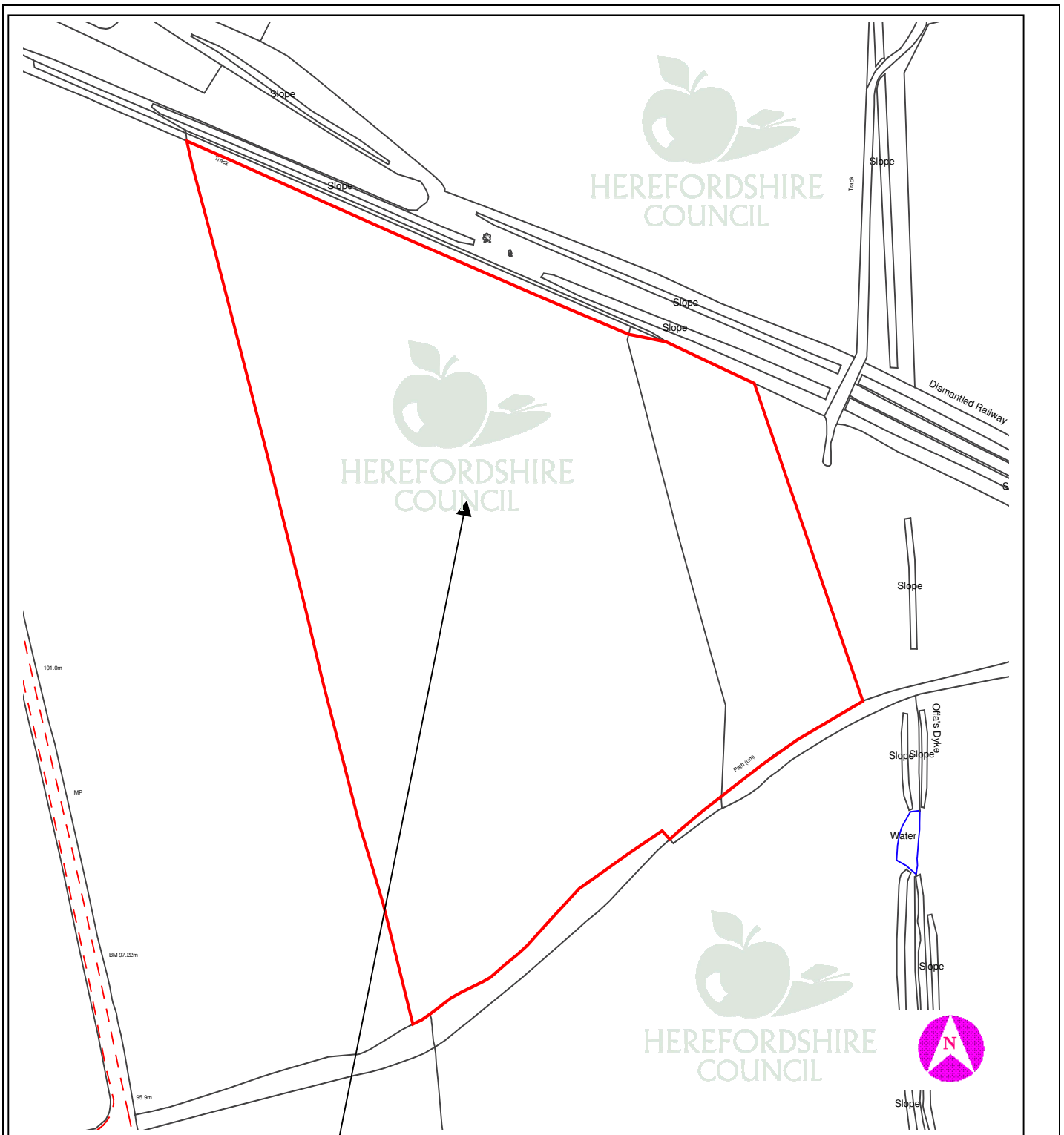
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/2184/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** O.S. 3161, Upperton Farm, Yazor, Hereford, Herefordshire, HR4 7BB

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**15 DCCW2006/2634/F - PROPOSED DWELLING WITH GARAGE AT HIGHLANDS, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EN.**

**For: Mr. B. Shaw per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH.**

**Date Received: 8th August, 2006**

**Ward: Sutton Walls**

**Grid Ref: 51692, 47167**

**Expiry Date: 3rd October, 2006**

Local Member: Councillor J.G.S. Guthrie

**1. Site Description and Proposal**

- 1.1 'Highlands' is located on the north side of the C1120 road as you enter the village of Marden from the west. It is sited within the settlement boundary of the village as defined in the Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 1.2 Planning permission is sought to erect a dormer style bungalow with attached garage in the garden to the west. The property in detail comprises hall, lounge, study, kitchen, utility, breakfast room, bathroom and bedroom on the ground floor with two bedrooms and a sunroom within the roof. A separate access for the new bungalow is proposed. 'Highlands' is a two storey dwelling fronting onto the main village road painted white under a slate roof.
- 1.3 The new bungalow is proposed to be built of brick under a slate roof.

**2. Policies**

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft);

|            |   |                                      |
|------------|---|--------------------------------------|
| Policy S3  | - | Housing                              |
| Policy DR1 | - | Design                               |
| Policy H4  | - | Main Villages: Settlement Boundaries |

**3. Planning History**

- 3.1 None.

**4. Consultation Summary**

Statutory Consultations

- 4.1 Welsh Water: No objections.

Internal Council Advice

- 4.2 Traffic Manager: Recommends conditions.

## 5. Representations

- 5.1 Marden Parish Council: The Parish Council notes that the proposed house lies within the settlement boundary, and withdraws its "in principle" objection. However, you will note that the comment regarding the design of the proposed house relates to its vicinity to Highlands Cottage, and it is felt that the proposed house is not in keeping with that building. The minutes of the planning meeting when the application was first discussed reflect this, and note that there are other dwellings of a similar design on the road frontage. The Parish Council therefore stands by its objection to this planning application.

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 This site is located within the settlement boundary for Marden as identified by the Herefordshire Unitary Development Plan (Revised Deposit Draft). Accordingly the principle to develop the site is accepted subject to matters such as access and design. The access has been assessed by the Council's Traffic Manager who confirms that subject to conditions a safe access can be formed to serve the new bungalow.
- 6.2 The design however is a matter which the Parish Council have raised concerns. They consider that the new bungalow is not in keeping with 'Highlands', a detached two storey dwelling fronting the main village road. However in considering the design of a property the character of a wider area, not just the adjoining dwelling, needs to be considered. In this respect the design of other dwellings beyond 'Highlands' are not dissimilar to that proposed. Accordingly it is considered that the character of the area is not being detrimentally impacted upon due to similar design in the locality. Accordingly, the Parish Council's concerns cannot be supported.

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

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

4. **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.**

5. G04 (Landscaping scheme (general)).

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

6. G05 (Implementation of landscaping scheme (general)).

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

7. H04 (Visibility over frontage).

Reason: In the interests of highway safety.

8. H05 (Access gates).

Reason: In the interests of highway safety.

9. H06 (Vehicular access construction).

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.

**Informatives:**

- 1. HN05 - Works within the highway.
- 2. HN10 - No drainage to discharge to highway.
- 3. N19 - Avoidance of doubt.
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

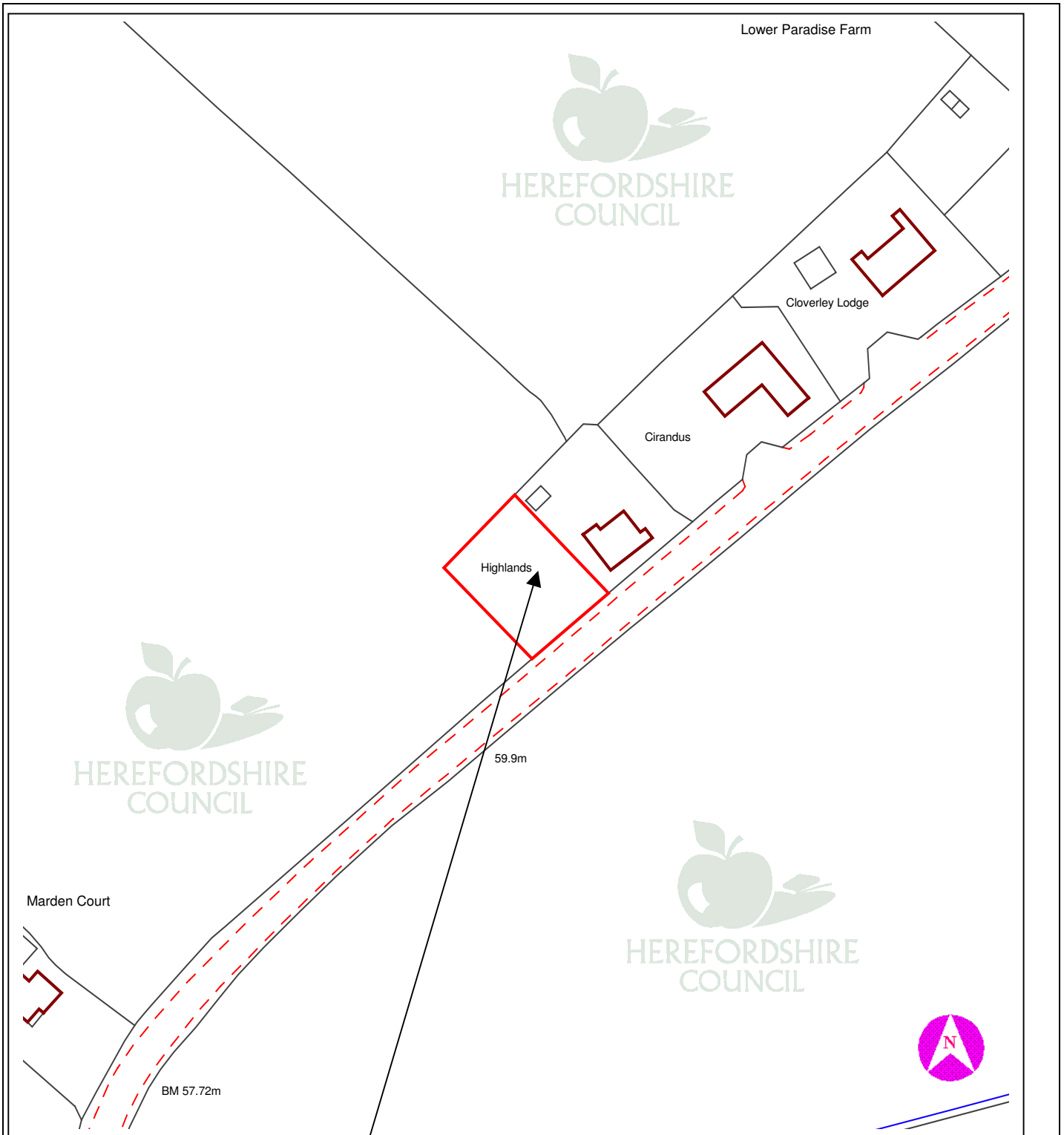
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/2634/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Highlands, Marden, Hereford, Herefordshire, HR1 3EN

