

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 13th December, 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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AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
1. 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 To approve and sign the Minutes of the meeting held on 15th November, 2006.	1 - 14
4. ITEM FOR INFORMATION - APPEALS To note the Council's current position in respect of planning appeals for the central area.	15 - 18
APPLICATIONS RECEIVED	
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.	
5. DCCW2006/3153/F - THE BIRCHES STABLES, BURGHILL, HEREFORD, HR4 7RU Change of use from agricultural to a 2 family gypsy site. Ward: Burghill, Holmer & Lyde	19 - 26
6. DCCW2006/2619/O - LAND TO THE NORTH OF ROMAN ROAD, HOLMER, HEREFORD, HR1 1LE Residential development (300 Dwellings) including access from Roman Road, essential infrastructure, open space, balancing pond, landscaping, roads, parking, footpaths, cycleway and engineering, earth works. Ward: Burghill, Holmer & Lyde	27 - 58

7.	DCCW2006/3362/F - LAND TO THE REAR OF BEECH BUSINESS PARK, TILLINGTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 9QJ	59 - 64
	Proposed change of use to agricultural machinery and equipment storage area.	
	Ward: Three Elms	
8.	DCCE2006/3474/G - 1 TO 5 AYLESTONE COURT MEWS, ROCKFIELD ROAD, HEREFORD, HR1 1HS	65 - 70
	Variation of Condition 6 of planning permission DCCE2005/1017/F granting C1 use - hotel use only. Now requesting both hotel and residential use.	
	Ward: Aylestone	
9.	DCCE2006/3200/O - THINGHILL COURT, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QG	71 - 78
	Erection of 2 no 16000 bird, free range egg laying units.	
	Ward: Hagley	
10.	DCCE2006/3471/F - NEWCOURT PARK WITH CHANDOS HOUSE, LUGWARDINE, HEREFORD, HR1 4DP	79 - 84
	Convert existing house presently divided into three flats to six flats.	
	Ward: Hagley	
11.	DCCW2006/3160/F - TASTE FOR ADVENTURE CENTRE, THE HAFOD, CREDENHILL, HEREFORD, HR4 7DA	85 - 90
	Proposed improvements to existing access and turning facilities.	
	Ward: Credenhill	
12.	DCCW2006/3387/O - BANNUT TREE COTTAGE, STATION ROAD, CREDENHILL, HEREFORD, HR4 7DW	91 - 96
	New dwelling.	
	Ward: Credenhill	
13.	DCCW2006/3276/F - 225 ROMAN ROAD, HOLMER, HEREFORD, HR4 9QT	97 - 100
	Proposed first floor extension.	
	Ward: Three Elms	
14.	DCCE2006/3614/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET	101 - 106
	Variation of Condition 4 of planning consent ref. no. DCCE2006/2424/F to permit movement of carts and support vehicles in the yard, and into and out of the yard between 6.00am and 10.00pm.	
	Ward: Central	

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| 15. | DCCE2006/3313/F - 9 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY | 107 - 110 |
| | First floor extension over existing garage. | |
| | Ward: Aylestone | |
| 16. | DCCE2006/3355/F - BROCKINGTON LODGE, OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1TX | 111 - 116 |
| | Change of use from residential to commercial office. | |
| | Ward: Tupsley | |
| 17. | DCCE2006/2981/F - 38 HAMPTON DENE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1UX | 117 - 120 |
| | Proposed two storey extension. | |
| | Ward: Tupsley | |
| 18. | DCCE2006/3508/O - LAND TO THE REAR OF 105 GORSTY LANE (RYDER CLOSE), HEREFORD, HEREFORDSHIRE, HR1 1UN | 121 - 126 |
| | Proposed new dwelling. | |
| | Ward: Tupsley | |
| 19. | DATE OF NEXT MEETING | |
| | Wednesday 17th January, 2007. | |

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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, 15th November, 2006 at 2.00 p.m.

Present: Councillor R. Preece (Vice-Chairman in the Chair)

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, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, Mrs. E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson

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

104. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors D.J. Fleet, Miss F. Short and A.L. Williams.

105. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
Mrs. W.U. Attfield and J.W. Newman	Minute 108, Agenda Item 5 DCCE2006/2211/F Land Off Andrews Close, Hereford, HR1 2JX	Declared prejudicial interests and left the meeting for the duration of the item.

106. MINUTES

The Minutes of the last meeting were received.

RESOLVED: That the Minutes of the meeting held on 18th October, 2006 be approved as a correct record and signed by the Chairman.

107. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about the Council's current position in respect of planning appeals for the central area.

RESOLVED: That the report be noted.

108. DCCE2006/2211/F - LAND OFF ANDREWS CLOSE, HEREFORD, HR1 2JX [AGENDA ITEM 5]

5 no. 1 bedroom supported living units.

The Senior Planning Officer reported the receipt of an additional letter of objection.

He also reported an additional letter of support from the applicant's agent, confirming that a pedestrian access to Union Walk could be provided as part of the scheme.

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

In response to comments about the loss of public open space, the Senior Planning Officer advised that the proposed planning obligation agreement would require the developer to contribute £2,500 towards the 'Portfields' play area / open space.

Councillor Mrs. P.A. Andrews reported the comments of Councillor D.J. Fleet, the Local Ward Member. Whilst the need for supported living units was acknowledged, concerns were expressed about the narrowness of the access, the potential loss of pathway and the impact of construction traffic. Attention was drawn to the fact that the Herefordshire Unitary Development Plan (Revised Deposit Draft) [UDP] had designated the application site as a protected public space. Councillor Mrs. Andrews said that, although the demand for such development was recognised, the access was unacceptable and the application should be refused.

A number of Members commented on the recreational and amenity value of public open spaces and the need to safeguard them, particularly given the density of modern housing developments. It was not considered that the proposed contribution towards alternative provision was sufficient to offset the loss of the space. Therefore, it was felt that the application should be refused as it would be contrary to Policy RST4 (Safeguarding existing recreational open space) of the UDP. Further concerns were also expressed about the access arrangements.

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 proposed development will result in the loss, without appropriate alternative provision, of an area of protected open space. The proposal is therefore contrary to PPG17: Planning for Open Space, Sport and Recreation and Herefordshire Unitary Development (Revised Deposit Draft) Policies DR2, H13 and RST4.**
- 2. The access road (Andrews Close) and the associated driveway that provide access to the site are considered unsuitable to serve the proposed residential development and would lead to unacceptable parking and manoeuvring on the highway, to the detriment of highway and pedestrian safety. The proposal is therefore contrary to PPG13: Transport and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S2, DR1 and T8.**

(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, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee. Members commented on the need to contribute to the UDP policy in order to safeguard and make best use of such open spaces.]

109. [A] DCCE2006/1978/F & [B] DCCE2006/1978/F - BARTESTREE CONVENT, BARTESTREE, HEREFORDSHIRE, HR1 4DU [AGENDA ITEM 6]

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

The Senior Planning Officer reported that two additional parking spaces had been incorporated into the scheme and an additional condition was recommended in respect of foul drainage.

In accordance with the criteria for public speaking, Mr. Wood spoke on behalf of Bartestree Parish Council.

Councillor R.M. Wilson, the Local Ward Member, expressed concerns about a number of matters, including:

- he was appalled at the storage of materials on the nearby burial ground and the breach in a listed wall and said that they should be restored to their previous condition as a matter of urgency;
- he felt that the current scheme could be considered overdevelopment as it would result in a total of 66 dwellings on the site (the original applications - CE2000/1143/F and CE2000/1146/L - sought the construction of 17 mews cottages and 23 dwellings within the Convent buildings);
- he felt that the proposal would detract from Bartestree Convent, particularly as it would restrict views towards the Listed Buildings;
- referring to a number of policies in the Herefordshire Unitary Development Plan (Revised Deposit Draft) [the UDP], he felt that the density of development was too high, that additional housing in this location would not meet policy requirements and the site was outside the village envelope;
- he commented that this area could be used to meet open space requirements;
- he commented that the sewage system might not be able to accommodate three more dwellings; and
- he noted that a number of planning obligations had been discharged following amendments to the scheme and suggested that the retention of this area could provide some local amenity benefits as a public open space.

