

A G E N D A

Central Area Planning Sub- Committee

Date: **Wednesday, 15th November, 2006**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Tel: 01432 261882*

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew,
A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt,
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 and R.M. Wilson

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1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 20
To approve and sign the Minutes of the meeting held on 18th October, 2006.	
4. ITEM FOR INFORMATION - APPEALS	21 - 22
To note the Council's current position in respect of planning appeals for the central area.	
APPLICATIONS FOR DETERMINATION	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda items 5, 6 and 7 are applications that were deferred for site inspections at the last meeting and the remainder are new applications.	
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For: Herefordshire Housing Association, per Mr D.D. Davis, 2 St. Oswald's Road, Worcester, WR1 1HZ	
Ward: Central	

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| 6. | DCCE2006/1978/F - ERECTION OF A TERRACE OF 3 COTTAGES AND PROVISION OF ADDITIONAL PARKING AREA - & - DCCE2006/1978/F ERECTION OF A TERRACE OF 3 COTTAGES AND FORMATION OF ADDITIONAL PARKING AREA, BARTESTREE CONVENT, BARTESTREE, HEREFORDSHIRE, HR1 4DU | 37 - 46 |
| | For: Strand Homes Ltd, per Mr P H Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG | |
| | Ward: Hagley | |
| 7. | 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 | 47 - 54 |
| | For: Border Oak Design & Construction Ltd, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF | |
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| | For: C D Jones, 35 Jubilee Close, Deer Park, Ledbury, Herefordshire, HR8 2XA | |
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| 10. | DCCE2006/3291/F - SITING OF TWO MOBILE HOMES TO BE OCCUPIED BY SEASONAL AGRICULTURAL WORKERS ONLY LAND AT WHITETHORN FARM, CAREY, NR. HOARWITHY, HEREFORDSHIRE, HR2 6NG | 69 - 74 |
| | For: Mr & Mrs M Soble, Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD | |
| | Ward: Hollington | |

11. **DCCW2006/3239/F - TO CONSTRUCT NEW ANNEXE DWELLING ATTACHED TO THE MAIN DWELLING AND DETACHED GARAGE AT WYCHWAYS, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ** 75 - 80

For: Mr. & Mrs. Connor per Mrs. Clayton, Penelope Clayton Architectural Drawing, 2 Sunshine Close, Ledbury, Herefordshire, HR8 2DZ

Ward: **Burghill, Holmer & Lyde**

12. **DCCW2006/3153/F - CHANGE OF USE FROM AGRICULTURAL TO A 2 FAMILY GYPSY SITE AT THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU** 81 - 88

For: Mr. & Mrs. R. Jones, The Birches Stables, Burghill, Hereford, Herefordshire, HR4 7RU

Ward: **Burghill, Holmer & Lyde**

ITEM FOR INFORMATION

To note the contents of the following item which is for information purposes.

13. **BRADBURY LINES DEVELOPMENT, LOWER BULLINGHAM - SUB-COMMITTEE UPDATE** 89 - 92

To clarify the evolution of the housing site at Bradbury Lines and establish the current planning position and what is expected for the completion of the remaining phase of development.

Ward: **St Martins & Hinton**

14. **DATE OF NEXT MEETING**

Wednesday 13th December, 2006.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 18th October, 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, P.J. Edwards, R.I. Matthews, J.C. Mayson, Mrs. J.E. Pemberton, 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 and R.M. Wilson

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

83. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors A.C.R. Chappell, Mrs. S.P.A. Daniels, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.W. Newman, Ms. G.A. Powell and A.L. Williams.

84. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
J.C. Mayson	Minute 87, Agenda Item 16 DCCW2006/2534/F Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET	Declared a prejudicial interest and left the meeting for the duration of the item.
Mrs. S.J. Robertson	Minute 88, Agenda Item 5, DCCE2006/2641/F Land Adjacent to Co-Op Store, Holme Lacy Road, Hereford, HR2 6DF	Declared a prejudicial interest and left the meeting for the duration of the item.
Mrs. W.U. Attfield and Ms. A.M. Toon	Minute 90, Agenda Item 7 DCCE2006/2211/F Land Off Andrews Close, Hereford, HR1 2JX	Declared prejudicial interests and left the meeting for the duration of the item.
D.B. Wilcox	Minute 91, Agenda Item 8 DCCE2006/2739/F Former Job Centre, Bath Street, Hereford, Herefordshire, HR1 2LG	Declared a personal interest
J.C. Mayson and W.J.S. Thomas	Minute 97, Agenda Item 14 DCCW2006/2184/F O.S. 3161, Upperton Farm, Yazor, Hereford, Herefordshire, HR4 7BB	Declared prejudicial interests and left the meeting for the duration of the item.

Mrs. S.J. Robertson	Minute 98, Agenda Item 15 DCCW2006/2634/F Highlands, Marden, Hereford, Herefordshire, HR1 3EN	Declared a prejudicial interest and left the meeting for the duration of the item.
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Mr. K. Bishop, Principal Planning Officer, declared a personal interest in Minute 95, Agenda Item 12, DCCW2006/2733/F and left the meeting for the duration of the item.

85. MINUTES

The Minutes of the last meeting were received.

Referring to Minute 81, paragraph 6, Councillor P.J. Edwards requested an amendment to the first sentence in order to represent fully what was requested at the meeting as follows:

‘Councillor P.J. Edwards asked that the Sub-Committee be advised of the exact number of dwellings having gained approval within the Bradbury Estate and the likelihood of remaining numbers coming forward prior to completion.’

RESOLVED: That, subject to the above amendment, the Minutes of the meeting held on 25th September, 2006 be approved as a correct record and signed by the Chairman

86. ITEM FOR INFORMATION - APPEALS

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

[Note: Given the significant level of public interest, the Chairman brought forward agenda item 16 [DCCW2006/2534/F – Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET] to the start of the meeting and the remainder of the applications were considered in the order as published in the Agenda.]

87. DCCW2006/2534/F - BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET [AGENDA ITEM 16]

Retention of polytunnels in connection with raised-bed strawberry production.

The Principal Planning Officer advised that the Public Rights of Way Manager had confirmed that the polytunnels were constructed in such a way as to avoid nearby footpaths and that the Conservation Manager – Landscape had withdrawn initial concerns. The receipt of two additional letters of objection were reported and summarised.

In response to a question, the Chairman reported that Councillor J.G.S. Guthrie, the Local Ward Member, was too ill to attend the meeting but had expressed concerns about the impact of the development on the locality.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council, Mr. Gilbert spoke against the application and Mr. Hays spoke in support of the application.

The Principal Planning Officer reported that the Environment Agency had not yet provided final comments on the proposal, including matters related to water

abstraction, and therefore the recommendation remained the same as published in the report.

Councillor R.I. Matthews noted the significant level of objections that this proposal had generated, both from the Parish Council and from local residents. He felt that the development would have a detrimental and lasting impact on the landscape, would have a deleterious impact on tourism and the local economy, might set an indefensible precedent and could have a drastic effect on the well-being of local residents. Whilst acknowledging the need to support rural enterprises, he felt duty-bound to protect the wider landscape and commented that this proposal would have a serious impact on the visual amenities of the area. Therefore, he proposed refusal on the grounds that the proposal would have a severe and detrimental impact on the local landscape and on the character and setting of Marden.

The Development Control Manager acknowledged that a judgement had to be made on the landscape impact but emphasised that each application had to be considered on its own merits and that no decision on this application would predetermine any other applications in the future. It was noted that the arguments in relation to tourism could be difficult to sustain given the specific application before Members. The Sub-Committee was advised that the number of representations received was not in itself a determining factor as each application had to be considered on the material planning considerations identified. He commented that landscape impact, in view of Planning Policy Statement 7 – Sustainable Development in Rural Areas, was a material planning consideration.

For the benefit of the public present, Councillor P.J. Edwards explained the targets that the Authority was required to meet by Government for the determination of planning applications. Councillor Edwards noted that the comments of the Environment Agency would have a major bearing on the acceptability or otherwise of the application and he expressed concern that a proper response had not yet been received. He commented that the impact of polytunnels on the landscape had been relatively well managed by the Council's Code of Practice for the Use of Polytunnels [hereafter 'Code of Practice'] but he expressed concern about the permanent retention of polytunnels in this location and in perpetuity.

Councillor Mrs. S.J. Robertson expressed concerns about the noise nuisance experienced by occupiers of nearby properties and the impact on nearby bridleways and footpaths.

Councillor R.M. Wilson commented that he shared concerns about the abstraction of water and the lack of comment from the Environment Agency. He also questioned whether the applicant could revert to the use of temporary polytunnels under the Code of Practice if this application was refused. The Principal Planning Officer advised that the current Code of Practice would permit the return of temporary polytunnels in two year's time.

In response to questions, the Sub-Committee was advised that: the recommended conditions would ensure the retention and maintenance of hedgerows; the Head of Environmental Health and Trading Standards had no objections to the proposal; and the visual impact of the proposal from public viewpoints, including footpaths and bridleways, were material considerations.

Councillor Mrs. J.E. Pemberton felt that the emotive response to such proposals was in part based on residents' fears about the proliferation of polytunnels and where they might turn up next. Councillor Mrs. Pemberton expressed concerns about the permanent retention of polytunnels in this location.

Councillor Mrs. P.A. Andrews acknowledged that agriculture had changed dramatically in recent years, in part due to the success of soft fruit growing, but expressed concerns about water extraction and felt that the application should be deferred until this aspect was clarified.

Councillor Ms. A.M. Toon commented that the intensification of polytunnel use was almost on an industrial scale and had a negative impact on rural character; she added that there might be better locations for such activity.

Councillor D.B. Wilcox drew attention to the comment of the Head of Environmental Health and Trading Standards that "this proposal is unlikely to cause an increase in nuisance (noise, dust, etc.) to residents of the locality". Councillor Wilcox noted that the retrospective nature of the application made it difficult to establish an accurate baseline from which such judgements could be made and he felt that the comments did not give the impression that an accurate assessment had been made. He recognised the economic arguments but felt that this did not justify the significant visual impact of the proposal.

In response to the suggestion that consideration of the application should be deferred pending the comments of the Environment Agency, the Development Control Manager advised that the Sub-Committee was entitled to make a judgement based on landscape impact; he added that any objection from the Environment Agency could be incorporated into the refusal reasons and would be considered upon receipt of the awaited response.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason 2 set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services NB. Reason 1 has been added following receipt of the response from the Environment Agency) provided that the Head of Planning Services does not refer the applications to the Planning Committee:

- 1. The Environmental Statement submitted with the planning application is not considered to be sound and fails to provide sufficient information to ensure that the proposed trickle irrigation system will not have a significant impact on the water environment of the River Lugg, a designated Site of Special Scientific Interest and Special Area of Conservation. The proposal is therefore contrary to Policies S2, S7, DR4, DR6, NC1, NC2 and NC3 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**
- 2. The proposal is considered unacceptable due to its visual impact on the landscape quality of the area and in particular the impact on the setting of the village of Marden. Accordingly the development is contrary to Policies S2, S7, DR1, DR2, DR4, DR13, E6, E10, E13, LA2 and LA3 of the Herefordshire Development Plan (Revised Deposit Draft) and the main objectives of PPS7 'Sustainable Development in Rural Areas'.**

(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.]

88. DCCE2006/2641/F - LAND ADJACENT TO CO-OP STORE, HOLME LACY ROAD, HEREFORD, HR2 6DF [AGENDA ITEM 5]

Erection of 4 flats.

The Senior Planning Officer reported the receipt of further comments from Hereford City Council; the City Council recommended refusal on the grounds of overdevelopment and lack of privacy.

In accordance with the criteria for public speaking, Ms. Davies spoke against the application and Mr. Campbell spoke in support of the application.

Councillor R. Preece, a Local Ward Member, felt that the reasons for refusal given in respect of a previous application [DCCE2006/0989/F refers] had not been overcome by the minor amendments to the scheme and he proposed that this application should be refused for the same reasons.

Councillor Mrs. W.U. Atfield, also a Local Ward Member, drew attention to the traffic and parking problems in the vicinity of the site and felt that this proposal would have a detrimental impact on highway safety. Councillor Mrs. Atfield did not feel that the concerns expressed about overdevelopment would be alleviated by the proposed one metre reduction in the length.