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**16 DCCW2006/2534/F - RETENTION OF POLYTUNNELS IN CONNECTION WITH RAISED-BED STRAWBERRY PRODUCTION AT BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET.**

**For: S&A Davies per White Young Green, Ropemaker Court, 12 Lower Park Row, Bristol, BS1 5BN.**

**Date Received: 31st July, 2006**

**Ward: Sutton Walls**

**Grid Ref: 52638, 48158**

**BVPI Expiry Date: 30th October, 2006**

Local Member: Councillor J.G.S. Guthrie

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

1.1 Brook Farm is located on the eastern side of the C1120 road that runs north from Marden to Bodenham. The site contains a large number of portacabins used as temporary offices and administration centre for S. & A. Davies.

1.2 The proposal is to retain 35.5 hectares of polytunnels located in the field to the east of Brook Farm, Marden. The tunnels are 8 metres wide with a maximum height of 3.63 metres. They are constructed of galvanised steel and covered with a clear plastic membrane. Underneath the tunnels raised beds have been constructed within which strawberries are grown. This application is an amendment to two previous planning applications which were withdrawn due to technical reasons. The amendment also removed 14.5 hectares of fields to the north of Brook Farm.

1.3 An Environmental Impact Assessment has been submitted with the application.

### **2. Policies**

2.1 National Guidance:

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

|             |   |   |
|-------------|---|---|
| Policy S1   | - | Sustainability  |
| Policy S4   | - | Employment  |
| Policy S7   | - | Natural and Historic Heritage                           |
| Policy DR2  | - | Land Use and Activity                                   |
| Policy DR3  | - | Movement  |
| Policy DR4  | - | Environment   |
| Policy DR6  | - | Water Resources   |
| Policy DR7  | - | Flood Risk  |
| Policy DR11 | - | Soil Quality  |
| Policy DR13 | - | Noise   |
| Policy E6   | - | Expansion of Existing Businesses                        |
| Policy E8   | - | Design Standards for Employment Sites                   |
| Policy E10  | - | Employment Proposals Within or Adjacent to Main Village |

|             |   |  |
|-------------|---|--|
| Policy E13  | - | Agricultural and Forestry Development                                    |
| Policy T6   | - | Walking  |
| Policy LA2  | - | Landscape Character and Areas Least Resilient to Change                  |
| Policy LA3  | - | Setting of Settlements   |
| Policy LA5  | - | Protection of Trees, Woodlands and Hedgerows                             |
| Policy LA6  | - | Landscape Schemes  |
| Policy NC1  | - | Biodiversity and Development   |
| Policy NC5  | - | European and Nationally Protected Species                                |
| Policy NC6  | - | Biodiversity Action Plan Priority Habits and Species                     |
| Policy NC7  | - | Compensation for Loss of Biodiversity                                    |
| Policy NC8  | - | Habitat Creation, Restoration and Enhancement                            |
| Policy NC9  | - | Management of Features of the Landscape Important for<br>Fauna and Flora |
| Policy HBA4 | - | Setting of Listed Buildings  |

2.3 Herefordshire Council – Polytunnel Code of Practice

### 3. Planning History

- 3.1 DCCW2004/0804/F Proposed erection of permanent polytunnels. Withdrawn 18th January, 2005.
- 3.2 DCCW2005/0698/F Siting of polytunnels in connection with raised bed strawberry production. Withdrawn 18th August, 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: “The Environment Agency request a DEFERRAL pending the receipt of additional information detailed below. If you are unable to defer this application this response should be considered as an objection.

#### **Water Resources:**

The development/strawberry growing process will receive its water from the river Lugg. The method of use is known as trickle irrigation and is currently exempt.

The Applicant / Consultant is asked to clarify the following points, within the ES, with regard to the potential impact that the abstraction of water will have on the river Lugg SSSI.

Section 5.11, of the ES, considers the pollution impact on the river Lugg, however does not consider whether any reduced flows from abstraction will raise the potential risk of pollution in general. Section 5.21 (in the conclusions) states that there is no impact on the river Lugg SSSI. However, in the absence of any reference to the abstraction of water from the river Lugg, which is required to irrigate the strawberries, we cannot support this conclusion.

Notwithstanding the above, I would like to make the following comments.

#### **Surface water flood risk:**

I refer to the drainage appraisal, as undertaken by JDIH, (dated July 2006) as submitted in support of the above planning application. Based upon the information

submitted, the assessment is considered to be acceptable, which satisfactorily addresses the 1% plus climate change storm run-off.

We note that the polytunnels in areas 31 and 11 (as shown on the Site Plan, Dwg. No. 94.448.C1-1G) are aligned with the slope, so the surface water would run-off straight down the slope and not percolate through the ground, as explained in the Drainage Appraisal. This may exacerbate flooding in the area. Therefore the following condition would be recommended, in order to ensure there is no increase in flood risk, to neighbouring property/third party land etc.

**CONDITION:** All polytunnels shall be aligned perpendicular to the direction of the slope (parallel to the contours) in accordance with Figure 2 of the Drainage Appraisal.

**REASON:** To prevent flood risk from surface water run-off.

**Landscape:**

Under Section 7 of the Environment Act, the Environment Agency has a duty to take into account the effect of a proposal on the beauty of any urban or rural area. We would ask that the LPA pay particular attention to the impacts of this development on the rural landscape.

We note that according to the ES that..."Assessment of the impact of the permanent polytunnels is based on the assumption that if the application proposals were not carried out, the use of temporary polytunnels would continue." We would question whether or not this is an appropriate baseline. By definition, the current situation is temporary. We would suggest that a 'no polytunnel' scenario should also be considered. It is noted that this has been done for the hydrology assessment, so could apply to the landscape assessment?

**Ecology:**

We note the conclusions of the report that, given its current use as intensively farmed land covered in polytunnels for temporary periods, the site is unlikely to be valuable for rare or protected species.

If this development is granted permission, we would recommend that the mitigation and enhancement measures, as outlined in the ES (page 16) are made a condition of any planning approval."

- 4.2 English Nature: "We do not wish to comment on this application."
- 4.3 Countryside Agency: No observations received.
- 4.4 Herefordshire Nature Trust: No observations received.
- 4.5 Ramblers' Association: "We object to this planning application on the grounds that the original planning application DCCW2004/0804/F, we believed, was for a limited period of two years. This blot on the landscape of Herefordshire should be removed, and the natural ambience of the Public Rights of Way should be allowed to recover.

We ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times."

- 4.6 Open Spaces Society: "We would point out that various public footpaths cross this site. At least one of them would be obliterated by polytunnels. We would therefore urge you to refuse this application."

Internal Council Advice

- 4.7 Traffic Manager: No objection.
- 4.8 Head of Environmental Health & Trading Standards: "I have no objection to this proposal as I am of the opinion that this proposal is unlikely to cause an increase in nuisance (noise, dust, etc.) to residents of the locality."
- 4.9 Conservation Manager – Landscape: "Brook Farm is located on the north-western edge of Marden, just outside the settlement boundary. There is an Area of Great Landscape Value to the west of the farm. The land included in the application site is described as 'Principal Settled Farmlands' in Herefordshire Council's Landscape Character Assessment. The application site is fairly well contained visually, due to the topography, and the framework of tall hedges which screen the site. A number of footpaths and bridleways cross the site.

With regard to the northern part of the site, described as site character area i: northern valley in the Landscape Assessment Appendix, the decision not to site polytunnels on this area of land has overcome my concerns, stated in my previous memo dated 13th May 2005, which were that polytunnels sited on this area would be visually intrusive and would have a harmful effect on the rural character of the countryside.