Councillor Wilson felt that the application should be refused on the grounds that it would detract from the Listed Building and would represent an over-intensive form of development in this sensitive location.

In response to the concerns of Members, the Senior Planning Officer advised that: potential enforcement matters were being investigated and would be pursued appropriately; a sub area of the Bartestree Settlement Boundary now surrounded the Convent in the UDP; Planning Policy Guidance and the UDP sought densities above 30 dwellings per hectare; and a reason for refusal based on loss of open space might be difficult to sustain given the approved use of the land for parking spaces.

A number of Members concurred with the Local Ward Member that this further

development would have a detrimental impact on the setting and surroundings of the Listed Buildings.

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 proposed development would by reason of its siting and scale result in the loss of an additional element of open space and the cumulative effect of further development would add to the sense of enclosure of the site. This would adversely impact upon the visual amenities of the locality and detract from the setting of Bartestree Convent, a Listed Building contrary to Policies S2, S7 and HBA4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and the guiding principles set out in PPG15: Planning and the Historic Environment.

(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, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

110. DCCW2006/2733/F - JABRIN HOUSE, THE ROW, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AP [AGENDA ITEM 7]

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

Councillor J.C. Mayson, the Local Ward Member, noted that Wellington Parish Council had objections to the application and said that he shared the concerns raised. Councillor Mayson noted that the Traffic Manager recommended conditions but he felt that the access arrangements would result in unacceptable risks to highway safety. He also felt that the development would have a detrimental visual impact on the area.

A number of Members commented on the narrowness of the carriageway and felt that the proposed access arrangements would compromise highway safety. Furthermore, to provide the access and accommodate the visibility splays required, a length of boundary hedge would need to be removed but it was felt that this would have a significant impact on the character and setting of the rural lane. It was also felt that the elevated nature of the site would mean that the development would have a detrimental impact on the visual amenity of the surrounding area.

The Development Control Manager commented that the Traffic Manager was satisfied with the application but noted that Members' concerns about the impact of the removal of the hedgerow was a material planning consideration. Given the size

of the application site, he did not feel that refusal on the grounds of overdevelopment or density could be sustained.

In response to a comment about the impact on an adjacent dwelling, the Central Team Leader clarified the orientation of the proposal and the distances between nearby buildings.

Some Members felt that more suitable access might be achieved via the existing access to Jabrin House.

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 necessitate the removal of a large section of hedgerow along this sunken lane which in itself would have a detrimental visual impact on its character and appearance. Furthermore the opening up of the site to form the access, by reason of its prominent and elevated nature, coupled with the size and scale of the proposed dwelling would detract from the attractive open and rural character of the site and surroundings. The proposal would therefore be contrary to Policies DR1, H4 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**
- 2. The proposal, in the absence of the removal of the roadside hedgerow would fail to provide a safe and adequate means of access to the site and would therefore be contrary to Policies DR1 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, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

111. DCCE2006/3087/N - DURLow BARN FARM, DURLow, TARRINGTON, HEREFORDSHIRE, HR1 4JQ [AGENDA ITEM 8]

Change of use for parking of 2 HGVs and storage of building materials (retrospective).

Councillor Mrs. J.E. Pemberton, the Local Ward Member, noted that the land was being used for a variety of purposes and that "...the existing yard itself is 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" (paragraph 6.4 of the report). Councillor Mrs. Pemberton noted the concerns of the objector but felt

that, given the specific application before the Sub-Committee and the conditions proposed, there were no material planning reasons to warrant refusal of the application.

In response to points made by Members, the Development Control Manager commented that the retrospective nature of the application provided an opportunity to manage the use through conditions and that potential enforcement issues relating to other matters would be investigated.

RESOLVED:

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.**

112. DCCE2006/2986/F - 3 NELSON STREET, HEREFORD, HR1 2NZ [AGENDA ITEM 9]

Development of 8 nos self contained flats from existing multi-occupancy dwelling - extension and rebuilding of rear annex.

The Senior Planning Officer recommended an additional informative note to highlight the fact that potential occupiers may not be entitled to residents' parking permits.

In accordance with the criteria for public speaking, Mr. Scott spoke in support of the application on behalf of the applicant.

Councillor Mrs. P.A. Andrews reported the comments of Councillor D.J. Fleet, the Local Ward Member. It was reported that Councillor Fleet had no objections to the application in principle but felt that the parking in the area was extremely problematic and that the development should be excluded from the residents' parking scheme. The Central Team Leader commented that the restriction of parking permits could not be required as a condition on a planning permission as the parking schemes were covered by other legislation, hence the recommended informative note to draw attention to the parking situation.

Councillor P.J. Edward felt it essential that condition F39 (Scheme of refuse storage) be included in any planning permission granted in the interests of the amenity of the area.

A number of Members noted that the property was currently arranged as a House in Multiple Occupancy (HMO) with nine rooms with shared facilities and felt that the proposed conversion to eight self contained flats would be an improvement. It was also noted that, as the property could accommodate up to nine independent persons

currently, it was possible that the demand for parking could decrease as a result of the proposed re-development.

However, other Members felt that the parking problems would be exacerbated by the proposal and that it represented an over-intensive form of development. In particular, attention was drawn to Policy H17 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) which stated that the sub-division of houses will be permitted provided that adequate and appropriate car parking and access was available. It was not felt that this proposal was acceptable given this policy consideration. The objections of the Conservation Advisory Panel were also noted.

The Central Team Leader commented on the existing lawful use of the building and emphasised the sustainability of this location, near to the city centre and public transport links. In response to a comment about lack of amenity space, he drew attention to the close proximity of the Castle Green and the King George's Playing Field. He also commented that the proportions of the proposed rear extension were similar to typical domestic extensions.

Some Members maintained that the parking situation was untenable. A comment was made that the existing state of the building was not a significant consideration given that the HMO legislation could be used to require works to be undertaken to the building. It was also commented that, given the dimensions of the proposed self-contained units, the re-development would not substantially improve the standard of accommodation.

The Development Control Manager reminded the Sub-Committee that neither the Conservation Manager nor the Traffic Manager had objections to the application subject to conditions.

A motion to refuse the application was lost and the recommendation, subject to the inclusion of an additional condition and an additional informative note, was then approved.

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. 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.

13. Prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

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

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

15. No surface water shall be allowed to connect (either directly or indirectly)

to the public sewerage system.

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

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

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

Informatives:

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **N07 - Housing Standards.**
4. **The applicant/developer is advised that the occupants of the development hereby permitted may not be entitled to residents parking permit(s).**
5. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
6. **N19 - Avoidance of doubt.**

113. **DCCE2006/3291/F - LAND AT WHITETHORN FARM, CAREY, NR. HOARWITHY, HEREFORDSHIRE, HR2 6NG [AGENDA ITEM 10]**

Siting of two mobile homes to be occupied by seasonal agricultural workers only.

The Central Team Leader reported the receipt of nine additional letters of objection and summarised the contents of the letters. He also reported the receipt of correspondence from the applicant's agent; the applicant sought to screen the mobile homes with landscaping rather than re-paint them, requested that a five rather than three year permission be granted and requested that permitted development rights not be removed.

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

The Legal Practice Manager briefly explained the relevant legislation and the purpose of removing permitted development rights. The Central Team Leader commented on the need to prevent the further proliferation of mobile homes in this sensitive landscape area without prior permission from the Local Planning Authority and confirmed that occupation of the approved units by seasonal agricultural workers would be between the months of April and October only.

Councillor W.J.S. Thomas, the Local Ward Member, commented that the conditions recommended by Officers were reasonable and felt that the applicant would undertake all appropriate action to screen the mobile homes adequately.

Councillor Mrs. J.E. Pemberton felt that some of the comments made in letters of objection about gypsy/traveller sites were deplorable.

RESOLVED:

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.

114. DCCW2006/3239/F - WYCHWAYS, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ [AGENDA ITEM 11]

To construct new annexe dwelling attached to the main dwelling and detached garage.

The Senior Planning Officer reported the receipt of the comments of Welsh Water (no objection in principle, subject to a standard condition in the interests of protecting the public sewerage system).