A number of Members commented on traffic and parking issues, particularly in relation to the access to the adjacent Co-Op store. Some comments were made about the need for traffic control measures along this part of Holme Lacy Road and for the Co-Op to provide adequate parking and manoeuvring arrangements at its store.

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 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.**

(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.]

89. [A] DCCE2006/1978/F AND [B] DCCE2006/1980/L - BARTESTREE CONVENT, BARTESTREE, HEREFORDSHIRE, HR1 4DU [AGENDA ITEM 6]

[A] Erection of a terrace of 3 cottages and provision of additional parking area.

[B] Erection of a terrace of 3 cottages and formation of additional parking areas including overspill parking.

Councillor R.M. Wilson, the Local Ward Member, commented that this was a complex development site and felt that the Sub-Committee would benefit from a site inspection.

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

RESOLVED:

That consideration of the applications be deferred for a site inspection for the following reason:

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

90. DCCE2006/2211/F - LAND OFF ANDREWS CLOSE, HEREFORD, HR1 2JX [AGENDA ITEM 7]

5 no. 1 bedroom supported living units.

Councillor Mrs. P.A. Andrews commented that this was a constrained site and felt that the Sub-Committee would benefit from a site inspection.

In accordance with the criteria for public speaking, Mr. Boucher and Mr. Blackwell had registered to speak jointly against the application and decided to defer their opportunity to speak until the application was next considered following the site inspection.

RESOLVED:

That consideration of the applications be deferred for a site inspection for the following reason:

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

91. DCCE2006/2739/F - FORMER JOB CENTRE, BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2LG [AGENDA ITEM 8]

Change of use to members snooker & pool club.

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

The Chairman, speaking in his capacity as the Local Ward Member, noted the constraints of the building and commented that the proposed change of use appeared to be acceptable, subject to conditions to address the concerns of local residents. In particular, he felt that controls in respect of hours of operation and noise mitigation were essential.

Given the concerns expressed by local residents, Councillor Mrs. P.A. Andrews suggested that a temporary planning permission for one year be allowed in order to assess the impact of the development on adjacent properties in the intervening period. In response, the Principal Planning Officer advised that a temporary permission would not be reasonable given the potential expense of conversion. He commented that the applicant had initially applied for 24 hour opening but the scheme was amended on the advice of officers and the Sub-Committee could further restrict hours of operation.

The Development Control Manager commented on the limitations of temporary permissions, particularly where the Local Planning Authority could not demonstrate sound evidence upon which to refuse any renewal applications. However, further restrictions on the hours of operation, with the possibility of review at a later date, appeared to be a reasonable way forward in this instance.

The Sub-Committee discussed suitable hours and it was felt that the hours of opening should be 8.00 a.m. to 11.00 p.m. in order to protect residential amenities.

In response to a question, the Principal Planning Officer advised that obscured and fixed glazing would be required as part of recommended condition 5 and details of air conditioning units could also be included as a condition.

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. 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) 8.00 a.m. – 11.00 p.m.**

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.

10. Before development commences details of any air conditioning to include the location of any external plant shall be submitted for the approval in writing of the local planning authority. The air conditioning shall be installed in accordance with the approved details.

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

Informatives:

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

2. N19 - Avoidance of doubt.

92. DCCE2006/2888/F - LAND ADJACENT TO 72 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA [AGENDA ITEM 9]

Proposed 3 bedroom detached dwelling.

The Principal Planning Officer advised that suitably amended plans had been received and the recommendation was amended accordingly.

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

Councillor W.J. Walling, a Local Ward Member, welcomed the amended plans. He commented that a key consideration was whether the development would fit in with the character and setting of Old Eign Hill. He felt that, on balance and subject to conditions, the proposal was acceptable.

In response to a question by Councillor Mrs. E.A. Taylor, also a Local Ward Member, the Principal Planning Officer clarified the parking and manoeuvring arrangements and confirmed that the Traffic Manager had no objections subject to conditions.

RESOLVED:

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

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

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

2. 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.

93. DCCE2006/2829/F - 17 WALNEY LANE, HEREFORD, HR1 1JD [AGENDA ITEM 10]

Erection of 3 no. detached houses and replacement garage for No. 17 Walney Lane, associated access works and new passing place.

This application had been withdrawn by the applicant prior to the meeting.

94. DCCW2006/2743/F - 3 YARLINGTON MILL, BELMONT, HEREFORD, HR2 7UA [AGENDA ITEM 11]

Replace 3, 1 metre high fence panels with 3, 1.8 metre high panels at edge of property - retrospective.

The Senior Planning Officer summarised correspondence from Councillor Ms. G.A. Powell, a Local Ward Member; Councillor Ms. Powell had expressed concerns about highway safety and felt that planning permission should be refused. The Senior Planning Officer also reported the receipt of an additional letter of objection from Mr. Gregory.

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

Councillor P.J. Edwards, a Local Ward Member, noted that a similar application to this had been permitted on appeal but felt that the circumstances were different in this case and he felt unable to support this application given the concerns raised in the letters of objection. In particular, he was concerned that the 1.8 metre high panels would have a detrimental impact on pedestrian and highway safety. Councillor Edwards commented on the design element of the panels which, he felt, would have a deleterious impact on the open character of the street frontage.

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

The Development Control Manager commented that, whilst the design case could be argued, a refusal reason based on highway safety concerns might not be sustained on appeal given that the Traffic Manager had no objections to the application.

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 proposed fence by reason of its increased length, height and prominent location along the back edge of the public footpath would result in an unacceptable form of development which is detrimental to the visual amenity of the wider locality, contrary to Policy DR1 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.]

95. DCCW2006/2733/F - JABRIN HOUSE, THE ROW, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AP [AGENDA ITEM 12]

Erection of detached house and ancillary garage and formation of new vehicular access.

Councillor J.C. Mayson, the Local Ward Member, noted local concerns about access and egress to the site and felt that the Sub-Committee would benefit from a site inspection.

RESOLVED:

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

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

96. DCCW2006/2837/F - 54 HUNDERTON ROAD, HEREFORD, HR2 7AG [AGENDA ITEM 13]

Change of use to hot food takeaway.

The Principal Planning Officer summarised correspondence from Councillor Ms. G.A. Powell, a Local Ward Member; Councillor Ms. Powell had expressed concerns about traffic and parking in the vicinity of the site and the environmental impact of the proposal.

Councillor P.J. Edwards, a Local Ward Member, noted the difficulty of balancing the potential impact on neighbours with the needs of the business. He felt that the proposal was feasible and workable subject to strict adherence to the conditions proposed. The need to amend the hours given in the recommendation contained in the report was noted.

A number of Members 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. **The use hereby permitted shall only be open to customers between the hours of 11.30 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.**
- 97. DCCW2006/2184/F - O.S. 3161, UPPERTON FARM, YAZOR, HEREFORD, HEREFORDSHIRE, HR4 7BB [AGENDA ITEM 14]**

Erection of permanent polytunnels for growing fruit.

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

Councillor P.J. Edwards welcomed the way in which the application had been put together and felt that the scheme was acceptable given the siting and scale of the proposed development and the impact mitigation measures.

Councillor Mrs. P.A. Andrews drew attention to the comment of Yazor Parish Council that "Due to careful location and screening, there is no objection". A number of Members expressed support for the application.

RESOLVED:

That planning permission be granted subject to the following conditions and any other conditions deemed 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. 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.

8. **Prior to the commencement of the development hereby approved details of the proposed means of irrigation shall be submitted for approval in writing by the local planning authority and the irrigation shall thereafter be undertaken in accordance with those details unless otherwise agreed in writing by the local planning authority.**

Reason: In order to clarify the means of irrigation and ensure protection of water resources.

9. **All polytunnels shall be aligned perpendicular to, or at a 45 degree angle to the direction of the slope of the land within the application site unless otherwise agreed in writing with the local planning authority.**

Reason: To prevent flood risk by ensuring surface water run-off from the site is controlled.

Informatives:

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

98. **DCCW2006/2634/F - HIGHLANDS, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EN [AGENDA ITEM 15]**

Proposed dwelling with garage.

The Principal Planning Officer reported the receipt of a letter from the applicant in response to Marden Parish Council's comments about the design approach. The receipt of a letter of support from the occupier of the neighbouring property,

Cirandus, was also reported.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council and Mr. Shaw spoke in support of the application.

Councillor R.I. Matthews felt that the proposal would not have a detrimental impact on the character of the area given the similar designs found elsewhere in the locality and, therefore, he 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. **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.**

99. DCCW2006/2613/F - 7-8 WALKERS GREEN, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DN [AGENDA ITEM 17]

Conversion of vacant butchers shop into two dwellings.

Councillor R.I. Matthews noted the concerns of Marden Parish Council and felt that the Sub-Committee would benefit from a site inspection but the majority of Members present did not support this.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council, Mr. Jenkyn spoke against the application and Mr. Wingfield spoke in support of the application.

Councillor Matthews felt that the proposed dwellings would be an overintensive form of development and therefore he could not support the application.

In response to questions from Councillor D.B. Wilcox, the Senior Planning Officer advised that a previous application had been refused [DCCW2006/0732/F] as the proposed first floor element was considered unacceptable and the proposed conversion and extension was of poor quality. He commented that the current application was of a scale that was more modest and the domestic fenestration would enhance the appearance of the building. Each dwelling was estimated to be 40m²; for comparative purposes, it was noted that three bedroom dwellings often comprised 90m² and four bedroom dwellings 100m².

Councillor Wilcox did not feel that modest alterations to the frontage would significantly enhance the appearance of the building. He added that demolition and rebuild might be a better option in this case.

Councillor P.J. Edwards felt the application should be refused on the grounds of overintensive development, poor and inadequate design and the detrimental impact on the character and appearance on the locality.

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 would result in a contrived and cramped form of development which by reason of its poor design and relationship with the remaining commercial units and other residential development in the locality, would have an unacceptable adverse impact on the character and appearance of the area contrary to Policies DR1, H4 and H13 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.]

100. DCCW2006/1735/F - 100 BELMONT ROAD, HEREFORD, HR2 7JS [AGENDA ITEM 18]

Proposed 5 no. apartments to replace existing dwelling.

Councillor Mrs. W.U. Attfield, a Local Ward Member, spoke in support of the proposal.

In response to questions, the Senior Planning Officer confirmed that there was adequate space for parking manoeuvres and that the detailed version of condition 7 (obscure glazing to windows) would require the specified windows to be non-opening.

Some Members commented on the level of demand for this type of accommodation.

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. **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.**

101. **DCCW2006/2845/F - HAWKERSLAND SMALLHOLDING, BURMARSH LANE, NEAR MARDEN, HEREFORD, HR1 3ER [AGENDA ITEM 19]**

Fodder barn and off grid wind turbine.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council and Ms. Osbourne spoke in support of the application.

A number of Members spoke in support of the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (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.**

102. DCCW2006/2760/F - 24 HOSPITAL HOUSES, BURGHILL, HEREFORD, HR4 7RE [AGENDA ITEM 20]

Change of use to residential curtilage.

Councillor S.J. Robertson, the Local Ward Member, commended the officers appraisal and noted that the concerns of Burghill Parish Council had been largely addressed. Councillor Mrs. Robertson proposed an additional condition to require screening along the residential curtilage. The Development Control Manager commented that a boundary treatment condition could be added, with the landscaping/screening to be agreed in consultation with the Local Ward Member

RESOLVED:

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.

2. **Within two months of the date of this permission, details of a landscaping scheme to provide a screen along the southern and western boundaries, consisting predominantly of trees or other suitable plants, shall be submitted to and approved in writing by the local planning authority.**

Reason: To safeguard the amenities of neighbouring occupiers.

3. **All planting specified in the approved landscaping scheme shall be carried out by no later than 31st March 2007. Any trees or plants which within a period of five years from that date are removed, die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five years.**

Reason: To safeguard the amenities of neighbouring occupiers

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.**

103. DATE OF NEXT MEETING

Members briefly discussed some issues relating to the meeting as follows: the need to ensure that the public gallery maintained good order; the value of parish council comments during the public speaking procedure, especially if the Local Ward Member was unavoidably unavailable; the Chairman updated Members regarding Councillor J.G.S. Guthrie's recent illness; and the Development Control Manager explained the lawful use of caravans within domestic curtilages.

It was noted that the date of the next meeting was Wednesday 15th November, 2006.