I am in agreement with the Landscape Assessment that siting polytunnels in the middle section of the application site (site character areas ii and iii) would have a minimal adverse impact because this part of the application site is related to the farm complex, and is well contained, visually.

I still have some concerns about the extent of polytunnels in the southern part of the application site (site character area iv). My view is that the southern section of the block of polytunnels labelled 31 on the site plan, will detract significantly from the character of the area of small fields and orchards (site character area v) and also impinge to an unacceptable degree on views out from the housing that backs onto the application site. This is because there is only a low hedge dividing the polytunnel site from the strip of small-scale fields and orchards. In 2004, the temporary polytunnels were set further back – three fields away from the houses. The temporary polytunnels were less visually intrusive, when viewed from the south, because they were screened by a succession of field boundaries.

The Landscape Assessment recognises that the area of small fields and orchards acts as a buffer: it *'provides a visual separation between the residential areas to the south and the production areas to the north. It consists of an attractive mosaic of small fields and the relics of orchards.'* I advise, therefore, that there would be a significant benefit in omitting the southern section of the block of polytunnels labelled 31 and instead, planting a new hedgerow, including trees, in line with the existing hedgerow which forms the northern boundary of field 7090. The new hedgerow should run across to abut the eastern boundary of field 4283. The resulting parcel of land could be managed as pasture or a new traditional orchard could be planted within it.

This option would have the following benefits: it would enhance the character of this zone of the site, 'small fields and orchards' and it would compensate for hedgerows

lost elsewhere on the application site in the past - the Landscape Assessment states that *'it is apparent that previous intensive agricultural practices have led to the loss of some hedgerows on the site, resulting in an increase in field sizes.'* To have a succession of field boundaries between the housing and the southern edge of the polytunnels would improve screening, as would orchard planting. The creation of traditional standard orchards and the planting of a native species hedgerow would meet the conservation aims for Principal Settled Farmlands, and would also meet the objectives for orchards and hedgerows set out in the Herefordshire Biodiversity Action Plan. In my view, it is reasonable to require this type of mitigation, given the scale of the proposed development and its proximity to the village.

With regard to the Landscape Strategy, Landscape Enhancement and Mitigation Proposals, I agree with the principles set out in these sections. I have just a minor comment concerning the choice of fencing to separate the production areas from the rights of way that cross the site. The design principle is to use post and rail fencing. In my view, standard agricultural post and wire, or post and netting fencing would be more appropriate, in terms of maintaining the rural character and it is less visually intrusive - post and rail fencing can be quite dominating and it has more of a 'ranch' feel.

I conclude that the proposed development is acceptable, from a landscape perspective, providing that the issue that I have raised regarding the adverse impact of the southern section of the block of polytunnels labelled 31 can be addressed satisfactorily.

- 4.10 Ecology – “The main great crested newt population would appear to be in Pond 1, as indicated in the results section of the report, but they were also found in ponds 2 and 7. The methodology of the survey states that an egg search was also carried out, but the results of these do not appear to be included within the report, and no results for ponds 8-20 and Ditches 1&2. I would like to see these results before a final decision is made. I would also like to know what has happened to the pond to the north east of the main brook Farm building complex (GR 521 481) clearly shown on the OS 1:25000 map?”

I can appreciate that the “above ground” growing regime could have positive benefits for great crested newts, but have serious concerns about the welfare of migrating newts before and after their March to July aquatic phase. There was a lot of vehicular traffic on the farm on the day that I visited, and I do not think that intensive strawberry farming operations will be able to be carried out in certain areas without harming and/or killing newts. This is unacceptable for a protected species. One possible solution is the creation of a buffer zone of at least 10 metres around pond 1 with new hibernaculae within, and the installation of a newt proof fence around this. This will require a licence from Defra. I need to see a management strategy for the implementation of the above in order to write a **non-standard condition** for its enforcement.

#### Reasons

To conserve and enhance protected habitat, and to maintain the foraging area for protected species in compliance with UDP Policies NC6, NC7, NC8 and NC9 and PPS9.

To comply with UDP Policy NC5 and Circular 06/2005 (paragraph 98) with regard to development proposals that may have an adverse effect upon species protected by

Schedules 1, 5 or 8 of the Wildlife and Countryside Act (1981), which includes great crested newts.”

4.11 Head of Parks, Countryside & Leisure Development (PROW): Essentially provided the polytunnels are constructed in such a way as to avoid the footpath completely therefore we have no grounds to object. I would however like you to consider a number of conditions:

- 1) The tunnels and the beds should remain clear of the surface of any public rights of way and should not cover any rights of way either in plastic or supports.
- 2) The production and harvesting of the fruit should not effect the public right of way, i.e. plastic crates etc. being left on the path.
- 3) No spraying of water or chemicals should be carried out over the path.
- 4) Appropriate advice should be provided to supervisors and workers on the site about the public right of way.
- 5) Appropriate signage should be erected and maintained by the applicant clearly advising the public and the workers of the location of the footpath.

4.12 Drainage Engineer: No observations received.

## **5. Representations**

5.1 Marden Parish Council: “At the meeting on Tuesday 29th August 2006 Marden Parish Council (MPC) resolved to make the following comments on the application.

The attention of Herefordshire Council (HCC) is drawn to comments made on the previous applications dated 6th April 2004 and 6th April 2005, both subsequently withdrawn by the applicant.

MPC expressed a high degree of scepticism on the impartiality of an environmental study that was both commissioned and paid for by the applicant or their agents. There are a number of anomalies in the accompanying Environmental Impact Assessment. The Landscape Impact Assess compares the situation 2003 when there were temporary polytunnels on the site, with the present situation. The Parish Council believes the assessment should be based on the pre-polytunnels landscape. The increased abstraction of water to serve the polytunnels is already affecting wells and boreholes in the area, and the suggestion there is sufficient water available is wrong.

The Parish Council has received a number of representations from residents close to the polytunnels who say that noise from early morning and late evening work in the polytunnels is affecting their lives, and while they may have been willing to tolerate this on a temporary basis, they are alarmed that the use of the area for permanent polytunnels means there would be no end to these disturbances.

The Parish Council is concerned that the presence of the permanent polytunnels will lead to an increase in lorry and farm vehicle traffic on roads on the area that are already overloaded and unsuitable for the existing volumes generated by the company's operations.

It is thought likely that the permanent polytunnels will lead to an increase in employee numbers during the fruit season, raising concerns that there will be future applications for yet more worker accommodation.

It had been reported that the presence of the operation close to the village has affected property prices, and some residents have had difficulty in selling their houses because Marden has now a reputation for being dominated by S. & A. Produce.

For these reasons the Parish Council is opposed to this application, and asked Herefordshire Council to refuse it and for the land at Brook Farm to be returned to non-polytunnel agriculture.”

5.2 101 letters of objection have been received, the main points are:

- The proposal is contrary to Government Guidance and the policies of the Development Plan.
- The proposal would result in the loss of a significant amount of Grade 2 agricultural land.
- Poly tunnels, by virtue of their number, size and prominent locations will be an intrusive and harmful feature of the landscape.
- The local highway network is not capable of safely accommodating the additional traffic that could be generated.
- Development will set an undesirable precedent and should not be considered in isolation.
- The on-going incremental expansion of activities at Brook Farm immediately on the settlement boundary of Marden is unacceptable. It should be moved to the Moreton-on-Lugg Business Park or a similar site where infrastructure is available.
- The Environmental Statement (ES) is for farm neutral and not a balanced appraisal of the development.
- Poly tunnels have a detrimental impact upon the tourist industry for the county.
- There is a potential increase in flood risk due to an increase in overload flow of surface water created by the poly tunnels.
- There is a permanent loss of habitat.
- This operation and the on-going impact is too much for Marden.
- The village suffers huge amounts of HGV's, taxis and commercial buses driving through from early morning to late at night.
- Rotation of tunnels has a limited impact whereas permanent tunnels would have a greater impact.
- Footpaths and bridleways are badly affected and sometimes blocked.

- The permanent siting of polytunnels will inevitably require more foreign workers.
- Pesticides, well documented in strawberry production, will contaminate the water table.
- Property is blighted by the continued expansion of polytunnels.
- The proposal is contrary to the Council's stated objectives of 'Providing for communities, Promoting the County, Protecting our future.'

5.3 Two letters of support have been received, the main points raised are:

- As a longstanding resident of Marden I would like to redress any concerns which are raised.
- Marden has always been a working village which before the building boom of the 60's was comprised of largely farms and cottages together with a few large houses.
- Brook Farm has been in the Davies family for many years and always had a productive nature.
- The present business provides a large number of jobs for local people and creates business for the local Post Office and shop.
- It is good to see agricultural work in action, small tractors going through the village, people actually working in the fields etc.
- There are problems such as road maintenance but these can be safeguarded through planning agreements.
- I live in the countryside where I do not consider the sound of farm machinery, tractors, etc. to be a noise nuisance, rather it is a harmonious sound of the country.
- Farmers do rise early and work late especially at harvest time, an aspect of country life.
- Extending the picking period to five months is good business.
- S&. Davies provide toilet facilities in all its fields.
- S&A Davies have shown that British farming can be successful.

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 Applicant's Case**



This current planning application follows the withdrawal of two similar schemes. The planning application seeks the permanent retention of 35.5 hectares of polytunnels to the east of Brook Farm.