Councillor Mrs. S.J. Robertson, the Local Ward Member, commented on the value of the site inspection that had been held and noted that Holmer Parish Council had not raised any objections to the application. Whilst recognising the concerns of the

neighbour, she noted that the annexe should not result in any direct overlooking of the adjacent property. The Senior Planning Officer advised that there would not be any significant difference to the existing relationship between the two properties and confirmed that a condition would require that no windows be inserted in the eastern elevation of the extension.

Some Members questioned the design approach of the proposed extension.

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. **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.

6. **There shall be no, direct or indirect, discharge of surface water to the public foul sewer.**

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

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.**

115. DCCW2006/3153/F - THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU [AGENDA ITEM 12]

Change of use from agricultural to a 2 family gypsy site.

Councillor Mrs. S.J. Robertson felt that the Sub-Committee would benefit from a site inspection.

In accordance with the criteria for public speaking, Mrs. Reynolds had registered to speak on behalf of Burghill Parish Council and Mr. Swancott had registered to speak against the application but both decided to defer their opportunities to speak until the application was next considered following the 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.**

116. BRADBURY LINES DEVELOPMENT, LOWER BULLINGHAM - SUB-COMMITTEE UPDATE

The Sub-Committee received an information report about the background to the housing site at Bradbury Lines, the current planning position and what was expected with regard to the completion of the remaining phase of development. The Sub-Committee thanked the officers for the report.

RESOLVED:

That the information provided within the above report be noted.

117. DATE OF NEXT MEETING

Wednesday 13th December, 2006.

The meeting ended at 3.54 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCCE2006/1277/F**

- The appeal was received on 10th November, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. J. Rudge.
- The site is located at 1-3, Peregrine Close, Hereford, Herefordshire, HR2 6BS.
- The development proposed is Conversion of 4 flats to 3 no. 2-storey mews houses and 1 first floor flat; demolition of outbuildings and development of 2 no. cottages; and extension to existing take away.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce 01432 261957**Application No. DCCE2006/0989/F**

- The appeal was received on 6th November, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by PEP Developments Ltd.
- The site is located at Land adjacent to Co-op Store, Holme Lacy Road, Hereford, Herefordshire HR2 6DF.
- The development proposed is Erection of two storey block of 4 flats.
- The appeal is to be heard by Written Representations.

Case Officer: Adam Sheppard on 01432 261961**Application No. DCCW2006/1500/O**

- The appeal was received on 13th November, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. V. Gethin.
- The site is located at Land of Sugwas Pool, Swainshill, Hereford.
- The development proposed is Site for one dwelling and landscaping scheme.
- The appeal is to be heard by Hearing.

Case Officer: Kevin Bishop on 01432 261946**Application No. DCCW2006/2365/A**

- The appeal was received on 22nd November, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Clubsport (Kington) Ltd.
- The site is located at Unit 4, All Saints Court, Bewell Street, Hereford, HR4 9AA.
- The development proposed is Fascia sign.
- The appeal is to be heard by Written Representations.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCW2006/2368/A

- The appeal was received on 22nd November, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Clubsport (Kington) Ltd.
- The site is located at Unit 1, All Saints Court, Bewell Street, Hereford, Herefordshire.
- The development proposed is 2 x fascia signs.
- The appeal is to be heard by Written Representations.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCE2006/1159/C

- The appeal was received on 29th November, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Regimental Inns Ltd.
- The site is located at 57-59 Commercial Road, Hereford, Herefordshire, HR1 2BP.
- The development proposed is Demolition of rear two storey extensions forming ancillary accommodation to the existing public house premises.
- The appeal is to be heard by Hearing.

Case Officer: Russell Pryce on 01432 261957

APPEALS DETERMINED**Application No. DCCW2005/2005/O**

- The appeal was received on 16th February, 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. R.J. Powell.
- The site is located at Part SO5243, Munstone Farm, Shelwick, Hereford, HR1 3AL.
- The application, dated 13th June, 2005, was refused on 11th August, 2005.
- The development proposed was Proposed agricultural workers dwelling.
- The main issues are:
 - (i) Whether there is a functional requirement for a permanent dwelling on the holding.
 - (ii) Whether the proposal forms part of a financially viable farm business.
 - (iii) The effect of the development on the character and appearance of the area.
 - (iv) The effect of the development on the visual amenity of the occupiers of nearby dwellings.
 - (v) Whether adequate drainage facilities could be provided to serve the proposed dwelling.

Decision: The appeal was DISMISSED on 22nd November, 2006.

An application made by The Council for the award of costs against the appellant was UPHELD.

Case Officer: Philip Mullineux on 01432 261808

Application No. DCCE2006/0800/T

- The appeal was received on 10th July, 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 Cellular Systems Ltd.
- The site is located at The Footway Of Old Eign Hill Near the Junction With Hampton Dene Road/Old Eign Hill, Hereford, HR1 1UJ.
- The application, dated 7th March, 2006, was refused on 26th April, 2006.
- The development proposed was 1 No. 12.5m Column accommodating three number internal antennae and a ground based cabinet.
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The appeal was DISMISSED on 24th November, 2006.

Case Officer: Russell Pryce on 01432 261957

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

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

For: Mr. & Mrs. R. Jones, The Birches Stables, Burghill, Hereford, 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

Introduction

The consideration of this application was deferred at the Central Area Planning Sub-Committee on 15th November in order for a site visit to be carried out. The site visit took place on 5th December. The report has been updated to reflect further comments received and any issues arising from the site visit will be reported verbally.

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 SummaryStatutory 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: 'I can confirm that in my opinion the applicant is of gypsy status.
1. There have not been any quantitative needs assessments for gypsy sites. Presently work is being done on the housing needs assessment for gypsies and travellers within Herefordshire. This work is expected to be complete by early 2007.
 2. Presently works are ongoing to renovate 2 sites. The 2 sites are Romany Close, Grafton, which has been disused because of vandalism since 2002. The site has been redeveloped to provide 9 pitches. The Turnpike at Pembridge has been vacant since June 2005 awaiting redevelopment (6 plots). It is expected that Grafton will be available for use later this month and Pembridge in the New Year.
 3. At present there are 3 vacant plots available for letting. These are at our site at Bosbury.

The waiting list contains 35 families requiring pitches across the County'.

5. Representations

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

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 silblings, 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 are adequate levels of amenity and play space for children within the site.
- 6.5 In addition, the Council's Environmental Health Officer and Trading Standards Officer has confirmed that despite the restoration taking place of two sites at Romany Close, Grafton (9 pitches) and The Turnpike, Pembridge (6 pitches) there is still a waiting list of 22. In considering this application the lack of availability of authorised pitches is a significant material consideration and your officers are satisfied that based on current information, this site can be treated as a genuine exception.
- 6.6 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.**