The meeting ended at 5.34 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Enforcement Notice EN2005/0068/ZZ**

- The appeal was received on 26th October 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 Mr Kingsley
- The site is located at Riverside House, Lugg Bridge Mills, Hereford
- The breach of planning control alleged in this notice is:
Without planning permission, the erection of a wooden first floor balcony on the western elevation of Riverside House, Lugg Bridge.
- The requirements of the notice are:
 - (i) *Remove from the land the balcony, platform, railings, supporting pillars and any other associated brackets.*
 - (ii) *Any harm caused to the building through the construction of the balcony should be made good.*
- The appeal is to be heard by Inquiry

Case Officer: Russell Pryce on 01432 261957

APPEALS DETERMINED**Application No. DCCW2006/0410/F**

- The appeal was received on 7th June 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 D Elsleys
- The site is located at The Old Post Office, Bishopstone, Hereford, Herefordshire, HR4 7HX
- The application, dated 2nd February 2006, was refused on 29th March 2006
- The development proposed was Demolition of porch, kitchen and attached structure and replacement with two storey extension
- The main issue is scale and character

Decision: The appeal was DISMISSED on 16th October 2006

Case Officer: Peter Clasby on 01432 261947

Enforcement Notice: EN2005/0109/ZZ

- The appeal was received on 3rd March 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 Mr J.T.W Lyon
- The site is located at Fairhaven, 36 Three Elms Road, Hereford, Herefordshire, HR4 0RH

Further information on the subject of this report is available from the relevant Case Officer

- The breach of planning control alleged in this notice is: Without planning permission, change of use of the land from the use as a residential dwelling to a house of multiple occupancy
- The requirements of the notice are: Cease use of the land as a house of Multiple Occupancy
- The main issues are whether the use of the appeal property as a house in multiple occupation (HMO) (i) is unacceptable in principle bearing in mind policy H18 of the adopted Hereford Local Plan (HLP) and Policy H17 of the emerging Herefordshire Unitary Development Plan (HUDP); (ii) causes or is likely to cause unacceptable harm to the living conditions of occupiers of nearby houses; or (iii) causes or is likely to cause unacceptable harm to the character of the property or its neighbourhood.

Decision: The appeal was DISMISSED on 18th October 2006

Case Officer: Peter Clasby on 01432 261947

Application No. DCCW2005/2713/F

- The appeal was received on 6th 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 Mr J T W Lyon
- The site is located at Fairhaven, 36 Three Elms Road, Hereford, Herefordshire, HR4 0RH
- The application, dated 18th August 2005, was refused on 27th September 2005
- The development proposed was Use of property as house in multiple occupation
- The main issues are whether the use of the appeal property as a house in multiple occupation (HMO) (i) is unacceptable in principle bearing in mind policy H18 of the adopted Hereford Local Plan (HLP) and Policy H17 of the emerging Herefordshire Unitary Development Plan (HUDP); (ii) causes or is likely to cause unacceptable harm to the living conditions of occupiers of nearby houses; or (iii) causes or is likely to cause unacceptable harm to the character of the property or its neighbourhood.

Decision: The appeal was UPHELD on 18th October 2006

Case Officer: Peter Clasby on 01432 261947

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

5 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. Fleet

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 18th October 2006 in order to carry out a Members' site visit. The site visit was carried out on the 31st October 2006.

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: 27 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 offset 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 Withdrawn the application pending the completion of such a survey. This was, however, 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 entirely 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 site establishment, 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 taht 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.

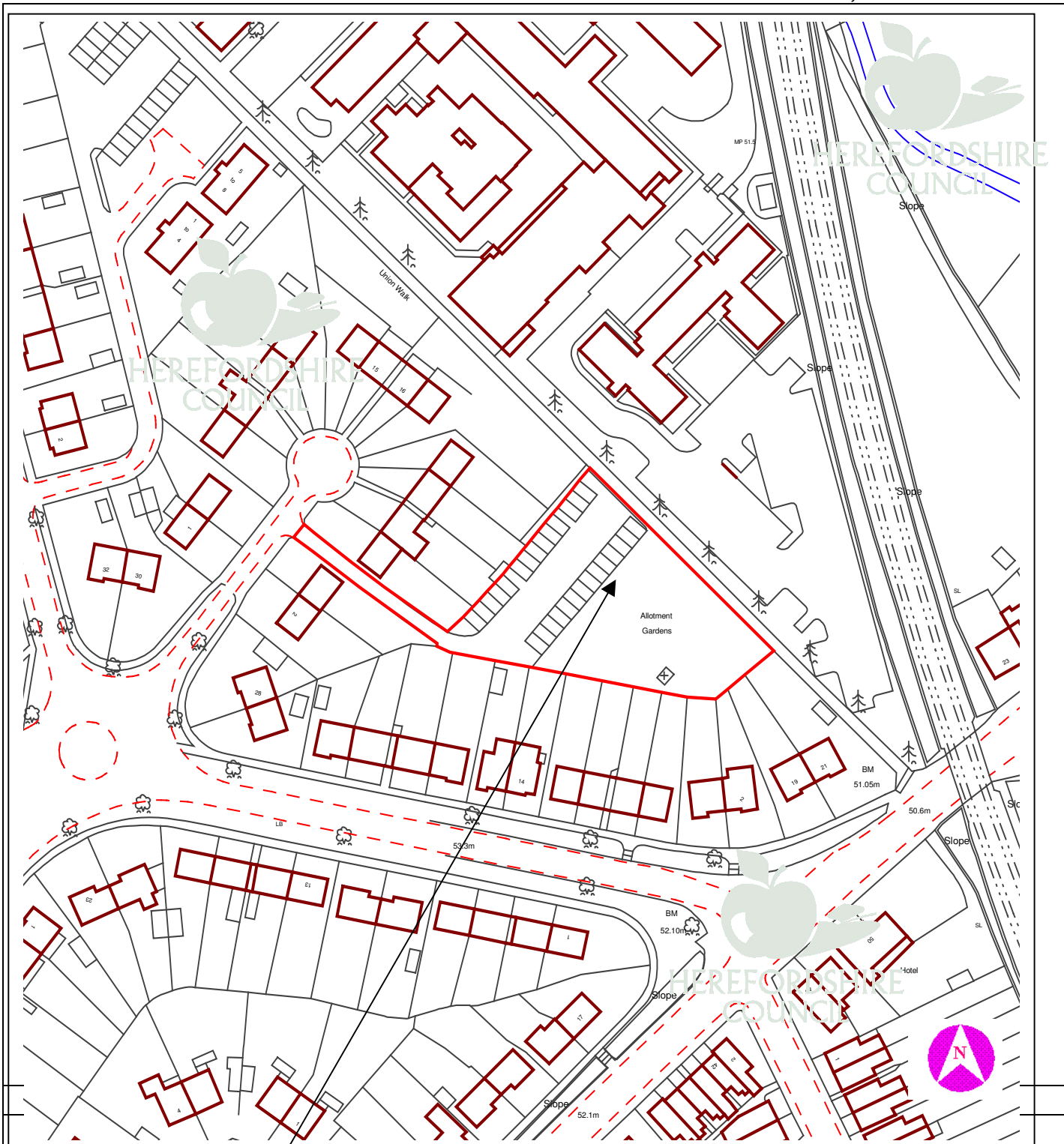
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

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 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

Date Received: 20th June, 2006 Ward: Hagley

Grid Ref: 56843, 40632

Expiry Date: 15th August, 2006

Local Member: Councillor R.M. Wilson

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 18th October 2006 in order to carry out a Members' site visit. The site visit was carried out on the 31st October 2006. This report has been updated to reflect changes in the application details.

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 marginally to 1.5 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, and to the north, where two new spaces are now proposed to be formed from an historic and now redundant turning head.

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

2.3 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 99 spaces to serve 66 units, a ratio of 1.5 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 14 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 1.5 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 a 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

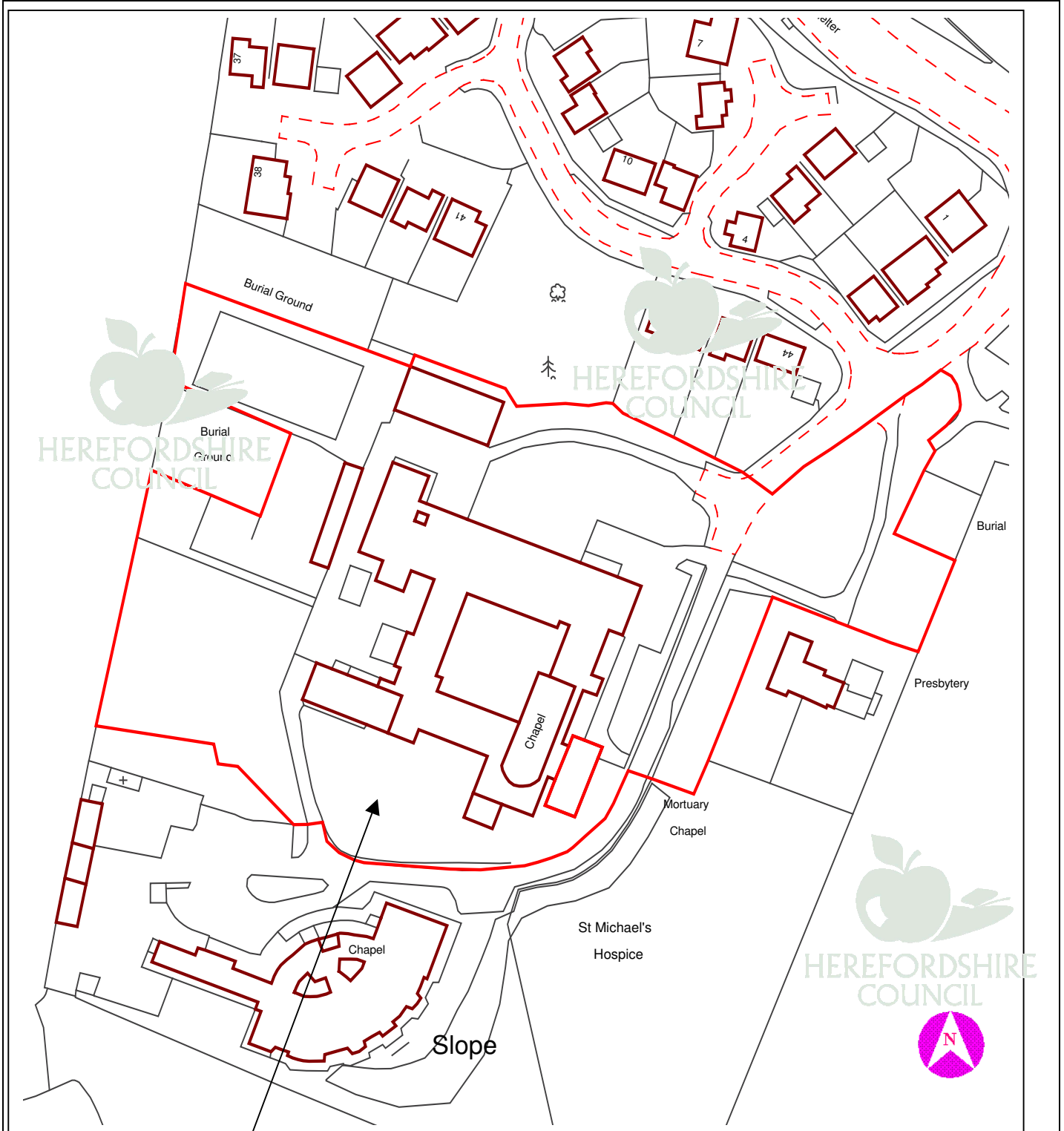
Decision:

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 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

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 18th October, 2006 in order to carry out a Members' site visit. The site visit was carried out on 31st October, 2006.