PPS7 recognises the important and varied roles of agriculture, including the maintenance and management of the countryside. It also acknowledges that policies should support development that enables farming and farmers to

- i) become more competitive, sustainable and environmentally friendly
- ii) adapt to new and changing markets
- iii) comply with changing legislation and associated guidance
- iv) diversity into new agricultural opportunities
- v) broaden their operations to 'add value' to their primary produce.

It is under this set of guidance that the planning application will be considered with the key identified issues being:

- 1) Visual Impact
- 2) Vehicular Movements and Capacity of Local Highway Network
- 3) Local Jobs and Economic Development
- 4) Ecological Interest
- 5) Hydrological and Flooding Issues
- 6) Footpaths
- 7) Tourism

#### Visual Impact

- 6.2 Polytunnels are an emotive issue with the potential damage to the countryside a typical response to their erection. However from a farmer's perspective they elongate the growing and harvest potential of the crop. As with all planning applications they must be treated on their own individual merit and one polytunnel site can be distinctively different from another. This particular site is relatively well concealed being generally located within the fold in the landscape. Fields to the north which had originally been included were removed due to their more prominent position within the landscape. In addition the applicant is managing the hedgerows to ensure that they are allowed to grow in height. However along the southern boundary of the site the hedgerow is not within the applicant's ownership and has generally been maintained at a lower level. The Conservation Manager raised issues in this regard. The Landscape Assessment also recognises that the area of small fields and orchards acts as a buffer and provides a visual separation between the residential areas to the south (Marden village) and the production areas to the north. In order to mitigate these concerns the proposal now provides for a row of trees to be planted. This aspect can therefore be conditioned and overcomes the concerns of the Conservation Manager in this regard. In addition the polythene is removed from the tunnels by the end of October and not required to be replaced until the beginning of March. This ensures that the screening afforded to the site through hedges and trees when they are at their least effective due to lack of foliage is mitigated by no polythene, an arrangement that can be secured by condition.

#### Vehicular Movements and Capacity of the Local Road Network

- 6.3 The retention of permanent polytunnels on this site will reduce the need for farm vehicles on the adjoining public highways as all of this site can be serviced from internal farm tracks to the pack house at Brook Farm. A return to rotational cropping

on this area would necessitate additional land being used with farm traffic inevitably increasing on the local road network. This, together with an extended harvesting period provides for a more sustainable development. Concerns regarding the HGV's that access Brook Farm are noted, however the use of this site as a storage, processing and distribution plant was allowed on appeal in 1997 when it was then being used as a potato distribution centre. Improvements to the existing access are subject of a further planning application and will assist in the improved management of HGV's and tractors at the entrance to the complex. Whilst transport routing is not within the planning remit, it is suggested that discussions are held with the applicant to clarify a routing system for distribution of their produce.

#### Local Jobs and Economic Development

- 6.4 At its height in the summer months the applicant employs approximately 1500 migrant workers on site. This reduces to approximately 500 at this time of year. In addition nearly 100 full time jobs are provided together with 38 farmers who are employed by S&A Davies but also manage their own farms and enhance their income. The applicants therefore provide for significant employment opportunities in the local economy. In addition the workforce provides significant income back into the local economy through the local shops. The loss of this employment would have significant implications within this rural area.

#### Ecological Interest

- 6.5 The previous application was withdrawn due to the lack of survey information regarding Great Crested Newts. The Ecological Survey has now been updated to cater for this aspect and the Council's Conservation Manager is satisfied that subject to mitigation measures being applied around pond No. 1 to create a buffer zone of 10 metres with newt proof fencing, the proposal is acceptable.
- 6.6 The Ecological Survey confirms that the proposal will not adversely affect the ecology of the nearby River Lugg, which is a designated Site of Special Scientific Interest and Special Area of Conservation.

#### Hydrological and Flooding Issues

- 6.7 The report submitted with the application confirms that the run-off and knock-on effect on watercourses and ponds is minimal. The Environment Agency have reviewed the report and have initially raised concerns. These concerns have been addressed by the applicant and additional information is already being assessed by the Environment Agency. A verbal update will be given at the meeting.

#### Footpaths (PROW)

- 6.8 Two footpaths cross the site being MR21 and MR22. Both footpaths are essentially free from polytunnels with the exception of MR21 just south of the crossover with MR22. Here the Public Right of Way crosses at an angle four/five rows of polytunnels. The PROW Officer objected to the obstruction of the Public Rights of Way and as a consequence the applicants have agreed to remove areas of polytunnels that go over the top of footpaths (ensuring that the footpaths are open to the elements). This will be carried out by the end of October 2006. The footpaths will be kept uncovered from then on. As a result of the above the Head of Parks, Countryside and Leisure Development has removed objections to the scheme subject to conditions. It is

suggested that the amendment at least in part overcomes the objections of the Ramblers' Association and the Open Spaces Society so far as the use of the footpaths is concerned.

#### 6.8 Tourism

The concerns relating to tourism are noted however, as stated a precedent would not be set if permission is granted for this site. This site is relatively well concealed and the expansion of polytunnels across Herefordshire should not inhibit the development of this relatively constrained site. It is therefore considered that in this instance the benefits to agriculture and the local economy outweigh the limited harm of this site to tourism.

#### Conclusions

- 6.10 The concerns of the objectors are noted together with the impact of the polytunnels on the landscape. However this is a well-chosen site that together with further mitigation measures will, it is considered, be acceptable and comply with the guidance afforded by PPS7 in supporting the rural economy. Therefore, subject to a positive response from the Environment Agency, the proposal is considered to accord with the Development Plan.

### RECOMMENDATION

1. **It be recorded that the Environmental Statement and associated documents and consultations on the response to the Environmental Statement and associated documents have been taken into account in the making of this decision.**
2. **Subject to there being no objection from the Environment Agency, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:**
  1. **The polythene shall be removed by 31st October each year and not replaced until or after 1st March in the following year.**

**Reason: In order to protect the visual amenity of the area.**
  2. **G04 (Landscaping scheme (general)).**

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

**Reason: In order to protect the visual amenity of the area.**
  4. **G11 (Retention of hedgerows (where not covered by Hedgerow Regulations)).**

**Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.**

- 5. An ecological management strategy plan shall be submitted for approval in writing of the local planning authority within six months of the date of this permission. The approved management plan shall be carried out in full and include the provision of newt proof fencing around pond no. 1 with the creation of a 10 metre buffer zone. The site shall thereafter be managed in perpetuity and in full accordance with the management plan unless otherwise agreed in writing by the local planning authority.

Reason: To conserve and enhance habitat and maintain the foraging area for protected species.

- 6. All footpaths and bridleways that cross the site shall be cleared of all polytunnels within two months of the date of this permission and no obstruction thereafter be placed across these designated routes.

Reason: In order to protect the Public Rights of Way.

- 7. To ensure the footpaths and bridleways remain unobstructed appropriate signage, details of which shall first be submitted for approval in writing of the local planning authority, shall be placed in positions to be agreed and thereafter maintained to the satisfaction of the local planning authority while polytunnels remain on the land.

Reason: In order to protect the Public Rights of Way.

**Informatives:**

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

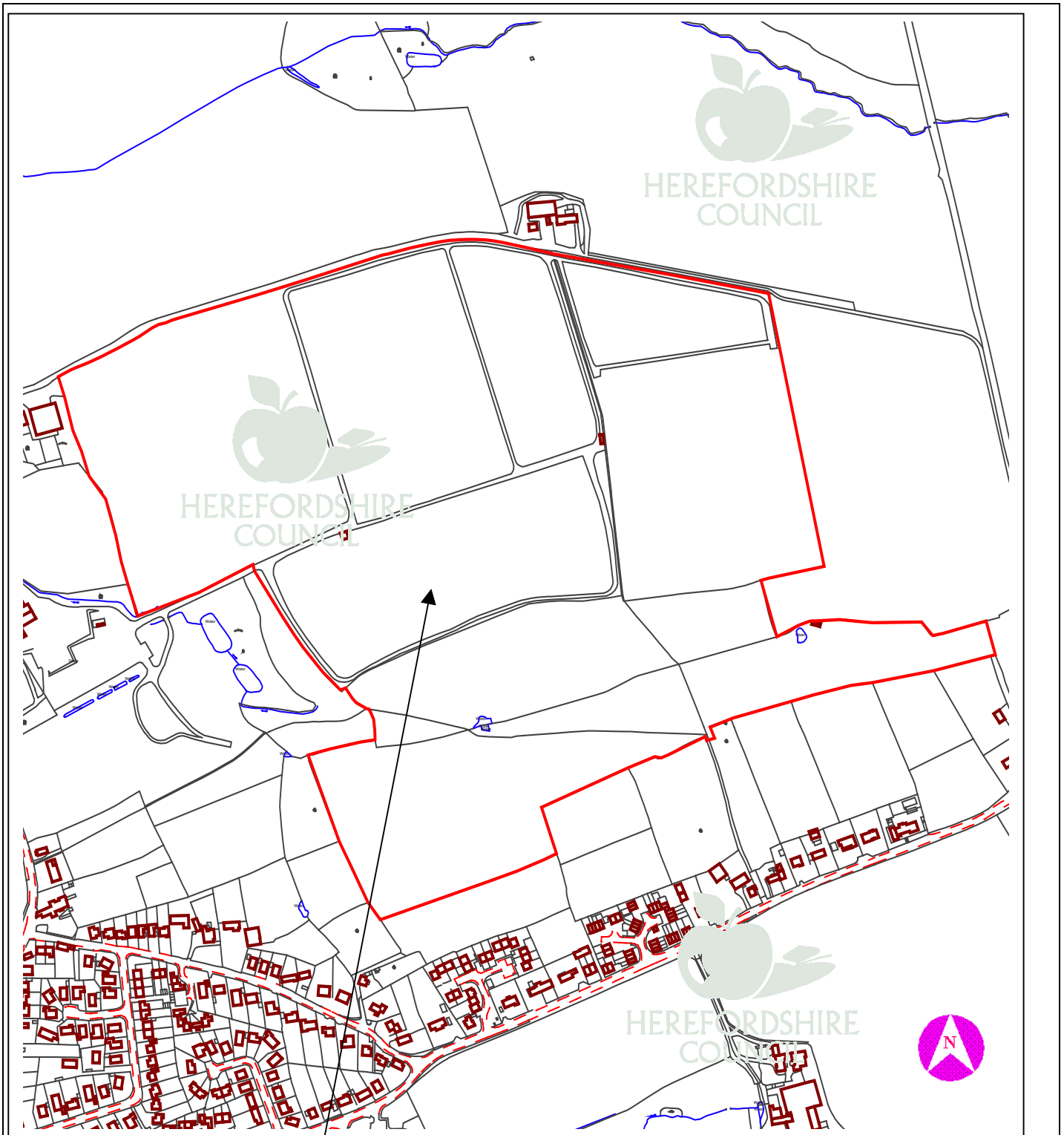
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/2534/F