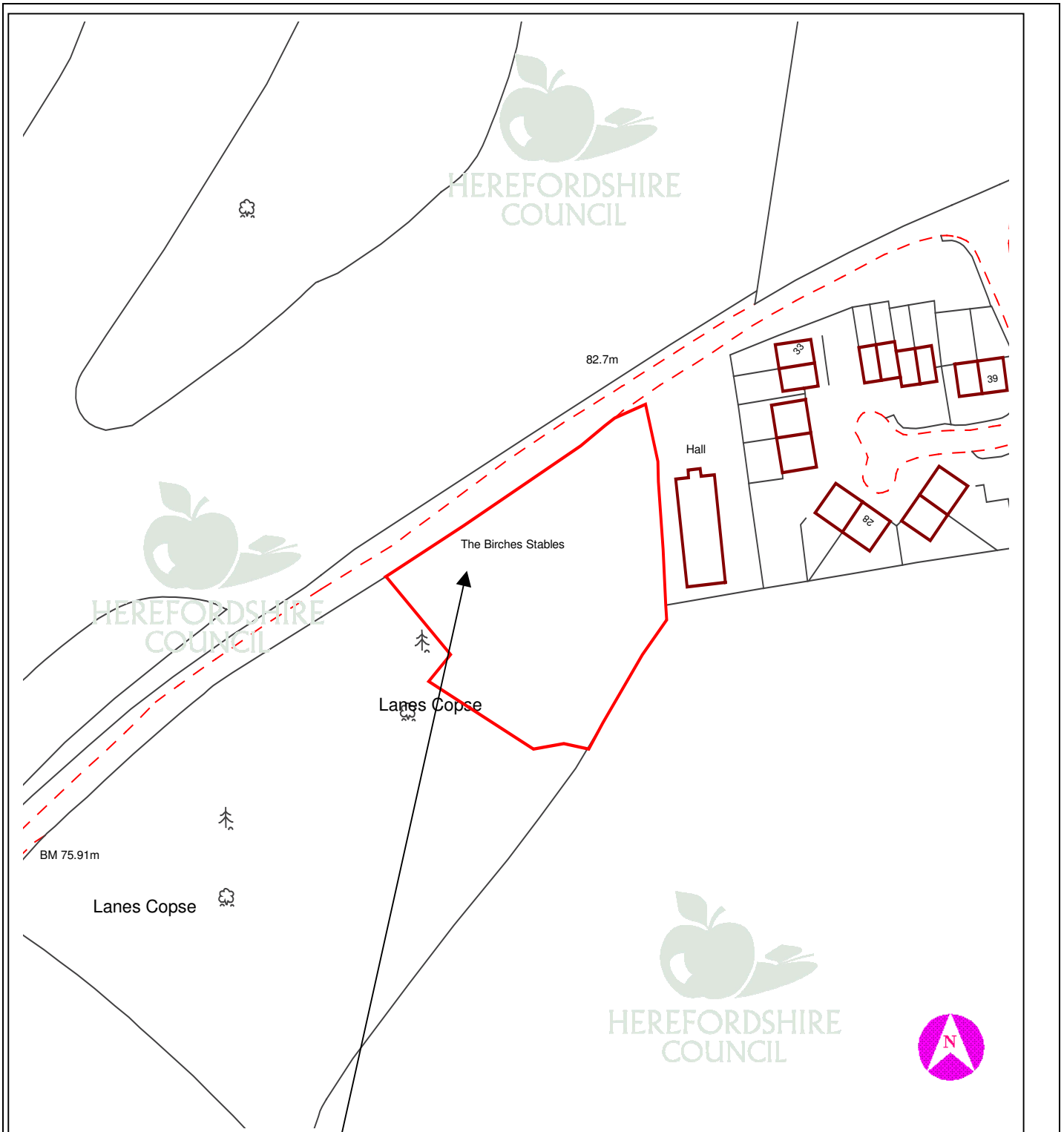
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/31/53/F

SCALE : 1 : 1250

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

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

6 DCCW2006/2619/O - RESIDENTIAL DEVELOPMENT (300 DWELLINGS) INCLUDING ACCESS FROM ROMAN ROAD, ESSENTIAL INFRASTRUCTURE, OPEN SPACE, BALANCING POND, LANDSCAPING, ROADS, PARKING, FOOTPATHS, CYCLEWAY AND ENGINEERING, EARTH WORKS AT LAND TO THE NORTH OF ROMAN ROAD, HOLMER, HEREFORD, HR1 1LE

For: Crest Strategic Projects Ltd per D2 Planning, The Annex, 2 Oakhurst Road, Stoke Bishop, Bristol, BS9 3TQ

Date Received: 9th August, 2006

**Ward: Burghill,
Holmer & Lyde**

Grid Ref: 51327, 42272

Expiry Date: 8th November, 2006

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 The site extends to 12.8 hectares of undeveloped agricultural land located on the northern fringes of the city. The site is bordered to the south by the A4103 (Roman Road), the C1127 (Munstone Road) runs along the eastern boundary and unclassified road 72412 (Attwood Lane) borders the western boundary. Adjoining the site and immediately west of Attwood Lane are the Wentworth Park and Cleeve Orchard housing estates and adjoining the south east and south western corners of the site are existing predominantly detached residences including a veterinary surgery and Hopbine Hotel. A number of these existing properties either overlook or have gardens which back on to the development site. South of Roman Road occupying a corner location on the junction with Old School Lane is Pegasus Football Club, adjoining which is Hope Scott House and east of here are existing car garages. Adjoining the north western corner of the site is Holmer Court, a residential care home with the remainder of the boundaries being either enclosed by main roads or agricultural land.
- 1.2 Levels undulate across the site with a general fall towards the north eastern boundary with high points along Roman Road and the north western corner adjacent Holmer Court. The existing physical boundaries of the site are largely enclosed by mature hedges interspersed with mature and semi-mature trees with further hedges/trees subdividing the existing fields within the site. The site itself is largely set out as agricultural pasture land with some areas having been farmed for arable purposes
- 1.3 Running east/west relatively centrally through the site is public footpath HO6 and running along the north western boundary of the site is public footpath HO8A. Also running through the site are overhead power cables which the applicants would place underground if the permission is approved. The site lies outside of the Settlement Boundary for Hereford City as identified by the respective Local Plans and therefore

for the purposes of adopted planning policy falls within the open countryside. However, the site was reinstated as a housing allocation into the Unitary Development Plan by the Planning Inspector and it is on the basis of the emerging documents that the principle of the development has been considered.

- 1.4 Outline planning permission is sought for the construction of 300 flats and houses likely to range in size from 1 to 5 bedroom with the principal vehicular access via Roman Road. At the heart of the development would be an area of open space including equipped play areas. Around the central open space will be clusters or blocks of houses of low, medium and high density connected with a network of roads, cycleways and footpaths. A concept master plan has been provided to illustrate the general site layout. A further area of land to the north of the site is to be used to regulate surface water and will include a balancing pond along with enhanced landscaping. All matters are reserved for future consideration with the exception of the means of access to the site which would be provided by way of a new signalised junction onto Roman Road.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPS3	-	Housing
PPG13	-	Transport
PPG17	-	Sport and recreation
PPS22	-	Renewable Energy
PPG25	-	Development and flood risk

2.2 Regional Spatial Strategy for the West Midlands

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
S8	-	Recreation, sport and tourism
S10	-	Waste
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H9	-	Affordable housing
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T1	-	Public transport facilities

T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
T11	-	Parking provision
T14	-	School travel
T16	-	Access for all
LA3	-	Setting of settlements
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping scheme
NC5	-	European and nationally protected species
NC6	-	Biodiversity action plan priority habitats and species
NC8	-	Habitat creation, restoration and enhancement
ARCH1	-	Archaeological assessment and field evaluation
RST1	-	Criteria for recreation, sport and tourism development
RST3	-	Standards for outdoor playing and public open space
RST6	-	Countryside access
RST7	-	Promoted recreational routes
CF1	-	Utility services and infrastructure
CF2	-	Foul Drainage
CF5	-	New community facilities
W11	-	Development - waste implications

2.4 South Herefordshire District Local Plan

GD.1	-	General development criteria
C.1	-	Development within open countryside
C.3	-	Criteria for exceptional development outside settlement boundaries
C.16	-	Protection of species
C.17	-	Trees/Management
C.39	-	New development and energy efficiency
C.39A	-	Renewable energy
C.43	-	Foul sewerage
C.44	-	Flooding
C.45	-	Drainage
SH11	-	Housing in the open countryside
SH12	-	Cross-subsidisation schemes
SH15	-	Criteria for new housing schemes
R.3A	-	Development and open space targets 10 dwellings and over
R.3D	-	Committed payments
R.3E	-	Provision and maintenance of public open space and play areas
R13	-	'Percent for Art'
CF.6	-	Access for all
T.1A	-	Environmental sustainability and transport
T.3	-	Highway safety requirements
T.4	-	Highway and car parking standards
T.8	-	Public footpaths and cycleways
T.9	-	Cycle routes

3. Planning History

3.1 No history of relevance to the application site.

4. Consultation Summary

Statutory Consultations

4.1 Advantage West Midlands:

The Rural Regeneration Zone covers most of the western part of the West Midlands region and includes the application site. The Regeneration Zone is one of 6 across the region, each designated to be a focus for regional investment to help create a diverse and dynamic business base. Hereford City remains the main economic driving force in providing employment opportunities for the county. Workplace and infrastructure provision are key elements of local economic development, as is the balanced provision of good quality housing.

We do not consider the proposal to be an inappropriate use of the site given its location and suitable attributes for such an activity. In term of economic sustainability, this is a reasonably sound proposal in view of supporting existing employment opportunities and the present transport infrastructure capacity can accommodate the resulting pressure. The accessibility to jobs and services from the application site is favourable. It is necessary for a range of housing to be provided within the Rural Regeneration Zone and the site will incorporate a sufficient proportion of lower cost dwellings required for local growth purposes. The Agency does not wish to offer any objection to this application.