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
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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:

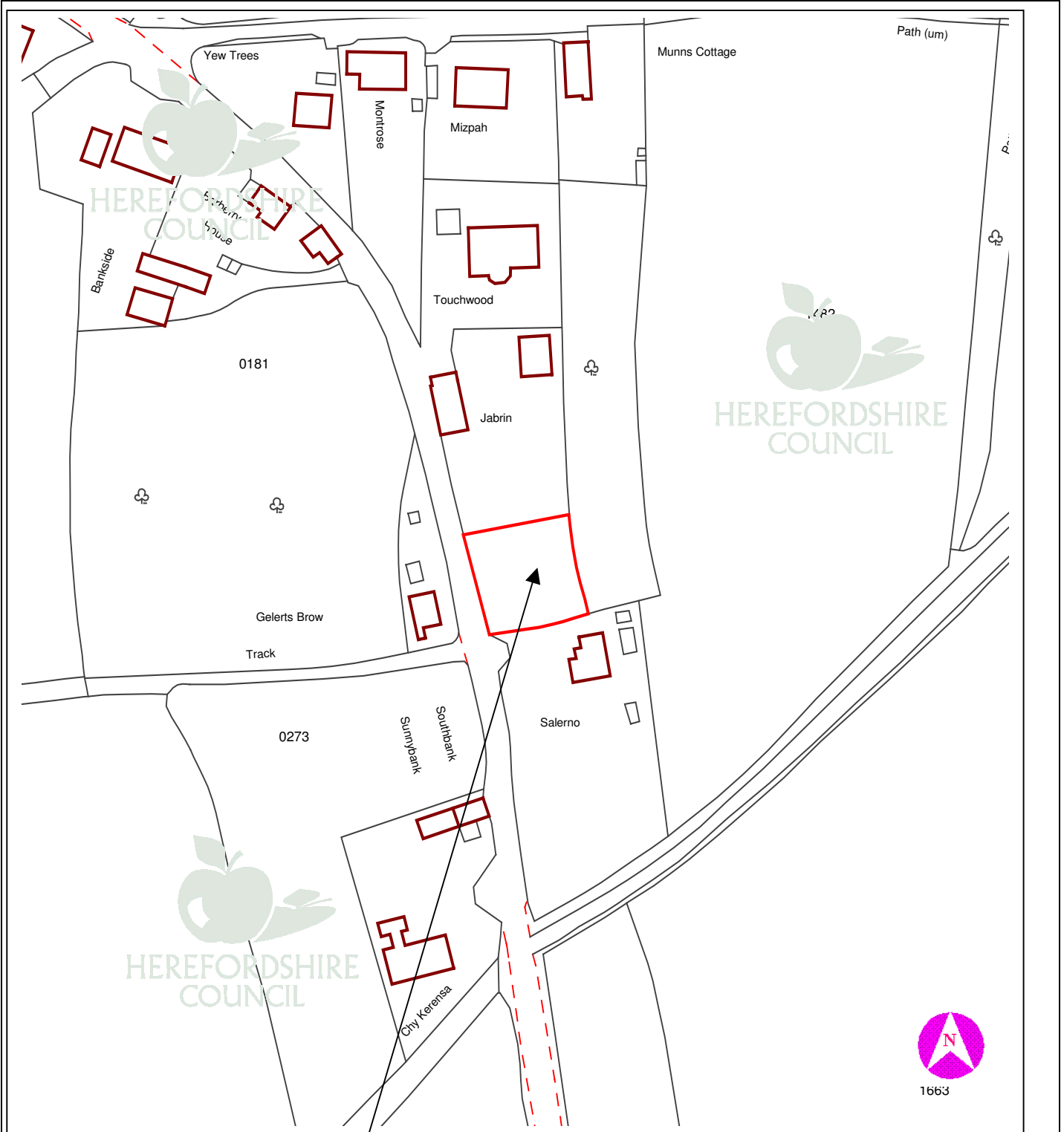
- 1. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.**
- 2. HN01 - Mud on highway.**
- 3. HN04 - Private apparatus within highway.**
- 4. HN05 - Works within the highway.**
- 5. 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:

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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8 DCCE2006/3087/N - CHANGE OF USE FOR PARKING OF 2 HGV'S AND STORAGE OF BUILDING MATERIALS (RETROSPECTIVE) DURLOW BARN FARM, DURLOW, TARRINGTON, HEREFORDSHIRE, HR1 4JQ

For: C D Jones, 35 Jubilee Close, Deer Park, Ledbury, Herefordshire, HR8 2XA

Date Received: 21st September, 2006 Ward: Backbury Grid Ref: 63411, 39313

Expiry Date: 16th November 2006

Local Member: Councillor Mrs J. Pemberton

1. Site Description and Proposal

1.1 Durlow Common is approximately 2 kilometres south east of Tarrington village, off the A438 Hereford-Ledbury Road.

1.2 The application is retrospective. The applicant operates a paving and hard landscaping business based at Ledbury. In connection with this business he uses part of the farmyard at Durlow Barn Farm to park two HGV vehicles, and for the storage and transfer of a variety of new and waste construction materials. Waste excavation material acquired in the course of his work is brought to the site, sorted, and recycled where possible.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS10	-	Planning for Sustainable Waste Management
PPS7	-	Sustainable Development in Rural Areas

2.2 Regional Spatial Strategy:

WD1	-	Targets for Waste Management in the Region
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2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S10	-	Waste
DR2	-	Land Use and Activity
DR3	-	Movement
E12	-	Farm Diversification
W1	-	New Waste Management Facilities

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objections.
- 4.2 Environment Agency: Have no objections as the development lies outside their criteria for comment.

Internal Council Advice

- 4.3 Traffic Manager: No objections.
- 4.4 Conservation Manager: No response
- 4.5 Forward Planning Manager: No response

5. Representations

- 5.1 Putley Parish Council: No objections.
- 5.2 Tarrington Parish Council: Have not objected but recommend a personal condition restricting the uses applied for to the applicant's business.
- 5.3 One letter of objection has been received from Mr A. Trumper, 1 Hazel Cottages, Durlow Common, Tarrington, HR1 4JG. The main points raised are:

- The parking of 2 HGV's and the storage of building materials has an impact on the outstanding natural beauty of the area;
- Noise made when aggregate and other building materials are dropped into the lorries...this takes place quite early in the morning;
- The lane is very narrow and not suitable to carry two HGV's on a daily basis.

- 5.4 In a letter accompanying the application the applicant has stated:

- Pave Your Way Ltd is a local firm based in Ledbury specialising in hard landscaping;
- All materials stored at Durlow Farm Barn are for use by Pave Your Way Ltd;
- HGV movements average around 4 per day on weekdays between 7.30am and 5pm with occasional weekend work;
- HGV Operator's Licence and Waste Carrier's Licence copies enclosed;
- Stores of new materials (sand, gravel, stone, etc) in approximately 20 tonne lots;
- Stores of topsoil approximately 200 tonnes;
- Stores of rubble and hardcore up to a maximum of 800 tonnes, max height 4 metres, accumulated for crushing and re-use.

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

6. Officers Appraisal

- 6.1 The main issues of concern are those relating to visual amenity, traffic and noise.

Visual Amenity

- 6.2 The application site comprises two discrete areas within a large agricultural yard and adjoining field. Separate from the applicant's stored materials and not in his ownership or control, many other agricultural items are stored around the general area, including further soil mounds, barrel containers, trailers and straw bales. Apart from a collection of agricultural buildings in varying conditions the site is generally of an open aspect, and farm animals are able to wander freely to access fodder, water and shelter.
- 6.3 The applicant's deposited stores of new building materials are generally tidy and quite small. The mound of topsoil is used intermittently and has partially re-vegetated. The mound of hardcore and rubble comprises excavated material for sifting and sorting for re-use.
- 6.4 Notwithstanding the applicant's stored materials, the existing agricultural yard is itself very utilitarian and is not visually attractive but in view of its use in connection with the agricultural land it would not in itself require planning permission.
- 6.5 The site is local to the applicant's catchment area for his business and he recovers and recycles as much material as possible. In this respect the development contributes to the objectives of sustainable waste management detailed in PPS10 and the Regional Spatial Strategy including the Waste Hierarchy, and is supported by Structure Plan Policy WD2 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S10 and W1.
- 6.6 It is also arguably an appropriate alternative use for an otherwise neglected and under-used farmyard, in line with policies supporting the appropriate commercial re-use of agricultural land and building. With appropriate conditions the limited impact of this modest enterprise would be acceptable.

Traffic

- 6.7 The applicant has two trucks kept at the site when not in use elsewhere. The estimated average 4 truck movements per weekday are not considered to be excessive or conflict with Local Plan Policy TRA11 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR3. The Traffic Manager has not objected but a personal condition to restrict the site's HGV use to the applicant is recommended.

Noise

- 6.8 The low-key scale of the applicant's activities suggests that serious noise nuisance is unlikely as routine operations should not in principle be noisier than other comparable agricultural work. Over-size hardcore might be crushed very occasionally. Conditions to restrict operating hours, and the area and heights of stockpiles would control the extent to which noisy activity would occur. The nearest residential property is screened by buildings, and the next nearest is approximately 250 metres away from the site. Both the Parish Council and the Traffic Manager have recommended limiting permission to the personal use of the applicant, and conditions are proposed to this effect.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 E26 (Cessation of personal/time limited permission)

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

2 Within one month of the date of this permission, a written scheme for physically marking out the boundaries of the two areas of land on which the development is hereby permitted, outlined in red and annotated "A" and "B" on the plan referenced DUR1 attached to this permission, shall be submitted to the local planning authority for approval. The scheme shall be implemented as approved within two months of this permission.

Reason: To define the areas of land for which permission for change of use is granted for the avoidance of doubt, in accordance with Malvern Hills District Local Plan Policy LAN4 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy LA6.

3 No waste or other materials, vehicles, plant or machinery arising from or used specifically in connection with the development hereby permitted shall be deposited or stored outside the areas identified by Condition 2 above, unless otherwise agreed in writing in advance by the local planning authority.

Reason: To protect the amenity of the area in accordance with Hereford and Worcester County Structure Plan Policy CTC2, Malvern Hills District Local Plan Policy LAN3 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR2.

4 E05 (Restriction on hours of use (industrial))

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

5 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.

6 Stockpiles of stored materials shall not exceed 4 metres in height.

Reason: In the interests of safety and visual amenity and to limit the quantity of materials to be stored at the site, in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy W1.

7 No burning or incineration shall take place within the area the subject of this permission.

Reason: To safeguard local amenity and prevent pollution in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR4.

- 8 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To protect the water environment in accordance with Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy DR4.

INFORMATIVES:

- 1 The boundary markers required by Condition 2 may be in the form of upright corner posts. There is no need to fence the sites off provided the boundaries are clearly marked.
- 2 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 3 N19 - Avoidance of doubt

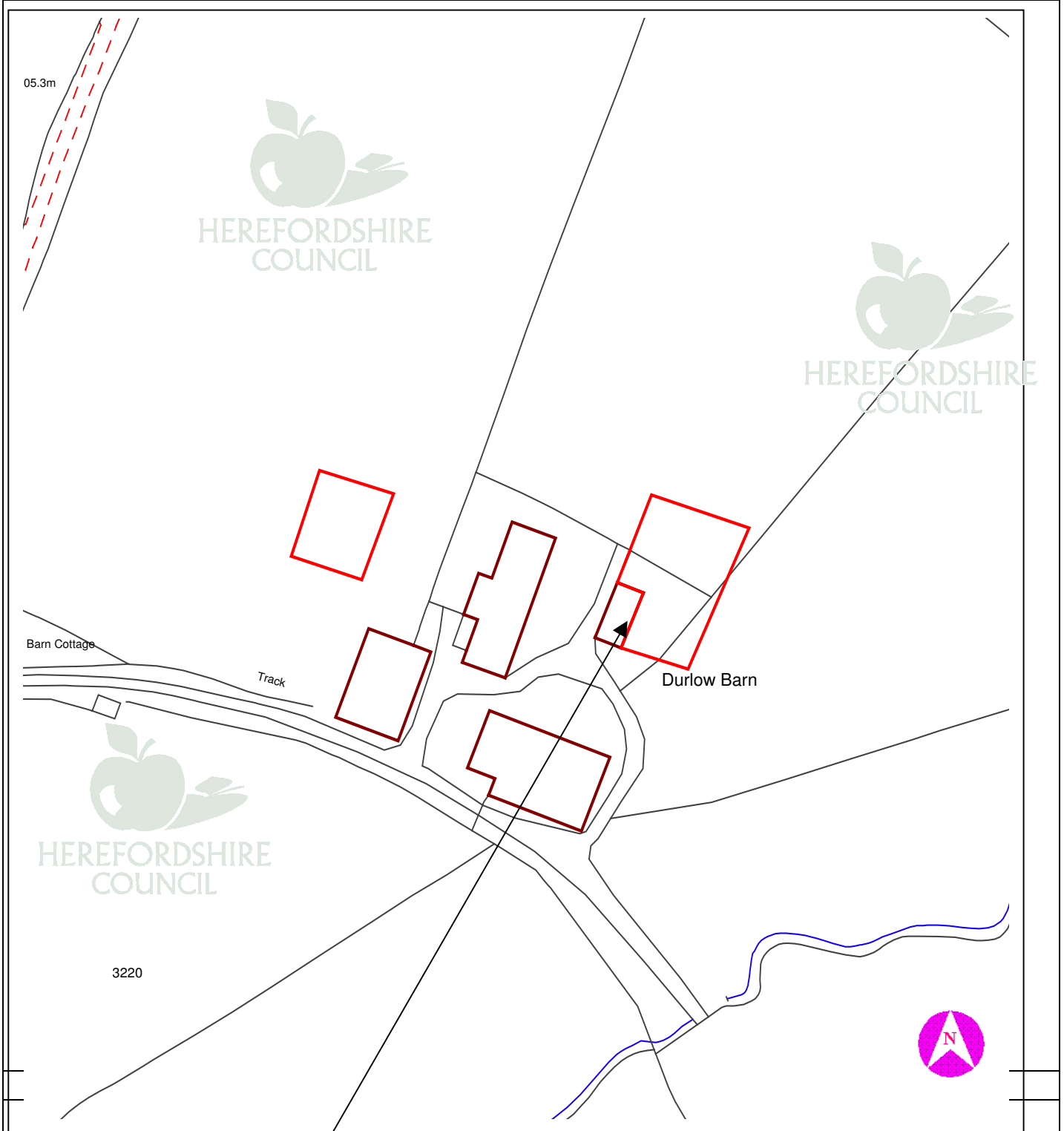
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCCE2006/3087/N