**SCALE :** 1 : 5846

**SITE ADDRESS :** Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET

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**17 DCCW2006/2613/F - CONVERSION OF VACANT BUTCHERS SHOP INTO TWO DWELLINGS AT 7-8 WALKERS GREEN, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DN.**

**For: PMW Lettings per Mr. B. Merrick, High Ridge, Church Lane, Wellington Heath, Ledbury, HR8 1NA.**

**Date Received: 7th August, 2006**

**Ward: Sutton Walls**

**Grid Ref: 52197, 47519**

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

Local Member: Councillor J.G.S. Guthrie

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

- 1.1 This application site forms part of a single storey L-shaped commercial property of little architectural merit or character, which is located within the settlement of Marden.
- 1.2 The part of the property subject to this application was formerly used as a butchers shop (A1) but has been vacant for approximately 18 months, the remaining units being occupied by Blue Bee Sewing Services, a chiropodist and a hairdressers.
- 1.3 The units are served by a tarmac forecourt accessed directly from the adjoining public highway (C1124), whilst a sizeable area of undeveloped open land lies between the building and the rear boundary to the north.
- 1.4 The application site is enclosed on all sides by residential development, which mostly comprises bungalows or dormer style properties, whilst a group of farm buildings are located directly across the road.
- 1.5 The application seeks permission to convert the former butchers shop unit into two self-contained dwellings, each comprising a living room, a kitchen and one bedroom.

## **2. Policies**

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

|              |   |  |
|--------------|---|--|
| Policy DR1   | - | Design   |
| Policy DR2   | - | Land Use and Activity                            |
| Policy H4    | - | Main Villages: Settlement Boundaries             |
| Policy H13   | - | Sustainable Residential Design                   |
| Policy H14   | - | Re-using Previously Developed land and Buildings |
| Policy TCR14 | - | Village Commercial Facilities                    |

### **2.2 South Herefordshire District Local Plan:**

|            |   |   |
|------------|---|---|
| Policy GD1 | - | General Development Criteria                        |
| Policy CF1 | - | Retention and Provision of New Community Facilities |
| Policy SH6 | - | Housing Development in Larger Villages              |
| Policy SH7 | - | Residential Proposal Sites in Larger Villages       |

Policy SH8 - New Housing Development Criteria in Larger Villages  
Policy C2 - Settlement Boundaries

### 3. Planning History

- 3.1 DCCW2005/3151/F Use of former butchers shop as a fish and chip shop. Refused 16th November, 2005.
- 3.2 DCCW2006/0732/F Conversion of vacant butchers shop into two dwellings. Refused 28th April, 2006.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to standard highways conditions.
- 4.3 Head of Environmental Health & Trading Standards: No objection.

### 5. Representations

- 5.1 Marden Parish Council: Objection - two dwellings on the site would be over-development as the site is not large enough for two dwellings. The proposal for two parking spaces per dwelling would encroach on the parking areas of existing businesses. The site is identified in the Marden Parish Plan as a retail area for the village and the Parish Council wishes it to remain as a retail area.
- 5.2 Letters of objection have been received from Mr. Milne, 18 Burmarsh Cottages; Mrs. Lloyd, 11a Walkers Green; Mr. Jenkyn, 6 Walkers Green; Mr. Dutson, Woodcroft and Mr. Jenkins, 11b Walkers Green.

The main points raised are:

- The property should remain as a shop.
  - Overdevelopment.
  - Housing in this location would not benefit Marden.
  - Poor quality design.
  - Loss of parking.
  - One dwelling would be acceptable, if it matched the development opposite.
  - The proposed one bedroom dwellings are not large enough.
- 5.3 A further letter has been received from Mrs. Mann and Mrs. Skyrme, Units 9, 9a and 10 Walkers Green objecting to the proposal as it obstructs a private right of way.



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 settlement of Marden is identified as a sustainable settlement, within which there is a presumption towards new residential development, therefore the primary consideration in determining this application is the impact of the proposed dwellings on the amenity of the surrounding area and the loss of a retail facility.
- 6.2 The application proposes to convert the existing building, with relatively modest alterations to its external appearance, mostly comprising the infilling of the large glazed panels on the western and southern elevations. Having consideration for the relatively poor design of the existing building, the conversion will have a neutral effect on the character and appearance of the wider locality, however it will act to overcome the present state of dilapidation brought about by the vacant shop unit.
- 6.3 With regard to residential amenity the proposed development will not have any detrimental impact on the dwellings located to the east, or those in the wider locality.

### Retention of Community Facilities

- 6.4 The application site was formerly occupied as a butchers shop (A1), but has remained unoccupied for some time; a recent application to secure consent to change the use of the property to an A5 take-away retaining the building as a community facility was refused. Furthermore the settlement is served by a combined post-office convenience store, which lies approximately 500 metres to the northeast of the application site. Therefore, the loss of the retail unit is not considered to give rise to any defensible grounds for refusal in this instance.

### Parking and Highways

- 6.5 The application states that four parking spaces will be provided within the existing forecourt area, which serves all the commercial units, and appropriate conditions are recommended to secure their exact siting and layout.
- 6.6 With regard to the concern raised by Mrs. Mann and Mrs. Skyrme, their right of access is a civil matter, and as such is not a material consideration that would give rise to grounds for refusal. However an appropriate informative has been recommended advising the applicant of the need to comply with any civil liabilities which may affect the property.
- 6.7 Overall the proposal complies with the relevant policies in development plan, and as such, approval is recommended.

## **RECOMMENDATION**

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

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

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

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

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

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

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

**4. 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.**

**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-6.00pm, 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. N04 - Rights of way**
- 3. N19 - Avoidance of doubt.**
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

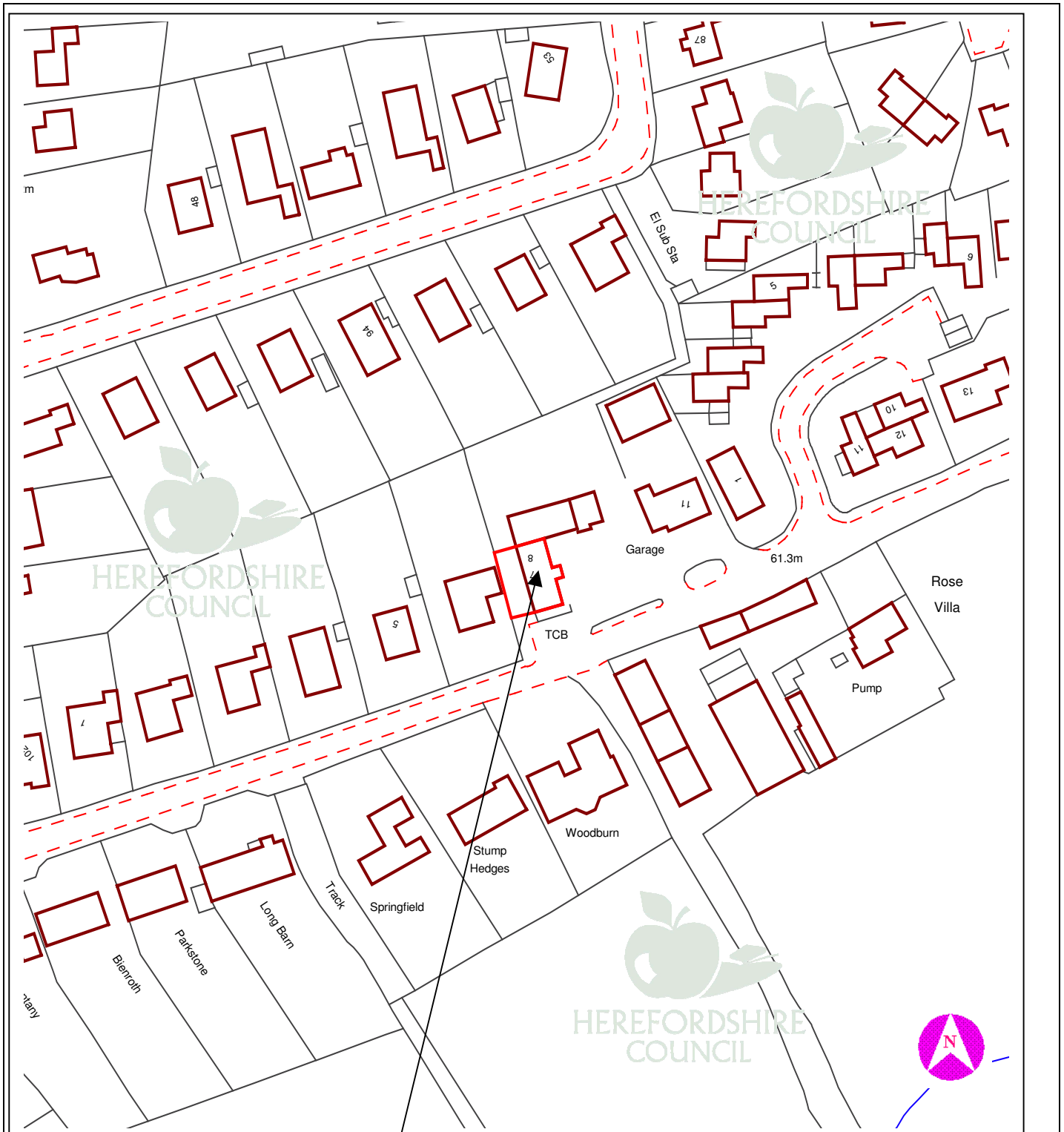
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/2613/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 7-8 Walkers Green, Marden, Hereford, Herefordshire, HR1 3DN