4.2 West Midlands Regional Assembly:

The Planning and Compulsory Purchase Act 2004 makes regional planning bodies statutory consultees for regionally significant planning applications allowing them to comment on applications with regard to the general conformity with the Regional Spatial Strategy. In providing an opinion under the provisions of the regional planning bodies conformity protocol, the Regional Conformity Advisor, has co-ordinated the response, undertaken the initial general conformity assessment and provided advice to the Regional Planning Body. Having considered the advice prepared on behalf of the Regional Conformity Advisor we accept and support the views that the planning application is in general conformity with the Regional Spatial Strategy.

4.3 Sport England:

The application is not supported by sufficient information to enable us to make a substantive response. The information with regards to the sport and recreation facilities that will be available to serve the needs generated by the development, how this need has been established and the means by which it is intended that any facilities will be secured and financed along with further information on the footpath and cycle proposals including off site links and the provision to be made for the storage of cycles is required.

This information is currently being prepared for Sport England.

4.4 Health and Safety Executive:

The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.5 Environment Agency:

Much of the site is located outside the Flood Plain, however a small area is proposed within the Flood Plain (Zone 3B). Whilst PPG25 does not encourage development within the Flood Plain, as part of the development proposals, it is noted that to

compensate for the fact that some of the built development is located within the Flood Plain, where ground levels are to be raised, other parts of the site are to be lowered. The compensation provides some betterment in the flooding regime to enable us to consider the built development within the existing flood plain area given the additional benefits in terms of biodiversity enhancements and sustainable drainage systems. On this basis, we have no objections, in principle, to the proposed development but recommend planning conditions concerning site levels, surface water drainage, flood storage compensation, pollution prevention and foul drainage.

4.6 Welsh Water:

The proposed development would overload the existing public sewerage system. No improvements are planned within Welsh Water's Capital Investment Programme. We consider any development prior to improvements being undertaken to be premature, and therefore object to the development. It may be possible for the developer to fund the accelerated provision of replacement infrastructure or to requisition a new sewer under Sections 91 - 101 of the Water Industry Act 1991.

In order to progress this proposal the development will be required to fund a hydraulic modelling exercise on the public sewerage system, the conclusion of this study will determine the connection point and/or any improvement works required to accommodate the foul flows from the proposed development.

No problems are envisaged with the waste water treatment works for the treatment of domestic discharges from this site.

4.7 Highways Agency:

We have reviewed the additional information provided by the developer and met with them on the 2nd November. It was agreed that the best way forward to provide mitigation for the increased traffic from the development during the AM and PM peaks would be a Residential Travel Plan. We therefore direct any permission the authority is planning to give includes the following condition:

Development shall not commence until a Residential Travel Plan, including mechanisms for its delivery through a Section 106 Agreement, has been agreed by the Council in consultation with the Highways Agency, acting on behalf of the Secretary of State for Transport.

4.8 Primary Care Trust:

No comments received.

4.9 Central Networks:

No comments received.

4.10 The Ramblers:

It is pleasing to see that existing Public Rights of Way have been recognised and are to be retained in their current locations as part of the proposed development. We are concerned that there may be a possibility some of the footpaths end up as cycleways. This would not be acceptable, footpaths and cycleways need to be kept separate at all times.

Although we welcome the inclusion of the cycleway it is evident that the provision of safe routes within the northern section of the city are non-existent. The lack of safe cycling needs to be addressed as part of this proposal and not used as an excuse in

the future to delete the cycleway from the proposal. Consideration needs to be given to making it impossible for vehicles to be parked on footpaths or cycleways so that users of either are not forced to walk in the road as so often happens, due to lack of consideration for others by drivers. With regard to safe pedestrian routes, its quoted that there is a convenience store, local post office and pub situated within easy reach. I believe these all to be located on the far side of the A49 Trunk Road. A further controlled crossing point over the A49 needs to be provided to make access to these facilities and a safe route for all.

Consideration needs to be given in these days of global warming to the conservation of water. Whether rain water for flushing toilets and the recovery of rain water for gardeners should be considered for these proposed dwellings. Also solar panels either electrical or heat should be considered for this housing stock.

Internal Council Advice

4.11 Traffic Manager:

Access junction into development

The junction proposals submitted, and which have been the subject of a Stage 1 safety audit, are acceptable in principle but we are awaiting the revised drawing. The provision of cycle crossing facilities across Roman Road have not been adequately addressed. The drawing submitted to date does not show the proposed shared pedestrian/ cycle route provision to link on the south side of Roman Road and Old School Lane. The junction drawing does not show necessary Toucan crossing facilities to access this off road route, or take this into account in the Safety Audit. Whilst advance stop lines are shown on the approaches, if the off road route is available, the necessity for these is questionable.

Munstone Road/College Road

The proposed improvements have been assessed for the junction, and it is considered that whilst improvements to the junction are necessary, the proposals submitted might not be what is actually required to address the accident history. The junction improvements are necessitated by the proposed development which, as indicated in the Transport Assessment (Fig 20) results in an 11% increase in traffic at the junction in 2011 am peak, and therefore any works should be by way of a Section 278 agreement and not form part of the Section 106 expenditure. One option to improve the situation is the closure of and re-routing of Munstone Road through the site, which is considered necessary to improve safety at the existing junction. However, there is also the possibility that such closure and re-routing of Munstone Road to exit at a signalled junction with improved access to Roman Road would be more attractive to "rat-running". Crest have carried out studies in respect of rat-running on Munstone Road and these details are required before an assessment can be made.

Attwood Road/ Old School Lane

The proposals for this junction in terms of increasing the exit width of Old School Lane to allow two lanes at the junction, whilst increasing capacity at the junction for vehicles leaving Old School Lane, may have an adverse effect on the safety of the junction, due to the right turning vehicles obscuring the view of left turning drivers. Any alterations which enhance flow characteristic through the junction may change commuter routes between Roman Road and the City Centre with an adverse effect on adjacent residential areas. Therefore any works, as in the case of Munstone Road/College Road junction, should be conditioned as off site highway works to be submitted for approval and constructed at the developers expense. Any form of junction

improvement which increased the accessibility for Attwood Lane traffic is considered undesirable as this could encourage "rat running" from A49 to Roman Road, even with the proposed traffic calming measures in place.

Transport Assessment

I confirm this is acceptable in terms of traffic generation figures and associated analysis provided the site has the sustainable benefits outlined below. The drawings included in relation to junction enhancements/improvements and site access are presently unacceptable and will require further modification.

Highways Contribution

Crest aim to make the development sustainable by enhancing the walking and cycling routes between the development and the City Centre, employment areas, schools, leisure and other facilities and thus reduce the dependence on the private car and provide reduced parking within the development. The agreed contribution of £450,000 should be applied primarily to measures which achieve this aim. Furthermore, the prioritisation and precise uses of this sum should not be decided solely in consultation with local community, but primarily to achieve overall objectives to make the site more sustainable. The proposed measures do not, however, include the improvement of bus services in the area, which were identified in the Transport Assessment (Para 4.6). This is considered essential to ensure choice of travel is available and bus stop provision is achieved within 400m of dwellings. The feasibility of bus stops on Roman Road itself would need to be investigated.

With regard to proposed reduction of the speed limit on Roman Road, this will need to be assessed against newly introduced guidelines to ascertain whether this length of road meets the criteria for a speed limit of 30mph. Traffic calming in Old School Lane and College Road has not been discussed in any detail, but it is not considered a high priority if the off road cycle routes are to be provided.

The proposed uses of the £450,000 can broadly be split into three areas as follows, and should be identified as being used for all or any of the following but the list is not necessarily in order of priority. The timing of the payments would need to be carefully determined, but it is considered that due to the time associated with the provision of the cycle routes etc the bulk of the money should be up front to enable the enhancements to be in place before/as soon as occupation of any of the houses and to ensure travel options for all new residents are available and travel patterns thereby established from the outset. It is pointless having a Travel Plan if the measures are not available.