SCALE : 1 : 1250

SITE ADDRESS : Durlow Barn Farm, Durlow, Tarrington, Herefordshire, HR1 4JQ

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9 DCCE2006/2986/F - DEVELOPMENT OF 8 NOS SELF CONTAINED FLATS FROM EXISTING MULTI-OCCUPANCY DWELLING - EXTENSION AND REBUILDING OF REAR ANNEX. 3 NELSON STREET, HEREFORD, HR1 2NZ

For: Mr D Sockett, per Mr P T Gill, 13 Vaughan Street, Hereford, HR1 2HD

Date Received: 15th September, 2006 Ward: Central Grid Ref: 51369, 39469

Expiry Date: 10th November, 2006

Local Member: Councillor D. Fleet

1. Site Description and Proposal

- 1.1 This application seeks permission for the conversion of an existing House in Multiple Occupancy (HMO) into eight self-contained flats. The proposal also involves the erection of a two storey rear extension. The existing extended property is a three storey terraced property with cellar located within the Central Conservation Area. The property is currently arranged to provide a total of 9 rooms for the occupancy of this property as a HMO within which shared dining room, kitchen, and bathroom facilities are provided. The property has no off-street parking provision and falls within an Established Residential Area. Permit controlled on-street parking is in operation in the locality.
- 1.2 The proposal involves the creation of eight self-contained flats, all being proposed as one bedroom units. Additionally, a pair of gable ended rear extensions are proposed, one of which replaces the existing rear addition. Though the additions are a 'mirrored' pair, one is 2.65 metres shorter, having regard to the relationship with the neighbouring properties.

2. Policies

2.1 National Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing
PPG15	-	Planning and the Historic Environment

2.2 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
H15	-	Density
H16	-	Car Parking

H17	-	Sub-division of Existing Housing
H18	-	Alterations and Extensions
HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 HC940298/LE - Demolition of rear two storey extension. Non-determination.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to standard conditions.
- 4.2 Conservation Manager: No objection subject to conditions.
- 4.3 Traffic Manager: No objection subject to conditions.

Internal Council Advice

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Conservation Advisory Panel: 'Principle (sic) agreed, but appears overdeveloped in this area, car parking for residents would be an issue. Refusal...'
- 5.3 Local Residents: Seven letters of objection have been received. The points raised can be summarised as follows:

1. Too many properties have been sub-divided in this area, the roads are narrow and are becoming too busy;
2. Highway safety concerns;
3. Inadequate parking provision in this area;
4. Detrimental impact upon the Conservation Area caused by lack of parking and too many sub-divisions;
5. Adverse impact upon property values caused by excessive number of sub-divisions;
6. Occupants of this form of accommodation do not respect the local community and cause disruption and nuisance;
7. Adverse impact upon residential amenities of neighbouring properties caused by intensification of occupancy of this property;
8. Expressions of concern over access requirements to neighbouring properties during the construction phase and boundary issues;
9. Will all flats be allocated parking permits, if so this will cause unacceptable demands upon off-street parking.

It is advised that point 4 above is not a planning matter in this instance.

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

6. Officers Appraisal

- 6.1 It is considered that the key issues in this instance are:

1. Principle of Development;
2. Parking Provision and Highway Safety;
3. Design, Visual Amenity and Conservation Area Impact;
4. Residential Amenity Impact.

Principle of Development

- 6.2 This application seeks the conversion of the existing House in Multiple Occupation into eight independent and self-contained flats. From a planning policy perspective, the sub-division of dwellings into smaller units is supported where the site's specific circumstances are suitable. Policy H17 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) states that the sub-division of houses will be permitted provided that adequate and appropriate car parking and access is available, there is a satisfactory standard of accommodation provided, and the proposal has no undue adverse impact upon the character of the property and its curtilage, the amenity and privacy of neighbouring dwellings, and the amenity and general character of the area. It is therefore considered that the principle of this proposal is acceptable.

Parking Provision and Highway Safety

- 6.3 The application site does not provide off-street parking facilities, and the on-site arrangement is such that none can be provided. As discussed above, Policy H17 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) states that the sub-division of houses will be permitted provided that adequate and appropriate car parking and access is available. In this case no such provision is available and the pressure upon on-street space in this location is of note. However, one must consider other issues in this instance. This property was last used as an HMO providing accommodation for, potentially, 9 independent persons. Additionally, this location is characterised by on-street parking where few properties are able to provide off-street parking facilities. The sustainability of this location, having regard to the proximity of facilities and services and the availability of public transport, is also of note in this case. The Traffic Manager comments are as follows:

'...the proposed development may give rise to an increased entitlement to permits for the property, but that unless this will have highway safety implications, it is not grounds for objection...the development may, if the flats became separate council tax payers, have an increased entitlement to permits but I do not see that as being detrimental to highway safety and therefore do not object. The location is sufficiently close to the City centre and on a bus route to be considered as suited to car free development. I would suggest that the development provides some secure cycle parking within the proposals.'

Having regard to the above whilst the concerns raised by local residents are noted, it is considered that there are inadequate grounds to substantiate a refusal on highway safety issues.

Design, Visual Amenity and Conservation Area Issues

- 6.4 Although the original character of this property has been somewhat compromised over time, it remains a good quality Victorian Villa dating from 1890. The proposed extensions are considered acceptable in design, however, the prominence of the side elevation will require the use of appropriate materials and mortar to ensure the effective integration of this proposal into the existing property and wider street scene.

Conditioning relating to the boundary treatments and materials will ensure the appropriate appearance of this property. It is considered that the character and appearance of the Conservation Area will be preserved and the visual amenities of the locality maintained through this development.

Residential Amenity Impact

- 6.5 Concerns regarding anti-social behaviour has been raised as an issue. Two relatively recent court cases (West Midlands Probation Committee v S.O.S and 7/11/97. R v Broadland D.C. 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. 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 the conversion of this property into eight units would result in anti-social behaviour and an associated risk to public health and/or safety. It is of further note that this application would see this property converted from an HMO into private accommodation and as such the occupants would likely be less transitory (students etc) than those occupying an HMO. It is considered that the property in question is suitable for the proposed conversion with the extensions allowing for the creation of eight units offering an acceptable standard of accommodation.
- 6.6 The siting of the property, together with its relationship with the adjoining sites, ensures an acceptable impact upon the amenities of neighbouring properties and the wider surrounding area. It is considered that the occupancy of this property in the format proposed will cause less noise and disturbance compared to the existing arrangement which provides for communal living. The proposed amenity space is intended to serve the ground floor flats only. However, the proximity of public open space, specifically Castle Green and King George's Playing Field is such that this is not considered an issue. A condition is proposed to minimise disturbance during the construction phase. Overall it is concluded that the impact upon residential amenities will be within acceptable limits.

Other Issues

- 6.7 Standard informatives will advise of the land ownership implications of a planning permission and the provisions of the Party Wall Act 1996.

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 B01 (Samples of external materials)**

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

- 3 C02 (Approval of details)**

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

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

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

5 C10 (Details of rooflights)

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

6 C11 (Specification of guttering and downpipes)

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

7 E17 (No windows in side elevation of extension)

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

8 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 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 Notwithstanding the submitted details, the boundary treatments subdividing the two garden areas to the rear shall be through soft landscaping, not through the introduction of a hard boundary treatment.

Reason: To safeguard the character and appearance of the Conservation Area.

12 H29 (Secure cycle parking provision)

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

INFORMATIVES:

1 N01 - Access for all

2 N03 - Adjoining property rights

3 N07 - Housing Standards

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

5 N19 - Avoidance of doubt

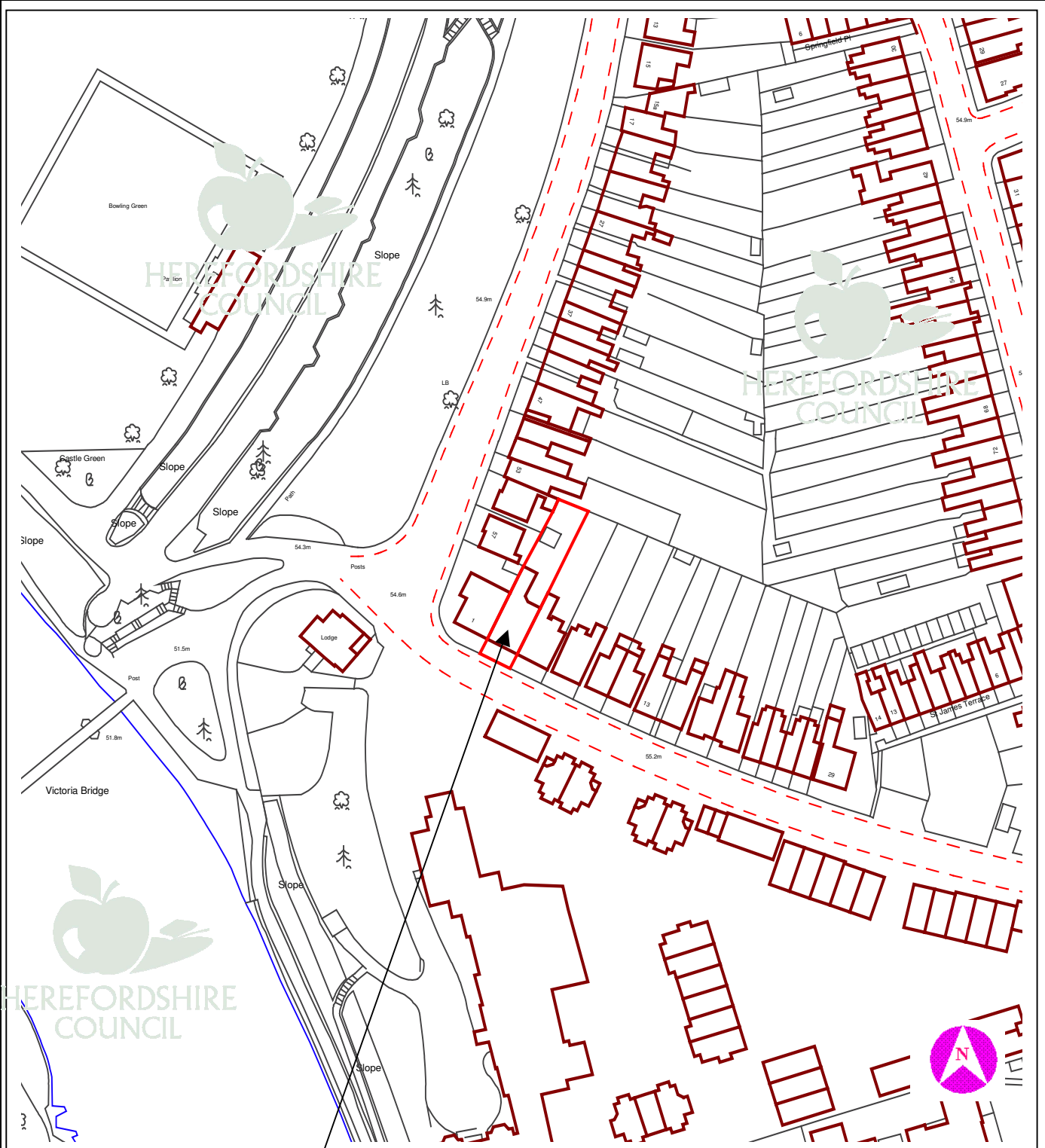
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2986/F