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**18 DCCW2006/1735/F - PROPOSED 5 NO. APARTMENTS TO REPLACE EXISTING DWELLING AT 100 BELMONT ROAD, HEREFORD, HR2 7JS.**

**For: Mr. D. Mussell per Mr. R. Walker, 41 The Pastures, Lower Bullingham, Hereford, HR2 6EU.**

**Date Received: 25th May, 2006**

**Ward: St. Martins & Hinton**

**Grid Ref: 50371, 38944**

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

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

**1. Site Description and Proposal**

- 1.1 The application site is comprised of a two storey brick built detached dwelling, occupying a curtilage extending to 0.5 hectares, located on the northern side of Belmont Road (A465) within an Established Residential Area of the City of Hereford.
- 1.2 The application seeks permission to demolish the existing dwelling and erect a two and a half storey brick faced building beneath a slate roof, containing two 2 bedroom and three 1 bedroom flats, served by parking and communal amenity space to the rear.

**2. Policies**

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

|            |   |  |
|------------|---|--|
| Policy DR1 | - | Design   |
| Policy H1  | - | Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas |
| Policy H13 | - | Sustainable Residential Design   |

2.2 Hereford Local Plan:

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

**3. Planning History**

- 3.1 DCCW2006/0703/F 6 no. apartments to replace existing dwelling. Refused 25th April, 2006.

*Note : The grounds for refusal were inappropriate scale coupled with a poor design, giving rise to an adverse impact on the character and appearance of the wider locality, as well as being detrimental to residential amenity.*

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

##### Statutory Consultations

- 4.1 Highways Agency: No objection subject to the imposition of standard conditions.
- 4.2 Welsh Water: No objection subject to the imposition of standard conditions.

##### Internal Council Advice

- 4.3 Traffic Manager: 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. They also make the following additional representations: recommends refusal on the grounds of out of keeping with existing street scene, would create additional vehicle movements on to an already congested highway and would deleteriously affect the amenity of the neighbouring dwellings.
- 5.2 Two letters of objection have been received from Mr. Reid and Miss Peers of 98 Belmont Road which are summarised as follows:
- We agree to the removal of our corner pillar to enable the visibility splay to be created.
  - Potential loss of privacy arising from the removal of an existing 1.8 metre high boundary fence.
  - Potential overlooking arising from the presence of windows in the northwest elevation.

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 primary issues in determining this application are considered to be:

The Principle of Development  
The Impact of the Proposed Dwelling on Amenity of the Established Residential Area  
Access and Highways Issues  
Flood Risk

##### Principle of Development

- 6.2 The application site lies within an Established Residential Area, and both the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) and the adopted local plan recognise 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 to erect a

new dwelling is acceptable in principle, subject to other material considerations being satisfactorily resolved.

#### Visual and Residential Amenity

- 6.3 Following the refusal of planning application DCCW2006/0703/F, the applicant has comprehensively redesigned the scheme, moving the footprint proposed building to the southwest, and reducing it's overall massing and bulk by dropping the number of units from 6 to 5, in order to overcome the original grounds of objection.
- 6.4 The pattern of residential development along the northern side of Belmont Road in the vicinity of the application site is predominantly characterised by semi-detached and detached dwellings arranged in a strong linear formation, directly fronting onto the adjoining highway, with large private gardens laying to the rear.
- 6.5 The proposed development will comprise a two and half storey building, which will sit within the established building line running along this section of Belmont Road. The bulk and massing of the proposed development is considered to be acceptable, whilst its design takes account of the surrounding architectural styles. Within the streetscape the proposed development will make a positive contribution measured against the present dwelling, which is a discordant feature being set well back behind the building line disrupting the visual cohesion of the streetscape.
- 6.6 With regard to residential amenity it is not considered that the proposed development will not have any detrimental impact on the surrounding properties.
- 6.7 However notwithstanding the submitted design, it is considered expedient to condition the use of obscured glass in the northeast elevation to prevent a potential issue of overlooking resulting in a loss of privacy to 98 Belmont Road.
- 6.8 In order to protect the amenity of the area during the demolition and construction phases, standard conditions are recommended to control hours of operation, and prohibiting fires. Overall the design siting and layout of the proposed dwelling and its relative orientation to neighbouring properties is not considered to give rise to any harm to the visual or residential amenity of the wider locality.
- 6.9 The concerns of the Hereford City Council are noted but in view of the above and the generally character of the residential development surrounding the application site, it is not considered that the proposal represents an unacceptable form development.

#### Access and Highways

- 6.10 The property will be served by a vehicular access, leading to parking for 8 vehicles to the rear of the curtilage. Initially the Highways Agency issued a holding objection pending the submission of further details demonstrating that the necessary visibility splays could be achieved. This information has now been provided and the Highways Agency has no objection to the proposed development, subject to conditions being imposed.
- 6.11 The Traffic Manager has no objection to the access and parking arrangements, subject to the imposition of standard conditions.

- 6.12 In the absence of any objection from either the Highways Agency or the Council's own Traffic Manager, it is not considered that the concerns of the Hereford City Council can be substantiated in regard to the intensification of traffic.

#### Flood Risk

- 6.13 The application site lies just within boundary of a designated flood zone 2 (medium to low risk area), and as such the Local Planning Authority have an obligation to consider the impact of flooding. In this particular case the site is completely surrounded by residential development which is not known to have a history of flooding, consequently it is not considered that there is any significant flood risk which would justify the either refusal or the inclusion of any specific mitigation measures to protect the development from future flood events.

#### Conclusion

- 6.14 Overall the proposal complies with the relevant policies, and as such, approval is recommended.

### **RECOMMENDATION**

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

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

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

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

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

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

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

4. **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. **Before any other works hereby approved on the application site are commenced, the proposed access shown on drawings 096-LS01 and 096-SOP2 have been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.**

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

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



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

- 7. E19 (Obscure glazing to windows).

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

- 8. 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.

- 9. 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 highways proposals associated with this planning permission involve works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design and construction of the works. Please contact Mrs. Chris Holton, S278 Team on 0121 678 8237 at an early stage to discuss the details of the highways agreement.
- 2. N01 - Access for all.
- 3. N03 - Adjoining property rights.
- 4. N19 - Avoidance of doubt.
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.