Enhancements to sustainable transport links:-

1. Off road shared ped/cycle route along the south side of Roman Road from College Road to Holmer Road (excluding the cycleway link to Old school Lane on the south side of Roman Road which forms part of the site access junction Section 278 proposals). Junction improvements at College Road and Old School Lane should not form part of the use of the contribution, and should form part of Section 278 works as previously stated.
2. Improvements to ped/cycle crossing facilities at Starting Gate roundabout.
3. Old School Lane cycle link to railway bridge, upgrade existing path through to Holmer and cycle lane over the bridge.
4. Cycle route linking in with the Herefordshire Gloucester Canal and contribution towards re-instatement of canal west of the tunnel to Newtown Road.

5. Provision of pedestrian/cycleway on A49 Holmer Road south of Starting Gate roundabout

Traffic calming and speed reduction measures:-

1. Traffic calming to Attwood Lane, Munstone Road and Church Way.
2. Reduction of speed limit on Roman Road, subject to meeting criteria.

Public Transport enhancements

1. Contribution to cost of diverting existing routes to the area of the development and bus stop/shelter provision.

Bridge Contribution

The Bridge Contribution should not be restricted to construction only and at least in part should be available for feasibility study/preliminary design work. I would also suggest due to the complexity of the project that a ten-year timescale for expenditure of this sum should be applicable.

Concept Masterplan

The masterplan indicates that the proposed layout would be more of a Home Zone themed development with tight radii at junctions, reduced visibility etc removing car superiority. Such designs are complex and involve a great deal of discussion and fine tuning prior to submission of an application. The developer would be advised to enter into pre-application discussions to agree details at an early stage. Detail of the road layout, parking provision etc would need to be assessed upon submission of the full or reserved matters application and condition will be required to cover these issues.

4.12 Integrated Transport Officer:

The Traffic Assessment identifies a number of possible new pedestrian and cycle proposals. These are a new Toucan Crossing on Roman Road, provision of new pedestrian and cycle access junction from the development site onto Attwood Lane, provision of a new cyclist access onto Munstone Road for recreational use, funding for a segregated cycle route on Roman Road, funding for advisory cycle lane on Old School Lane and Kingsway, reasonable financial contributions towards other general cycle route improvements that will prove advantageous to future residents of the site and appropriate contributions towards the provision of cycle parking improvements at popular destinations such as the station.

The proposed off site cycle network should also include Old School Lane, Venns Lane for access to the colleges and schools and cycle provision should also extend along Roman Road at least as far as College Road. There are also proposals to bring the Sustrans Route into Hereford along Munstone Lane. The Council has also commissioned a feasibility study to extend Great Western Way to Holmer using the service road along Holmer Road. A new cycle lane from the development site along Roman Road to Holmer Road would then link the site to the Great Western Way subject to appropriate crossing facilities. Traffic free cycle routes are also worth investigating to link and the proposed extension of the Herefordshire Gloucestershire Canal from Aylestone Park into Edgar Street Grid area from the site.

4.13 Head of Strategic Housing:

Strategic Housing would be seeking 35% affordable housing from the development of this site in accordance with the SPG Provision of Affordable Housing 2001 (Updated November 2004). This would equate to 105 properties for affordable housing.

Housing needs analysis indicates a split of 75% rented and 25% shared ownership/low cost market.

Strategic Housing finds the proposal unacceptable in relation to the proposed split between rented and shared ownership/low cost market and therefore objects to the application. Paragraph 16 of PPG3 states that decisions about the amount and types of affordable housing to be provided in individual proposals should reflect LOCAL housing need and individual site suitability and be a matter for agreement between the parties. Policy H9 of the UDP states that housing should wherever possible be provided as a mix of affordable housing types having regard to LOCAL needs.

4.14 Head of Environmental Health and Trading Standards Manager:

Numerous complaints have previously been received regarding dust and the use of HGV's along Attwood Lane and I would have concerns for the potential nuisance caused from dust should this road be used as an access route during the construction phase. I would therefore recommend an alternative access route for use for the movement of vehicles on/off site. Conditions are recommended restricting construction and delivery times, incineration of materials on site and minimising air pollution and noise from machinery during the construction phase.

4.15 Land Drainage Engineer:

We have no knowledge of flooding of the main culverts but there is no objection to the ditch and culverts being cleared out which will allow a condition survey to be undertaken and improvements made as necessary. Any drains encountered and severed will have to be re-instated as appropriate. The attenuation pond is acceptable in size but the Council will not be responsible for its maintenance or adoption. The existing road culvert is the principal cause of localised flooding due to its size and condition and this may have to be rectified. The interceptor may also have to be re-located to capture all the site drains.

4.16 Forward Planning Manager:

The allocation for 300 dwellings at Holmer was included in the UDP First Deposit Draft. This was subsequently removed at Revised Deposit Draft stage in preference for the allocation at Bullinghope. This has passed through a Public Inquiry and the subsequent Inspectors Report has recommended the reinstatement of the Holmer site, which has since been approved by Cabinet. The principle of development has therefore been established.

The proposal is for 300 dwellings, which conforms to Plan policy. Policy H9 of the Plan, regarding affordable housing seeks an indicative target of 35% affordable dwellings. The proposals seek to incorporate 105 affordable dwellings, which equates to 35% and thus conforms to Plan policy.

Paragraph 5.4.13 of the UDP regarding Holmer (which was deleted at Revised Deposit stage, but upon its reinstatement still carries relevance) stipulates that to restrict the spread of development and to retain landscape character the sites northern boundary is limited and defined by the local ridgeline where a green corridor and tree cover will be required as part of the comprehensive landscape treatment to screen development from views from the north. The applicants have taken the necessary steps to satisfy this, providing a substantial green corridor / open space and tree cover to the north of the site. Further consultation with the conservation and landscape department would be advisable.

Policy H19, regarding open space requirements, states that schemes of over 60 dwellings require a small children's / infant's play area (properly equipped and fenced; an older children's informal play space; and, an outdoor playing space for youth and adult use and public open space to at least the minimum standard. From the plans provided, it would appear that the applicants have provided all of the above. There is a central public open space which incorporates both a LEAP and a LAP, thus satisfying the first two requirements above. There are concerns regarding the provision of an outdoor playing space for youth and adult use. It is unclear whether contributions have been sought for provision in an alternative location (i.e. Aylestone Park), as this may be a suitable alternative.

The Plan stated that access would be limited to the A4103 Roman Road, which the proposals have conformed to. In the UDP Inspectors Report (para 5.15.32), the Inspector states that the housing development at Holmer should contribute towards the improvement of the road bridge, where at present only a one-way flow of traffic can pass. Further consultation with the transport department would be advisable.

Representations were also received during the consultation period querying the adequacy of existing health, educational and social facilities in the area in light of the potential 300 new dwellings at Holmer. The Inspector states (para 5.15.26) that there is no reason to suppose that new provision or contributions to the expansion of existing facilities could not be sought as part of the development. The Statement of Community Engagement supplied with the application indicates that a number of local residents viewed improved community facilities as a priority. A needs survey for the area in terms of community facilities and education is recommended. It would not be unreasonable to seek further contributions than highways improvements due to the Greenfield nature of the site and low development costs associated with such a site.

Summary

Due to the reinstatement of the Holmer site by the UDP Inspector, the principle of development is acceptable.

4.17 Head of Education:

The provided schools for this site are Broadlands Primary School and Aylestone High School. (The development does not impact either Trinity Primary School or Whitecross High School. As a result, the bridge crossing the Yazor Brook will not be affected and we would not therefore expect any contributions to be made to this area.)

In relation to the development, each house will potentially contribute 0.3 children to the education system, giving a total requirement of 90 education places.

Broadlands Primary School was built for a different era. Staff accommodation is poor. The lack of specialist areas and sizes of classrooms impedes the ability to offer a creative curriculum. There is a lack of storage throughout the school and a shortage of space for SEN and private work. The school currently has surplus capacity, however any additional pupils would add to the congestion already faced by the school in circulation spaces and classrooms.

Broadlands Primary School has two mobile classrooms; due to falling pupil numbers throughout the County, the authority would be planning to remove these classrooms. The estimated number of primary children generated from the development would be 52.5. These children would need two classrooms to be accommodated and therefore presents a need for the mobiles to be retained or replaced with permanent build. The

authority does not view mobile classrooms as suitable premises for long-term education use and therefore funding for a permanent structure would be sought to facilitate the full national curriculum. The school is also planning some building alterations to improve facilities for staff and storage and enhance the education for children.