SCALE : 1 : 1250

SITE ADDRESS : 3 Nelson Street, Hereford, Herefordshire, HR1 2NZ

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10 DCCE2006/3291/F - SITING OF TWO MOBILE HOMES TO BE OCCUPIED BY SEASONAL AGRICULTURAL WORKERS ONLY LAND AT WHITETHORN FARM, CAREY, NR. HOARWITHY, HEREFORDSHIRE, HR2 6NG

For: Mr & Mrs M Soble, Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD

Date Received: 11th October, 2006 Ward: Hollington Grid Ref: 55937, 31114

Expiry Date: 6th December, 2006

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The site is located immediately south of unclassified road 72003, west of the hamlet of Carey. Ground levels fall steeply from unclassified road 72001 northwards into the site and also from west to east surrounding the site. To the south is small deciduous woodland known as Whitethorn Wood and just north of the site are three detached dwellings. An existing gravel track provides access into the site leading to an agricultural storage building and pole barn for which permission was approved last year and this year respectively. A mobile home has also been sited to the north of the pole barn which is occupied by the applicants and recently secured planning permission (CE2006/1772/F. The site lies within the Wye Valley Area of Outstanding Natural Beauty and is also designated as an Area of Great Landscape Value.
- 1.2 Planning permission is sought for the retention of an existing mobile home on site along with the siting of a further mobile home, both in the form of static caravans and sited against the roadside boundary hedge adjacent to unclassified road 72003. The mobile homes are to be occupied between the months of April to October inclusive by seasonal workers employed by the applicants working on the holding and would be in addition to the approved temporary living accommodation. In effect this proposal would bring the total number of residential mobile homes on the holding to three.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S7	-	Natural and historic heritage
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape character and areas least resilient to change
H8	-	Agricultural and forestry dwellings associated with rural businesses

2.2 Planning Policy Statement 7 – Sustainable development in rural areas

3. Planning History

- 3.1 CE2006/1772/F - Siting of temporary living accommodation for agricultural workers. Approved 29th August, 2006.
- 3.2 CE2006/0400/S - Agricultural building to store hay, straw, animal feeds and general storage. Prior approval not required 28th February, 2006/
- 3.3 CE2006/0403/S - Agricultural glasshouse for raising of plants. Prior approval not required 28th February, 2006.
- 3.4 CE2005/1944/S - Housing for irrigation control equipment and standby generator. Prior approval not required.
- 3.5 CE2005/1124/S - Erection of agricultural building. Prior approval not required 27th April, 2005.
- 3.6 CE2005/0350/F - Construction of farm track. Approved 4th May, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: Comments awaited.

5. Representations

- 5.1 Little Dewchurch Parish Council: Comments awaited.
- 5.2 It should be noted that this report has been prepared prior to the completion of the consultation period in the light of recent planning history of the site. Officers are fully aware of the local sensitivity of the site and have produced this report in the knowledge that objections are likely to be received. It is acknowledged that the Appraisal below covers the main planning considerations and if consultation responses raise other issues these will be covered by way of a verbal update.

6. Officers Appraisal

- 6.1 Members may recall that considerable discussion took place earlier this year in connection with an application for a siting of a mobile home to be occupied by an agricultural worker. Following a site visit, temporary planning permission for three years was approved. This application now seeks permission to regularise the permanent retention of another mobile home on site along with the siting of a further mobile home.
- 6.2 Class A, Part 5, Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 linked in with the Schedule 1 of the 1960 Caravan Sites and Control of Development Act permits the siting of a mobile home for the accommodation of persons engaged in farming through a particular season. However, this is subject to the requirement that the mobile home is removed from site when its use in connection

with a seasonal agricultural activity ceases. In essence, the mobile home must be removed from site at the end of the season and brought back on site at the start of the next season. This creates a significant problem for many of Herefordshire's farmers who are heavily reliant on a seasonal labour force in terms of the work in removing and re-siting the mobile homes but also finding a suitable and lawful place for their storage during the winter period.

- 6.3 The proposed site is somewhat detached from the remainder of the recent development that has taken place within the holding but is still relatively well screened by virtue of its location up against existing mature hedge. If the mobile homes were sited alongside existing buildings they would be equally as visible in landscape terms. As such, whilst the proposed siting is not ideal, given the development that has already taken place on site and the existing landscaping which the applicant has already undertaken, the siting is considered acceptable. The visual impact of the mobile homes can be further reduced through requiring the exterior to be painted a subtle green or brown rather than the present white finish. Furthermore, his application will enable the local planning authority to retain some control through conditions on the number of mobile homes and their period of occupation.
- 6.4 The recent approval of a mobile home to enable to applicants to live on site was subject to a three year temporary permission and therefore it is considered reasonable to also limit this current application to three years which will enable the whole viability of the enterprise including the need for seasonal workers to be reviewed after the expiry of the temporary permissions. Subject to the above restrictions, the proposal is considered acceptable for a temporary period.

RECOMMENDATION

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 approved the application subject to the following conditions and any further conditions considered necessary by officers:

- 1 **E23 (Temporary permission and reinstatement of land (mobile home/caravan)**
Reason: To enable the local planning authority to give further consideration to the acceptability of the proposed use in line with other temporary planning permission approved at the holding.
- 2 **F18 (Scheme of foul drainage disposal)**
Reason: In order to ensure that satisfactory drainage arrangements are provided.
- 3 **E28 (Occupation by seasonal agricultural worker between the months of April and October only)**
Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.
- 4 **B11 (Details of external finish)**

Reason: In order to minimise the impact of the mobile homes on the visual amenity of the Area of Outstanding Natural Beauty.

5 E15 (Removal of permitted development rights)

Reason: To prevent the further proliferation of mobile homes in order to safeguard the visual amenity of the Area of Outstanding Natural Beauty

INFORMATIVES:

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

2 N19 - Avoidance of doubt

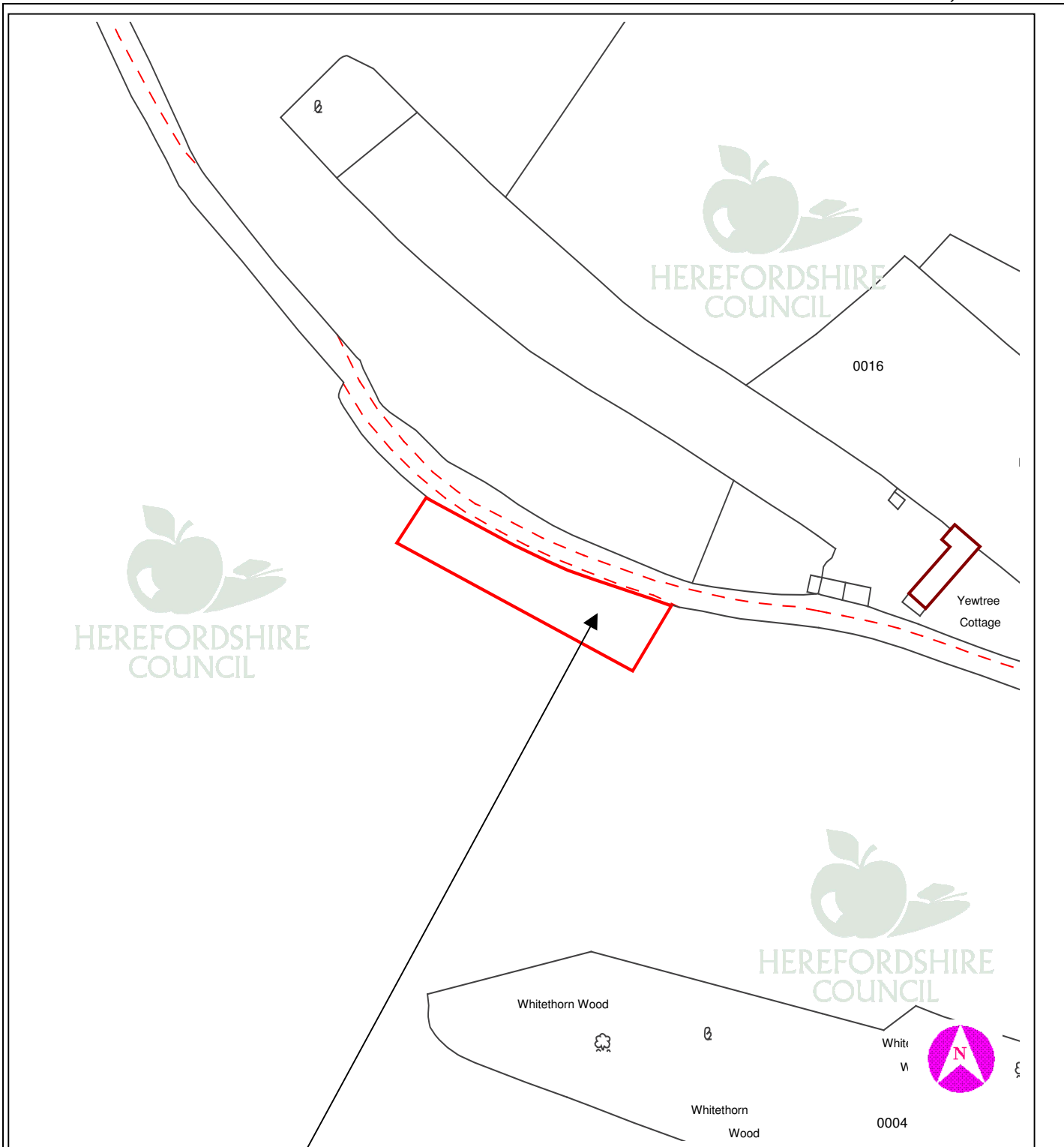
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3291/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Whitethorn Farm, Carey, Nr. Hoarwithy, Herefordshire, HR2 6NG

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11 DCCW2006/3239/F - TO CONSTRUCT NEW ANNEXE DWELLING ATTACHED TO THE MAIN DWELLING AND DETACHED GARAGE AT WYCHWAYS, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ

For: Mr. & Mrs. Connor per Mrs. Clayton, Penelope Clayton Architectural Drawing, 2 Sunshine Close, Ledbury, Herefordshire, HR8 2DZ

Date Received: 9th October 2006

**Ward: Burghill,
Holmer & Lyde**

Grid Ref: 50959, 42287

Expiry Date: 4th December 2006

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 The application site is comprised of a modern two storey detached dwelling set within a large curtilage, sited on the southern side of Attwood Lane within an established residential area, which lies on the northern boundary of the City of Hereford.
- 1.2 The property is handed with its immediate neighbour to the west and they are separated from each other by integral flat roofed single storey double garages.
- 1.3 The application seeks permission to construct a self-contained dwelling comprising two bedrooms and bathroom, above a kitchen and two reception rooms on the ground floor. This would be largely on the footprint of the existing garage which would be demolished and replaced by a proposed detached double garage within the front garden.
- 1.4 The proposal whilst comprising a self contained dwelling is described as an annexe and would enable two generations of the applicant's family to occupy the property sharing the existing access and garden.

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 13	-	Sustainable Residential Design

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No objection subject to the imposition of standard conditions.

5. Representations

5.1 Holmer Parish Council: Comments awaited.

5.2 Mrs. Hinton, Attwood Lea: Objection, I will be affected by the proposed dwelling as the window on the rear elevation will destroy the privacy of my small rear garden.

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

Principle of Development

6.2 The application site lies within the settlement boundary for the City of Hereford and the Herefordshire Unitary Development Plan (Revised Deposit Draft) recognises that there is scope for appropriate residential development within these areas providing that the character and appearance of the area is not adversely affected by the proposed development. The proposal to erect a new dwelling is acceptable in principle, subject to other material considerations being satisfactorily resolved. It is advised that whilst the proposal is described as an annexe, based upon the self contained nature of the accommodation it is reasonable to consider it as a dwelling in its own right.