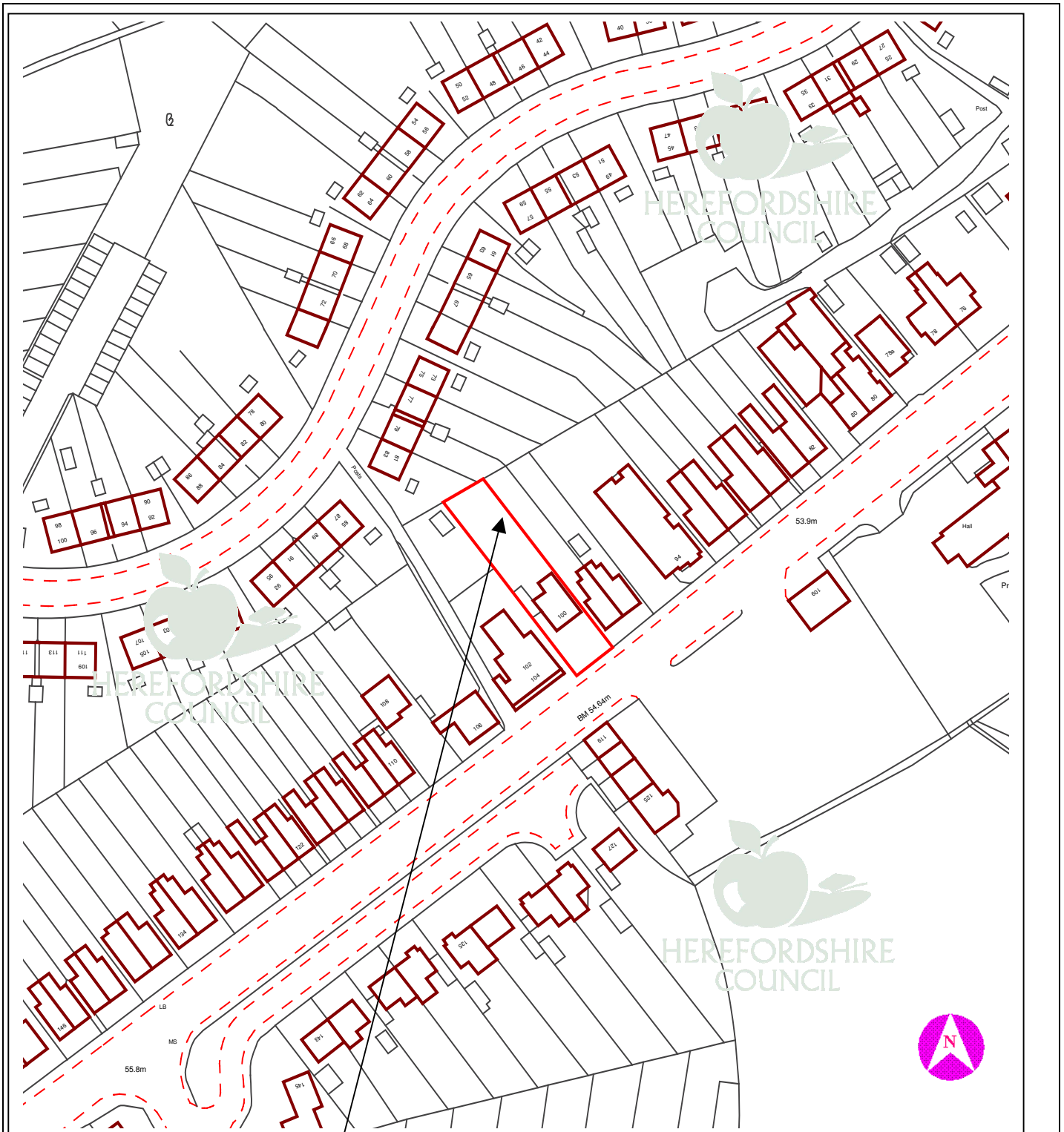
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/1735/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 100 Belmont Road, Hereford, HR2 7JS

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**19 DCCW2006/2845/F - FODDER BARN AND OFF GRID WIND TURBINE AT HAWKERSLAND SMALLHOLDING, BURMARSH LANE, NR. MARDEN, HEREFORD, HR1 3ER.**

**For: Ms. S.A. Osborne, 6 Walmer Street, Hereford, HR4 9JW.**

**Date Received: 4th September, 2006**

**Ward: Sutton Walls**

**Grid Ref: 53368, 47829**

**Expiry Date: 30th October, 2006**

Local Member: Councillor J.G.S. Guthrie

**1. Site Description and Proposal**

- 1.1 The application site is comprised of a registered smallholding extending to 1.8 hectares, situated on the north side of an unclassified road opposite Hawkersland Farm, approximately 1 kilometre to the west of the settlement of Marden.
- 1.2 The application seeks permission to erect a fodder barn and wind turbine, both of which will be sited adjacent to a mature hedgerow, which forms the northern boundary of the application site.
- 1.3 The fodder barn measures approximately 12.25 metres by 13.75 metres giving a total floor area extending to 168m<sup>2</sup>. The overall ridge height is 5.4 metres falling to an eaves height of 3.4 metres.
- 1.4 The wind turbine which will provide the sole electricity supply for the smallholding is comprised of a head unit with three blades (3.6 metres total diameter) mounted on top of a 15 metre high lightweight lattice tower.

**2. Policies**

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

|            |   |                                   |
|------------|---|-----------------------------------|
| Policy DR1 | - | Design                            |
| Policy E13 | - | Agricultural Forestry Development |
| Policy CF4 | - | Renewable Energy                  |

2.2 South Herefordshire District Local Plan:

|             |   |                              |
|-------------|---|------------------------------|
| Policy GD1  | - | General Development Criteria |
| Policy ED9  | - | New Agricultural Buildings   |
| Policy C39A | - | Renewable Energy             |

**3. Planning History**

- 3.1 SH971040PF Erection of field shelter/stable. Approved October, 1997.
- 3.2 SC980330PF Single dwelling. Refused August, 1998.

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

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Public Rights of Way Manager: No objection.

4.4 Conservation Manager: No objection, subject to the imposition of landscaping conditions.

4.5 Head of Environmental Health & Trading Standards: No objection.

#### **5. Representations**

5.1 Marden Parish Council: Objection - The Parish Council supports the application for the fodder barn. Although supporting the principle of renewable energy generation the Parish Council is opposed to the proposed wind turbine because the height will be obtrusive in the area and the possibility of excessive noise has not been addressed.

5.2 The Ramblers' Association: No objection.

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

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

6.1 In this case the agricultural need for the building is accepted having consideration for modest scale and design of the proposal, measured against the size of the smallholding. Therefore the primary matters for consideration in determining this application are the impact of the building and the wind turbine on the visual and residential amenity of the wider locality.

##### Landscape Impact

6.2 The application site together with the agricultural land to the east rises gently and forms part of a wider rolling landscape, which characterises this part of the County. Consequently longer views of the application site will be limited by the topography of the landscape, as well as an established pattern of field enclosures, which incorporate mature trees.

6.3 The Conservation Manager has no objection to the erection of either the barn or the wind turbine, in terms of their landscape impact, subject to a landscaping scheme, and appropriate conditions have been recommended. Although the comments of the Parish Council are noted, it is not considered that the wind turbine; despite its height, will be demonstrably harmful within the landscape, and in the absence of any objection from the Conservation Manager, it is not considered that a refusal would be sustainable.

Residential amenity

- 6.4 The closest dwellings to the application site lay on the opposite side of the unclassified road to the west. Given the intervening highway, the mature landscape, and the orientation of the dwellings themselves, the proposed development is not considered to give rise to any adverse impact on residential amenity.

Noise

- 6.5 With regard to the concerns raised by the Parish Council about noise, the wind turbine will be located at least 130 metres away from the nearest dwellings, and in the absence of any objection from the Environmental Health & Trading Standards Manager it is not considered that the Parish Council's comments can be substantiated.
- 6.6 Overall, subject to the imposition of appropriate landscape conditions, the application complies with the relevant policies in the development plan, and as such, approval is recommended.

**RECOMMENDATION**

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

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

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

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

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

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

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

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

**Reason: To safeguard local amenities.**

- 5. G02 (Landscaping scheme (housing development)).**

**Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.**

- 6. G05 (Implementation of landscaping scheme (general)).**

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

**Informatives:**

- 1. N01 - Access for all.**

- 2. N04 - Rights of way.
- 3. N19 - Avoidance of doubt.
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

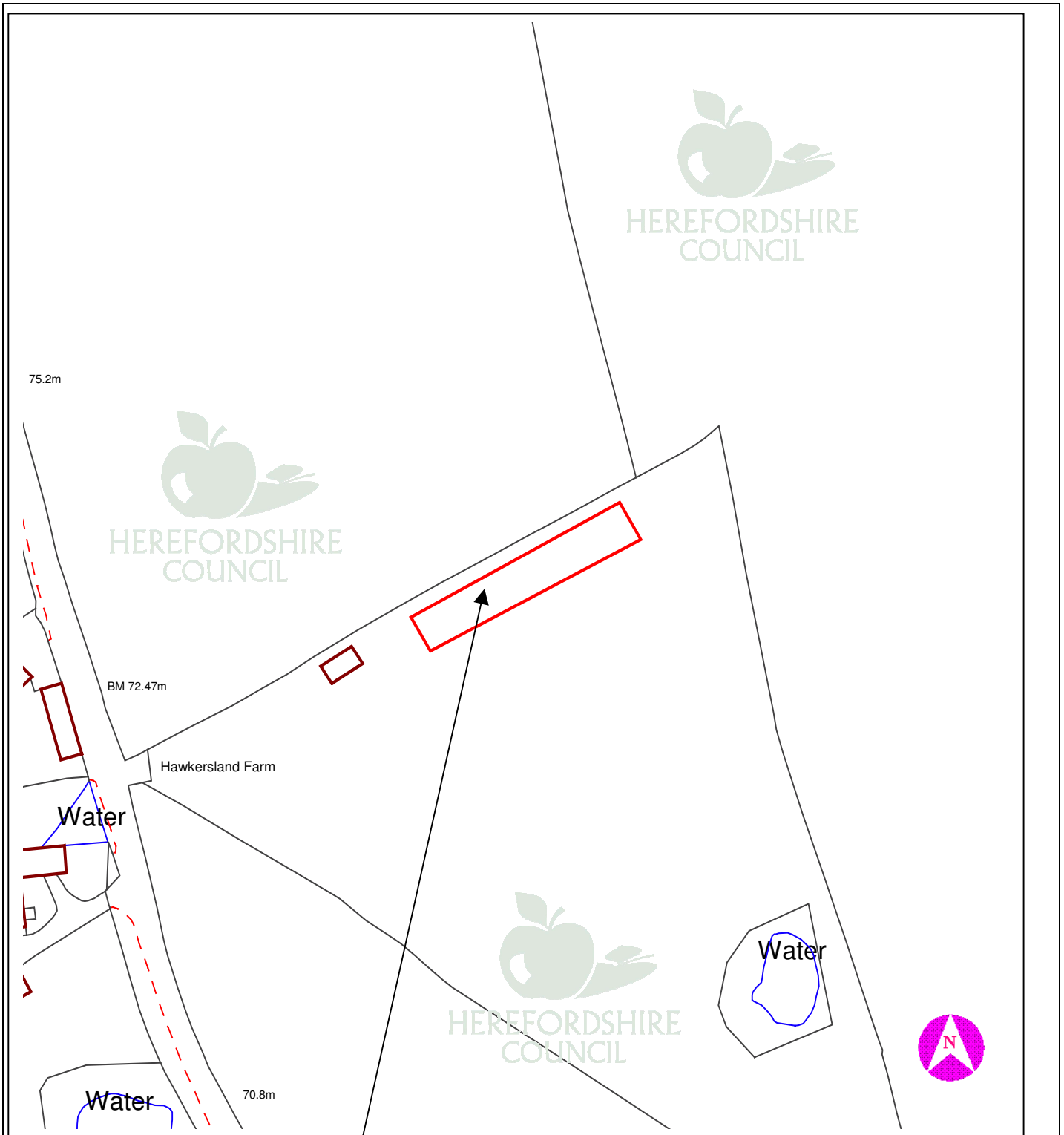
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/2845/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Hawkersland Smallholding, Burmarsh Lane, Nr. Marden, Hereford, HR1 3ER