Aylestone High School has a large number of classrooms, which are considered too small, including specialist spaces. The large number of steps within the school and the disparate nature of the buildings is an issue. There are inadequate library facilities, a lack of study areas and insufficient staff accommodation. There is no sports hall at the school and indoor PE activities take place in small gyms restricting the activities that can be conducted. The school currently has surplus capacity, however any additional pupils would add to the congestion already faced by the school in circulation spaces and classrooms.

The School has eight mobile classrooms; due to falling pupil numbers throughout the County, the authority would be planning to remove these classrooms. The estimated number of Secondary children generated from the development would be 37.5. These children would potentially need two classrooms to be accommodated and therefore presents a need for the mobiles to be retained or replaced with permanent build. The authority does not view mobile classrooms as suitable premises for long-term education use and therefore funding for permanent structures would be sought to facilitate the full national curriculum. Aylestone High School is also planning some building alterations to improve PE, Science and humanities to enhance education for children.

In view of the above details, the Children and Young People's Directorate would be looking for a contribution to be made towards local education in this area which would go towards rectifying some of the issues identified and assist with school buildings alterations. A contribution of £2,000 per dwelling would be sought, relating to all new units.

4.18 Conservation Manager - Landscape and Biodiversity:

I have read the Landscape and Visual Appraisal, Landscape and Ecological Management Plan (terms of reference) and the Arboricultural Assessment including in the appraisal and I am satisfied they have addressed the relevant issues. I support the landscape strategy and landscape management objectives which have been involved in these reports.

I am also satisfied that the development of the Master Plan has been informed by the principles set out in the Landscape and Visual Appraisal. It is also evident that the detailed information from the Arboricultural Assessment concerning trees to be retained and strategic protective measures have been fed into the Master Plan. I have no concerns, at this Master Plan stage, regarding the strategic approach taken to landscape issues.

4.19 Conservation Manager - Ecology:

I have read through the Ecological Section of the accompanying technical appraisal and the updated bird survey. I am satisfied that there has been a thorough and comprehensive ecological survey of the site. As this is an outline application, there will need to be an update of the surveys prior to development commencing. I do have some concerns about the potential impact of the development on the Great Crested

Newts population and further survey work will also be required prior to development and there may be the need for newt proof fencing and a licence.

The habitat retention and enhancement measures recommended within the report are to be commended, along with the creation of a new Bio-diversity Action Plan habitats such as traditional orchard areas. A management plan for the future maintenance of the open areas will need to accompany the application for full planning permission, as described in the Landscape and Ecological Management Plan. I would recommend that the ecological consultants and applicants inform and liaise with the Biodiversity Action Plan Officer at Herefordshire Council. I would also like to see the retention of tree 4 (a dead oak) if possible for its contribution to the nature conservation value of the site. My recommendation is for approval subject to conditions.

4.20 Parks and Countryside Manager:

This development will be catering for a potential number of children in excess of 600, and needs good quality and quantity of equipment suitable for all ages. With this in mind I suggest one large central play area rather than small amounts of equipment dotted about multiple sites is preferable. The play area should contain two distinct zones one for under sixes and the other for over sixes. These facilities are also required as there is not a neighbourhood park for those children to walk safely to in the locality.

4.21 Public Rights of Way Manager:

The proposed development will effect Public Footpaths HO6 and H08A, in particular H06 will be obstructed by the proposals in their current form. The residential medium at the western boundary of the site and one of the focal buildings will effect the line of the footpath recorded on the definitive map and the Town and Country Planning Act diversion order will be required. The developer might prefer to avoid this due to the length of time it takes to process Public Path Orders. If the footpath is to be blocked I am obliged to object to this application.

4.22 County Archaeologist:

The proposed development will lead to a very extensive area of ground disturbance in an area of some broad archaeological potential. However, recent archaeological evaluations of the site itself proved almost entirely negative. In the circumstances I have no objection but given the size of the development envisaged I would consider it reasonable to attach a suitable archaeological condition requiring a small scale watching brief of works.

4.23 Principal Arts Officer:

I suggest two landmark pieces near the entrance to the site along with artist designed street furniture and railings in the central play area, artist designed public rights of way markers for the blancing pond area along with the appropriate commuted sum for maintenance.

4.24 Economic Development Manager:

No comments received.

4.25 Sustainability Manager:

I'd welcome any opportunity both to increase energy efficiency above Building Regulations and to get a proportion of renewable energy generated on site. The 2 issues the developers need to address are

Does this development contribute to/meet the government target of a 60% cut in energy use by 2050 (i.e. by then things need to be running on 40% of what we now use -or it may even be the 1990 baseline)

How will the design of houses enable them to withstand the expected changes in climate for the next 25 and 50 years (in terms of more extreme weather - both hot and wet)

Merton is now seen as quite mainstream with its requirement for 10% of energy from developments over a certain threshold to be from renewable sources. Some authorities are also starting to ask for climate proofing reports. A site waste plan would also be welcomed.

Water is another issue that needs attention. I would suggest that they install water efficient toilets (at least to the standard already set by government for their own buildings) & have water meters. Building in water capture - assuming that dry summer conditions likely to become more frequent. We will not be smugly mains watering our gardens here forever! Reducing rapid runoff of water in intense weather by - for instance- rerouting down pipes into water stores or ground. Installing easily visible electric meters so people can see how much they are using - and how much it is costing them would also be good.

5. Representations

5.1 Holmer and Shelwick Parish Council:

"The Parish Council would point out that this is the largest housing development proposal for many years in this area, and would ask that considerable care is taken with detail and conditioning to be sure that this development is completed satisfactorily and to the best standard that can be achieved for the locality.

The Parish Council considers the application to be premature given that the UDP process is not yet completed, and would have wished that the application came in after the consultation and report process was finished, in order to tie the details of this application into the UDP recommendations and approvals.

However the Parish Council does not wish to be obstructive and given the fact that the Public Inquiry Inspector recommended that this site go ahead and Hereford Council by a large majority also voted for this to be approved, it is pointless opposing the scheme, but the Parish Council wishes to obtain the best deal that can be gained in the interests of their parishioners. The detail observations are as follows and the Parish Council hope that any benefits should also come to the parish area, and not be spread around other areas in the County.

SEWAGE: The area suffers from sub-standard sewage disposal facilities both from the Wentworth Estate and other properties that have septic tanks and soakaways which drain into the development area. The Wenworth Estate was a former Crest development and it is felt that the company should make strenuous efforts to right the poor situation of the past and upgrade the system so that as many people as possible can connect into the new sewage main.

The parish understands that there is to be a working group set up to consider details of the new sewerage arrangements and the parish would seek representation on this group in order to put the local point of view, and be able to supply the local knowledge

necessary in the best interests of local residents. The parish feels that any contributions to the scheme to enhance the sewer should be made by the developer.

TRAFFIC: The parish feels that the considerable amount of traffic generated from this development should be the subject of a study to try and find the best way of distributing traffic from the development and the busy Roman Road and A49 infrastructure. Clearly what happens in one area will have repercussions in another, and only a comprehensive study would identify problems and possible solutions. The parish would like to be included in this study as it has local knowledge that could be of advantage.

The parish does not feel that any improvement could be made at the railway bridge along Roman Road. The contribution from the developer is not enough to do any significant works unless the council is prepared to commit substantial funds to the project which the parish feels is unlikely at this time.

A study of cycle routes and pedestrian routes should also be undertaken to determine the best method of enabling parishioners from this development to access Hereford. This should also consider crossing points and pedestrian controlled crossing of Roman Road and possibly extra facilities for cyclists and pedestrians through the estates to the south of Roman Road.

There should be traffic calming measures taken to slow the speed and volume of traffic using the minor roads in the area. Church Lane, Coldwells Road and Munstone Road suffer from 'rat running' and speeding and consideration of traffic calming should be taken with the traffic study proposed.

PLAY AREAS: The parish would wish that sufficient play space would be made available for the development together with the associated play equipment suitably maintained.