Visual and Residential Amenity

6.3 The design and scale of the proposal is well related to the existing dwelling, and the use of a single storey link between the two units helps to break up the overall impact of the massing. It is not considered that there will be any harm to the visual amenity of the wider locality.

6.4 With regard to residential amenity it is not considered that the proposal will result in any demonstrable impact on the amenity of the neighbouring dwellings or those to the rear of the application site in Turnberry Drive.

- 6.5 More specifically whilst the concerns of the neighbour to the east are noted, having consideration for the orientation of their property and the proposed development, it is not considered that there will be a significant difference to the existing relationship between the two properties. It is acknowledged that there would be a south facing first floor window closer to the boundary with the next door property (Attwood Lea). However this would not enable views directly toward the property but rather views down the garden as is already the case from existing windows.
- 6.6 Furthermore the proposed eastern flank wall has been designed without windows. To ensure the continued satisfactory relationship between the extended dwelling and its neighbours, it is considered expedient to remove the permitted development rights to insert windows in this elevation.
- 6.7 There is no strong or discernable building line along the southern side of Attwood Lane and the proposed garage will not therefore be read as an unduly prominent feature with the street scene. Its impact would be further mitigated by the presence of a mature hedgerow on the western boundary.
- 6.8 Overall the proposal is not considered to give rise to any harm to the visual or residential amenity of the wider locality, however in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation.

Access and Highways

- 6.9 The property is served by an existing vehicular access, and the proposed annexe dwelling and the existing property will continue to be served by this access.
- 6.10 In principle the Traffic Manager has no objection, but comments that a total of four parking spaces are required. These remarks are considered reasonable and the appropriate condition is recommended.

Conclusion

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

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. The annexe dwelling and the existing dwelling known as 'Wychways' shall not be sold separately from each other.**

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

- 4. H12 (Parking and turning - single house) (4 cars).

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.

Informatives:

- 1. N01 - Access for all.
- 2. N03 - Adjoining property rights.
- 3. N14 - Party Wall Act 1996.
- 4. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'.
- 5. N19 - Avoidance of doubt.
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

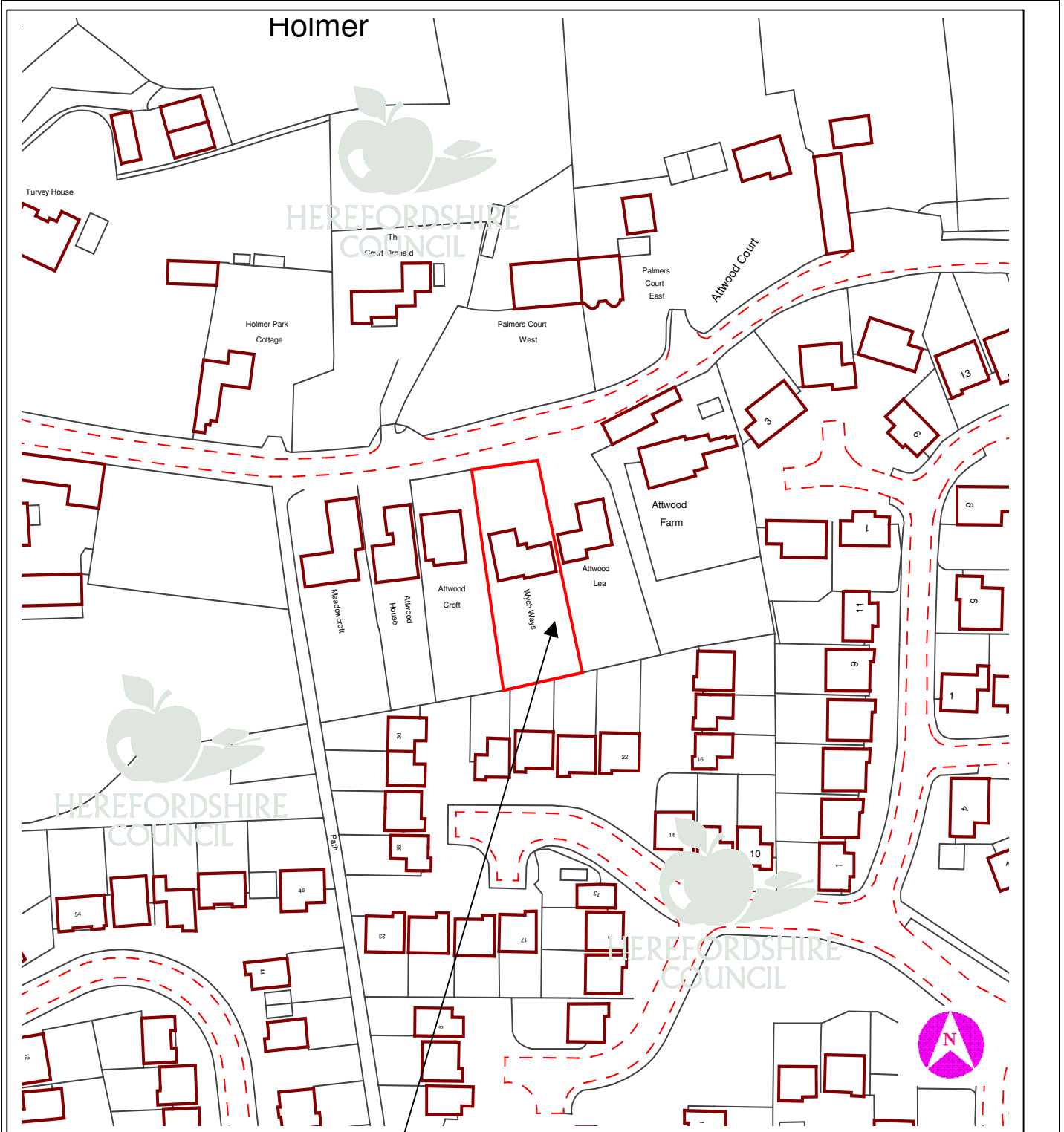
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3239/F

SCALE : 1 : 1250

SITE ADDRESS : Wychways, Attwood Lane, Holmer, Hereford, Herefordshire, HR1 1LJ

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12 DCCW2006/3153/F - CHANGE OF USE FROM AGRICULTURAL TO A 2 FAMILY GYPSY SITE AT THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU

For: Mr. & Mrs. R. Jones, The Birches Stables, Burghill, Hereford, Herefordshire, HR4 7RU

Date Received: 2nd October 2006 **Ward: Burghill, Holmer & Lyde** **Grid Ref: 47047, 44285**

Expiry Date: 27th November 2006

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 The Birches Stables is a 0.26 hectare site located to the south of the Burghill Scout Hut and Manor Fields Housing Estate on the edge of Burghill.
- 1.2 The proposal is to use the land as a gypsy site accommodating two families. The proposal seeks to use the existing access adjacent to the access for the Scout Hut.
- 1.3 One static and one touring caravan are presently on the site together with a stable block and store.
- 1.4 The application is retrospective and is submitted with an accompanying statement, which sets out the applicants status as gypsies and their reason for resorting to the application site. A petition in support of the proposal has also been submitted by the applicants.

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 H4	-	Main Villages: Settlement Boundaries
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H12	-	Gypsies and Other Travellers

2.2 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH1	-	Housing Land Supply
Policy SH11	-	Housing in the Countryside
Policy SH14	-	Siting and Design of Buildings
Policy SH25	-	Gypsy Caravan Sites

3. Planning History

- 3.1 SH911548PF Use of land as a caravan site for sole occupation of applicant. Approved 22nd January 1992.
- 3.2 DCCW2006/1598PF Variation of condition 1 of planning application SH911548PF sole occupation. Refused 6th July 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Raises concerns regarding the visibility afforded by the existing access.
- 4.3 Head of Environmental Health & Trading Standards: Comments are awaited.

5. Representations

- 5.1 Burghill Parish Council: **“Lanes Coppice, Burghill – Application No. DCCW2006/1598/F. Variation of Condition 1 of Planning Application SH911548PF – Sole Occupation.”**

The above application was refused planning approval in July 2006 on the following Policies: South Herefordshire District Local Plan - C1, C2, C3, SH11, SH26. Herefordshire Unitary Development Plan (Revised Deposit Draft) - S1, H4, H7, H11.

None of the reasons for refusal in July 2006 on this site have changed just because a new (retrospective) application has been made.

Present application-

The Birches Stables, Burghill - Application no. DCCW2006/3153/F Change of use from agricultural to a 2 family gypsy site

Burghill Parish Council strongly objects to these retrospective proposals for the following reasons:-

The proposal is outside the approved settlement boundary - see Policy C1 - South Herefordshire District Local Plan: Policy H4 - Herefordshire UDP (Revised Deposit Draft) and the approved Burghill Parish Plan.

The proposal does not meet the requirements of Policy C3 of the South Herefordshire District Local Plan in respect of exceptional cases - in that it would

- (ii) - create more serious amenity problems for adjoining or nearby landusers, i.e. Burghill Scout and Guide HQ and The Woodland Trust
- (iii) - be visually intrusive or detract from the character and appearance of surrounding landscape, i.e. already trees, shrubs etc. have been cut down and burned. Prior to this action it had been impossible to see the caravan or buildings on the site

(iv) - have an adverse impact on sites and features of nature conservation, i.e. The Woodland Trust

(v) - create unacceptable levels of traffic generation or give rise to highway safety, i.e. vehicles have been parked in the road and adjacent gateway. The entrance to the site is not visible from either direction. The Parish Council have been concerned about the area for several years and have requested speed restrictions along this narrow stretch of road

This retrospective application meets none of the criteria for Policy SH11 of the South Herefordshire District Local Plan in respect of "Housing in countryside".

This retrospective application meets none of the criteria for Policy SH1 of the Herefordshire Unitary Development Plan in respect of "Sustainable development".

The Parish Council finds that Herefordshire Council has previously accommodated the applicants and their extended family by using discretionary Policy H12 of the Unitary Development Plan (Revised Deposit Draft) on a previous site at Marden (application no. DCCW2005/2579/F - approved in October 2005, and a further application approved 16/11/05).

The Parish Council believes that if this retrospective application in respect of The Birches Stables is approved it will contradict the decision against application no. DCCW2006/1568/F under Policy H7 of the Unitary Development Plan (Revised Deposit Draft) which refers to housing in the countryside outside settlements - clauses 1, 2 and 6.

The Parish Council has concerns over the sewage disposal - what was suitable for a single person may be inadequate for a family.

The Parish Council notes that one of the applicants (Mr. H. Smith) has already received permission for a variation of conditions in respect of application no. DCCW2006/0573/F - Ashgrove Croft, Marden - approval date 26.4.06.

The Parish Council feels that if this application at The Birches Stables is approved it will set a precedent and could be misconstrued as property development which would lead to other areas outside settlement boundaries being exploited."

- 5.2 1st Burghill Scout and Guide Group: "This application is worrying our Group as the entrance to the site is immediately adjacent to the entrance to the Group H.Q. at Manorfields, Burghill.

Our site is used frequently throughout the week by upwards of 120 children, many parents and other siblings, plus St. Cuthberts Church congregation on three Sundays per month. Other events such as "sleep overs" by visiting Guide/Brownie groups (not allowed to camp under canvas these days!), the usual range of children's birthday parties and sundry other activities occur during the year. The increased traffic already with cars, HGV's and caravans is a hazard which we have not previously had to contend with and were not expecting to have to cope with. We knew Mr. Lane, the previous occupant on the site, had permission for temporary residence during his lifetime and traffic onto his land has been rare for at least a decade. We had an excellent relationship for the whole of the time that our HQ has been on the land next to him.

When Mr. Jones was moving in next door, unknown to me, I went to our HQ to check the effectiveness of our PIR lighting at about 9 pm. ready for the new term. There was a car on our park and a Transit flatbed truck in our entrance splay. I spoke with Mr. Jones and explained that we were completing the car park surface and entrance shortly and that the site would be busy. I pointed out the dangers of the truck in our entrance but, faced with a "fait accompli" agreed that the car could stay until the morning. We have had vehicles parked since then.

At the moment we are running Rainbows, Brownies and Guides on the female side and Beavers and Cub Scouts on the male side. We have no Scouts or Ventures due to the difficulty of getting leaders.

Under the Children's Acts we have a Duty of Care to our youngsters which is, as it should be, always a main priority for my Committee and Leaders. If the activities and traffic next door became too much of a danger the demise of Scouting and Guiding, at least in this geographical area of Burghill, would become a virtual certainty."