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**20 DCCW2006/2760/F - CHANGE OF USE TO RESIDENTIAL CURTILAGE AT 24 HOSPITAL HOUSES, BURGHILL, HEREFORD, HR4 7RE**

**For: Mr. D. Allen, Orchard Cottage, 24 Hospital Houses, Burghill, Hereford, HR4 7RE**

**Date Received: 21st August, 2006**

**Ward: Burghill,  
Holmer & Lyde**

**Grid Ref: 48229, 43393**

**Expiry Date: 16th October, 2006**

Local Member: Councillor Mrs. S.J. Robertson

**1. Site Description and Proposal**

- 1.1 The application site is comprised of a small parcel of land immediately adjacent to a semi-detached cottage, located to the eastern side of an unclassified road approximately 2 kilometres to the northwest of Hereford.
- 1.2 The cottage together with its neighbour were originally within the grounds of St Mary's Hospital, and they provided accommodation for workers employed at the hospital.
- 1.3 Following the closure of the hospital and the subsequent disposal of the buildings and grounds for residential development, the cottage known as 24 Hospital Houses and some additional general amenity land directly adjoining its existing lawful curtilage was sold to the then sitting tenant Mr. Allan in the spring of 1999 under a single Title Deed.
- 1.4 At that time Mr. Allen was not advised of the need to secure planning permission for the change of use of the additional land to domestic curtilage, but has nevertheless since that time used and enjoyed the land as such, including erecting ancillary buildings, the placement of a static caravan and the parking of motor vehicles.
- 1.5 Following complaints about the erection of a car port in 2005, the local planning authority became aware that the land had been incorporated into the domestic curtilage without the benefit of planning permission, and the present application has been submitted in response to negotiations by the Enforcement Officer to regularise that situation

**2. Policies**

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1 - Design

- 2.2 South Herefordshire District Council:

Policy GD1 - General Development Criteria

**3. Planning History**

3.1 None.

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

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 Traffic Manager: No objection.

#### **5. Representations**

5.1 Burghill Parish Council: Objection - the change of use will lead to the mobile home being used as residential accommodation.

5.2 Two letters of objection have been received from Mr. Jones of Penbury Cottage and Mrs. Bradford of 11 Cedar Lane, which are summarised as:

- The land is already used as a garden.
- The caravan should not become a residence as a result of the change of use.
- This will lead to further development.
- Ancillary buildings and structures have already been erected.

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 land in question is enclosed on all sides by residential development, and has been used and enjoyed as part of the domestic curtilage serving 24 Hospital Houses since the purchase of the whole hereditament in 1999.

6.2 Visually the application site is read within the context of the surrounding residential development, and as such it does not have a demonstrably harmful impact on the visual amenity of the wider locality.

6.3 Although the comments of the Parish Council and two neighbours are noted, they do not raise any material planning objections pursuant to the actual scope of the application, that being the regularisation of the change of use of the land to domestic curtilage. Rather the objections focus on the presence of a number of ancillary buildings, or more specifically in relation to the application site a carport and a static caravan, and a perception that if permitted this application could lead to the caravan becoming a separate unit of residential accommodation.

6.4 Although the carport and caravan technically required planning permission as they are not within a lawful domestic curtilage, given the character of the wider locality they are not considered to be demonstrably harmful to either the visual or residential amenity of

the area, and in terms of their size, design and siting they are otherwise within the permitted development limits normally enjoyed within a domestic curtilage.

- 6.5 Therefore it is not considered reasonable to pursue enforcement action against them or insist on the submission of punitive retrospective applications, as they will effectively become regularised following the approval of the present application.
- 6.6 With regard to the perceived fear that the caravan will become a separate unit of accommodation, this would require planning permission, and the present application would not override that obligation, and an appropriate informative has been recommended informing the applicant of this fact.
- 6.7 Overall the proposal complies with the relevant policies in the development plan policies, and as such, approval is recommended.

**RECOMMENDATION**

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

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

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

**Informatives:**

- 1. **This permission does not imply any rights to use the static caravan as a separate self-contained unit of accommodation, and as such a use would require a separate planning application to be submitted for consideration by the local planning authority.**
- 2. **N19 - Avoidance of doubt.**
- 3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

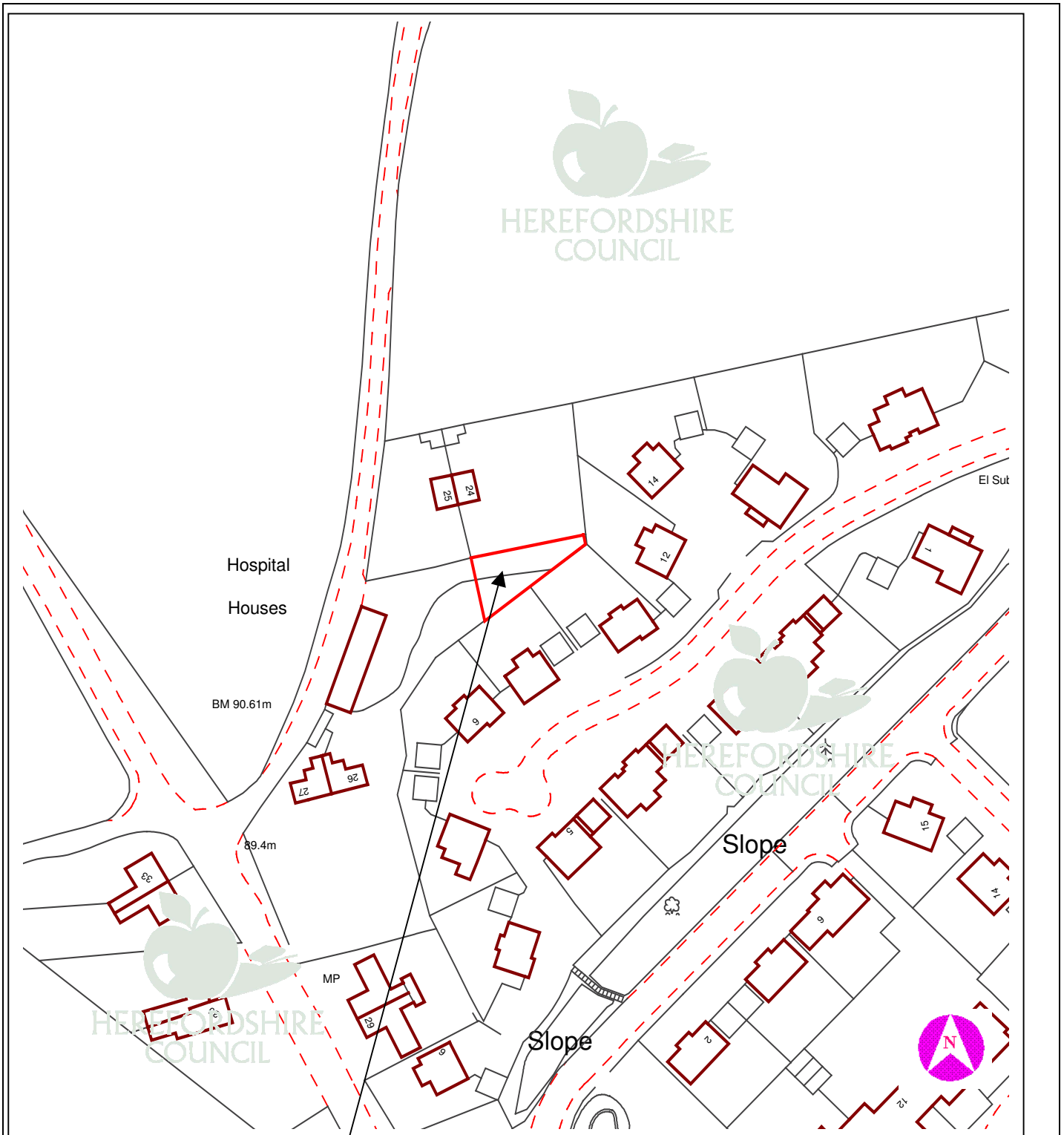
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/2760/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 24 Hospital Houses, Burghill, Hereford, HR4 7RE

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