5.3 Three letters of objection have been received from B.C. Green, The Rustlings, Burghill; Mr. & Mrs. E.C. Webb, 19 Manor Fields, Burghill and Mrs. Jones, Fairway View, Burghill. The main points raised are:

1. The site was previously occupied by one elderly resident.
2. The land is totally unsuitable for habitation due to its location. Access is difficult and there is no infrastructure to support two families.
3. Vehicles have trespassed onto the Scout Hut land.
4. The site is adjacent to Lanes Coppice which is managed by The Woodlands Trust and which could be impacted upon by this development.
5. This could set a precedent for more families to move onto the site.
6. All previous planning applications to develop the site have been rejected.

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

6. Officers Appraisal

6.1 This site is located in open countryside but immediately adjacent to the settlement of Burghill identified as a main village in the Herefordshire Unitary Development Plan (Revised Deposit Draft) under Housing Policy H4.

6.2 There is clear policy presumption against residential development in the open countryside. However Policy H7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) established a number of circumstances where such development may be exceptionally permitted. It refers specifically to the provision of sites meeting the needs of gypsies or other travellers.

6.3 Policy H12 deals directly with sites intended for the accommodation needs of gypsies and other travellers and requires the following criteria to be met:-

1. The site is within reasonable distance of local services and facilities;

2. Sites for settled occupation should be small;
 3. Adequate screening and landscaping is included within the proposal in order to ensure that the proposal does not result in an adverse impact upon the character of the area and amenity of the landscape; and
 4. They contain appropriate levels of residential amenity, including safe play areas for children and provide satisfactory work and storage areas.”
- 6.4 The applicants (Mr. And Mrs. Jones and their extended family) have provided sufficient evidence to substantiate their gypsy status and as such it is reasonable to consider this proposal against Policy H12 as an exception to the normal presumption against residential development in the open countryside. Accordingly taking the four criteria stated:
- (1) The site lies adjacent to an identified main village, Burghill and therefore as an identified ‘main village’ it contains the local services and facilities and is ultimately considered to be a sustainable location.
 - (2) The proposal for two families is considered small in scale.
 - (3) Despite the removal of overgrown areas the site is still well screened within the landscape. However alterations to the access, which are discussed in more detail below, will require the removal of hedging which will make the site more visible until new landscaping grows. However roadside frontage faces Burghill Valley Golf Course where the boundary is well landscaped.
 - (4) There is adequate levels of amenity and play space for children within the site.
- 6.5 In view of the above it is considered that the proposal accords with Policy H12. Therefore it is contended that the only issue of concern is the access. In this respect the forward visibility as proposed is sub-standard and to achieve the required visibility would require land outside the applicant ownership and the removal of approximately 30 metres of hedging on the application site. A more appropriate solution would be to close the existing access and provide a new access away from the Scout Hut. This still requires the removal of hedging but has the benefit of being within the application site and would remove the potential conflict of vehicles at the entrance of the Scout Hut. The principle of this revision are being discussed with the applicant and a condition could secure this revised arrangement.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **Within one month of the date of this permission a new vehicle access shall be constructed providing visibility splays of 2 metres x 60 metres in each direction and any entrance gates set back 5 metres, details of which shall be submitted for approval in writing of the local planning authority and the access shall be constructed in accordance with the approved details and retained in perpetuity.**

Reason: In the interests of highway safety.

- 2. This permission relates to the siting of two mobile homes and one touring caravan only. No other units of accommodation shall be brought onto or occupied on the site.

Reason: In the interests of highway safety.

- 3. Within one month of the date of this permission, details of a scheme of landscaping which shall include replacement hedgerow planting shall be submitted to and approved by the local planning authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

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

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

- 5. H08 (Access closure).

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

- 6. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

Informatives:

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

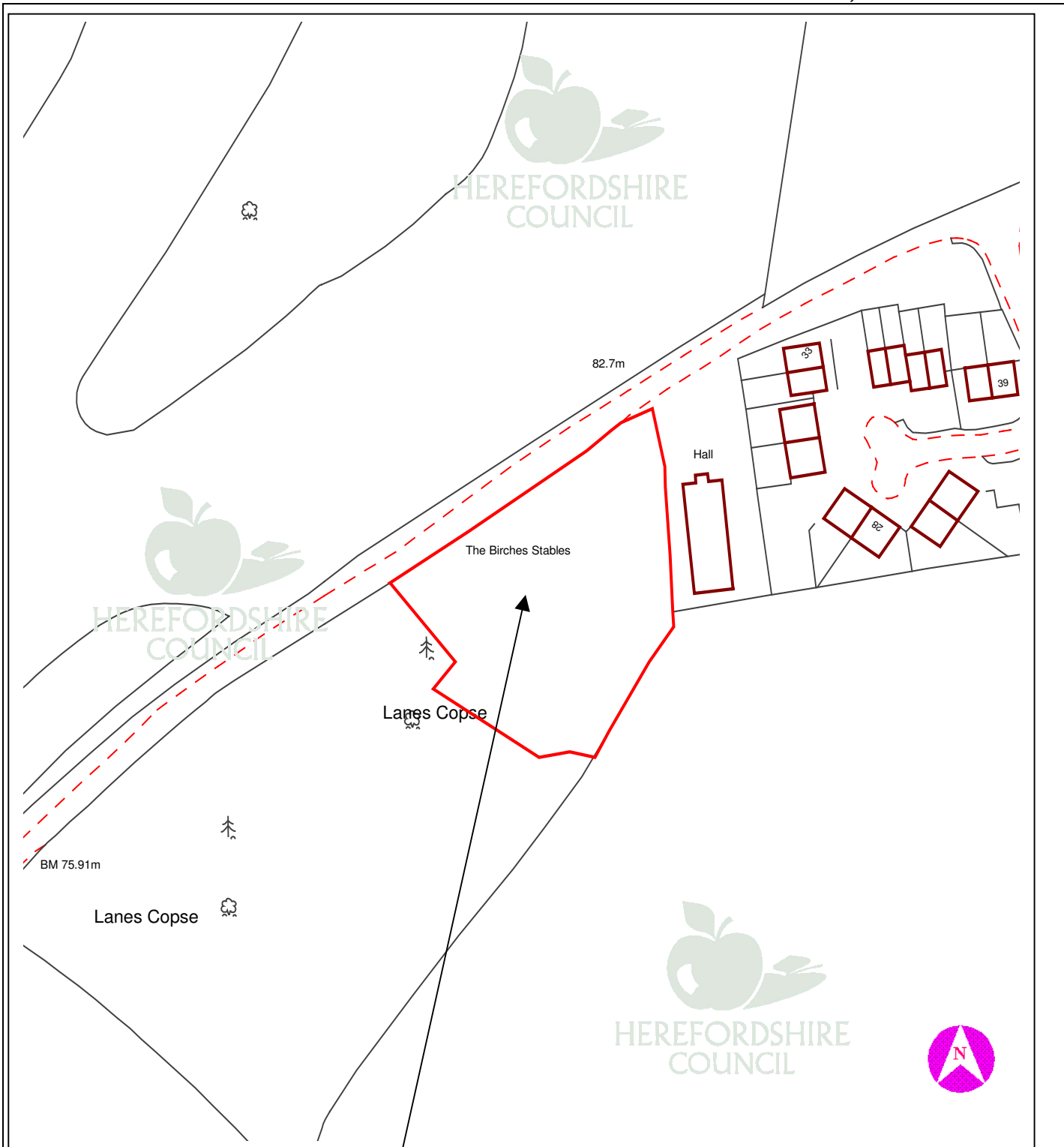
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3153/F

SCALE : 1 : 1250

SITE ADDRESS : The Birches Stables, Burghill, Hereford, Herefordshire, HR4 7RU

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BRADBURY LINES DEVELOPMENT UPDATE

Report By: Head of Planning Services

1.0 Introduction

- 1.1 This report has been prepared in order to clarify the evolution of the housing site at Bradbury Lines and furthermore to establish clearly the current planning position and what is expected so far as the completion of the remaining phase of development is concerned.
- 1.2 A number of Members, residents and also Lower Bullingham Parish Council have expressed some concern in respect of the apparent escalation of housing numbers and as such it seems appropriate to set this in the context of the planning history of the site as well as the changes made through the relevant policies of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft).

2.0 Planning History

- 2.1 It should be noted that this planning history relates specifically to the applications relating to the construction of dwellings. There have been a number of reserved matters submissions dealing with the details of road and drainage infrastructure. As well as the construction of roundabouts and the provision of the central play area.

CE2001/2756/O – Site for mixed use development to provide housing, open space, community and local retail uses (Phase 1). Approved 19th January, 2004.

CE2001/2757/O – Site for mixed use development to provide housing, open space, community and local retail uses (Phases 1, 2 and 3). Approved subject to Section 106 Agreement 10th February, 2005.

CE2004/0095/RM – Residential development of 2, 3, 4 and 5 bed houses, flats, bungalows (90 dwellings in total) Phase 1A. Approved 2nd June, 2004.

DCCE2006/0836/RM – Proposed erection of 70 mixed dwellings (Phase 1B). Approved 2nd June, 2004.

DCCE2005/1130/RM – Proposed residential development of 2, 3, 4 and 5 bed houses, flats and car parking (134 dwellings in total) Phase 2A. Approved 9th August, 2005.

DCCE2005/1230/RM – Construction of 129 dwellings, provision of public open space and associated works. Phase 2B. Approved 18th October, 2005.

DCCE2005/3706/RM – Proposed 2, 3 and 5 bedroom residential development for 21 dwellings. Phase 2C. Approved 8th February, 2006.

DCCE2006/1928/RM – Proposed 2, 3 and 4 bedroom residential development. Amendment to permission DCCE2005/1130/RM to enable construction of additional 14 dwellings. Approved 15th September, 2006.

3.0 Policy Context

- 3.1 The history of planning permissions is set against a changing policy context. In the early stages of the Herefordshire Unitary Development Plan (specifically the Deposit Draft stage published in September 2002), the estimated capacity of the Bradbury Lines Estate was 400 dwellings. The Revised Deposit Draft version of the Unitary Development Plan (published in May 2004) increased the estimated capacity to 500 dwellings and latterly the Inspector's Report published in June 2006 following a Public Inquiry which closed in June 2005 it set an overall target of 600 dwellings with a proportionate increase in the associated number of affordable dwellings. This increased capacity of 600 dwellings is not being challenged by Herefordshire Council and as such it is capable of being a material consideration in the determination of any further applications relating to the remaining phase(s) of development of the site as a whole.

4.0 Officers Commentary

- 4.1 The key starting point in the planning history of this site is the outline permission (CE2001/2757/O) for the development of the whole site. This was accompanied by a Master Plan, which envisaged the delivery of around 500 dwellings, which at the time of determination was generally consistent with the estimated capacity identified in the Unitary Development Plan.
- 4.2 This outline permission was the subject of a Section 106 Agreement securing a wide range of community benefits which included a range of affordable housing types at a proportion of 36% of the total number of dwellings; a contribution towards educational facilities, a range of measures to improve transport infrastructure (bus passes, subsidisation of public transport to site, a bus stop, walking and cycling provision and a contribution towards Safer Routes to Schools); public open space and maintenance contribution; a contribution towards community facility and finally a graveyard contribution.
- 4.3 Since the grant of outline planning permission there have been a number of reserved matters applications approved, which have brought the total number of dwellings to 458 (36% of which can be categorised as affordable housing). Throughout the consideration of the reserved matters applications your officers have advised that the originally envisaged Master Plan target of around 500 dwellings had not been exceeded and this remains the case at present. However it is advised that the new target of 600 dwellings identified in the Inspector's Report has in effect superseded the original target and it is on the basis of meeting this target as well as securing reasonable and necessary contributions, that further negotiations will be undertaken with the developer

5.0 Conclusion

- 5.1 It is recognised that there is a degree of uncertainty amongst local residents. However the overall development of this site is proceeding in accordance with the original Master Plan document although it should be recognised that as the estimated capacity of the site has been increased as the Unitary Development Plan proceeds towards adoption, the total number of dwellings proposed is likely to increase to 600. In other words your officers estimate that the remaining phase of development should deliver a further 142 dwellings over and above the 458 dwellings already approved.

RECOMMENDATION

That the information provided within the above report is noted.