The parish would wish that all the important matters of drainage, roads, education, burial ground etc would be considered first out of any contributions that might be available from the developer and projects within the parish would be considered before any other projects elsewhere. The parish would ask for representations and consultation on any of the bodies studying the proposals so that they can use their local knowledge to the best interests of the parish and to everyone's benefit.

A further letter has been received from the parish council relating to the Section 106 matters arising from the development. The main comments raised are:

Crest have increased the land within the application by 30 - 40% from land allocated by the Inspector's recommendation in the UDP enabling them to provide larger units than would be otherwise possible.

- This development would be acceptable as long as the maximum of 300 units with no 3 storey dwellings would be built. For every dwelling over 300 the developer should be required to pay £75,000 per unit to the parish council.
- Drainage - more details are required prior to a decision being made by the planning authority. The option of adjacent existing properties to connect into the new system should be available after the first dwelling has been commissioned by Crest.

- Education - £600,000 ring fenced for the schools in the Holmer catchment area and overseen by the parish council.
- Pedestrian and cycle links in the locality.
- Public art on the site.
- Recreational facilities - A £50,000 contribution should be made towards the construction of a skate park in Holmer Road and £45,000 towards Pegasus Football Club for surfacing the car-park and an ambulance ramp up to the football pitch. This property is leased from Herefordshire Council and would directly enhance the asset. A contribution should be made towards the resurfacing the all weather pitch at Holmer Road, replacement of the hammer cage and provision of a spectator shelter at the Athletics Club.
- Traffic - No traffic lights should be provided to the new entrance to the development as this will only be required for 45 minutes on weekday mornings to facilitate egress. For the remainder of the day the flow of traffic on the Holmer Road will be stopping, starting, creating unnecessary noise and pollution. A roundabout would be a more practical solution. Munstone Road should be closed to through traffic and the traffic redirected through the fringe of the new development therefore improving the highway safety on the Munstone crossroads.
Burial Ground - The parish is rapidly running out of space in the parish burial ground. There is a possibility of extending the burial ground with extra land which would have to be landscaped and fenced. The parish council would request a £15,000 contribution to set up an extension to the existing burial ground.
- Church Hall - A contribution of £45,000 to extend the existing church hall to cope with the burden of proposed increased population.

The parish council would expect to see these reasonable requests included in the Heads of Terms for the Section 106 Agreement on the successful outcome of the Crest application.

5.2 16 letters of objection and comment have been received. The main points raised are:

- There is already considerable congestion at peak periods in the locality, this development will exacerbate the existing problem.
- Traffic at the Roman Road, Attwood Lane and Old School Lane junctions is at capacity at times with cars regularly queuing along the Roman Road from the Starting Gate roundabout back to College Road.
- The proposed traffic lights system on Roman Road will hinder rather than help traffic flows and add to existing congestion. A roundabout should be constructed instead.
- It is not acceptable for Munstone Road to be closed off and diverted through the estate. Munstone Road is not wide enough to introduce a cycle path. It often floods during heavy rain.
- The railway bridge on College Road near Holmer Trading Estate is totally unsuitable for extra traffic as it is very narrow and there is no footpath and children from site will need to access Aylestone School and the colleges in Folly Lane.
- There is inadequate pavement and pedestrian crossings in the locality.
- The proposed emergency access should be restricted or re-located to prevent any vehicular or pedestrian access onto Attwood Lane which is already overused.

- The development should be made to pay for a new cycle route from the new estate to the city.
- Attwood Lane should be closed off near the old people's home to prevent it being used as a rat run.
- There is no regular bus service or near medical centre or doctors surgery to the site.
- The traffic assessment was based on a traffic survey undertaken in 2003 and traffic levels have significantly increased on Roman Road since this period.
- Any highway financial contribution provided by the developer should not be used to improve the railway bridge on Roman Road as this will lead to further traffic on Roman Road.
- The developer should fund safe pedestrian crossings of the existing Roman Road and College Road road bridges.
- The absence of any apparent economic growth in the immediate vicinity of the development site will lead to further cross town traffic adding to existing congestion and environmental impact.
- The site will create a commuter village for Worcester and add volume to already congested routes.
- The development site floods during heavy rain and there is not capacity within the main sewer to serve the development.
- The site is an Area of Outstanding Natural Beauty with a lot of wildlife, foxes, buzzards etc yet close to the town.
- The development area is a greenfield site outside of the city limits and it would be more appropriate to prioritise development of brownfield land in the city and further infill development.
- The scale of the development is out of keeping with the surrounding area.
- The development will result in direct overlooking of our property and gardens
- The development will result in a significant decrease in the value of our property, completely obliterate existing view across the site and significantly affect our quality of life.
- The Hope Scott House Committee is concerned that the substantial development may have a negative impact on Hope Scott House which provides accommodation for a fairly vulnerable section of the public.
- Contrary to the information in the ecological report, barn owls are present on the site and have been seen frequently this summer.
- Three storey houses and flats will be totally out of keeping with the surrounding area which consists of two storey houses and bungalows.
- We are concerned how light pollution will be minimised.
- We query whether solar panels are to be used to heat water and any surplus returned to the National Grid, will the houses have a water metre, whether grey water can be recycled for toilet flushing, whether toilets will be fitted with short and long flush mechanisms and so on.
- The site provides habitat to more diverse range of bird species than identified by the applicants including starling, house sparrow, bullfinch, yellowhammer, swallows, a diverse population of butterflies and more recently barn owls. These species have not been accurately recorded and any construction activity will destroy their habitat.
- The character and recreational value of the existing footpaths running through the site will be lost.
- The proposed development does not appear on local authority searches.
- The concerns of local people should be taken seriously and carry more weight than that of remote consultants, professionals, architects, planners etc.

- Crest must be forced to maintain existing hedgerows and trees and general flora and fauna within the site.
- The proposed landscape strip alongside Munstone Road should be extended to Greenways to provide a continuous wildlife corridor.
- Street and other lighting should be sensitively designed to minimise impact on the countryside and wildlife.
- Any existing dwellings which have rights to discharge over the development site for foul drainage should be connected to the new public system at the developer's expense.

5.3 A further letter has been received from Holmer & District Residents' Association. The main points raised which aren't covered above are:

- The traffic surveys were undertaken in part March 2003 which was before the widening of Roman Road, improvements to Bridge Sollars river crossing and the opening of Holmer Park Health Fitness Centre. Even these figures indicate that by 2011 Attwood Lane junction would be 5% over capacity and even Munstone Road junction 15% and by 2023 Attwood Lane would be 14% and Munstone Road junction 25% over capacity.
- Much of the likely traffic from the development will travel into the town along Old School Lane and use the College Road Old School Lane Venns Lane junction which is already unable to deal with existing peak traffic flows.
- This number of further houses are unnecessary as Wimpey are already experiencing difficulties in selling houses on the former SAS site.
- If permission is approved the developer should fund improvements to the Munstone College Road junction to discourage rat running along Munstone Road to provide a safer environment for pedestrians and cyclists as well as motorists, similar such improvements should also be undertaken to Attwood Lane junction.
- The developer should provide funds to upgrade the existing footpaths including new signage and stiles.

5.4 Two further letters/reports have been received from Hereford and County Athletics Club and Wheeled Sports for Hereford. The main points raised are:

- The athletics club is run from membership fees only as there is no financial support from the Government and all coaches are volunteers. The number of members is likely to significantly grow with the 2012 Olympics. A shelter for spectators and athletes during events and training sessions is desperately required and therefore a contribution of around £10,000 is required for a new shelter.
- The existing hammer cage is very old and will no longer shortly meet new regulations. The club has some very promising hammer, discus and javelin throwers and it would be a shame to deny them the opportunity to progress to national level as the club has already produced international standard athletes in the past. A contribution of £10,000 is requested.
- The Wheeled Sports for Hereford aim to provide competition standard provision for recreational wheeled sports for the whole city. The facility would cater for skateboarding, rollerskating and BMX riding. These sports can be positive for health as well as providing independence and increasing social skills. Participation in skateboarding for example was up by 129% between 1995 and 2000 whereas participation in football was down 16.7% over the same period.

- Skateboarding in Hereford has been identified as a public nuisance by the public and local businesses as young people have nowhere to enjoy wheeled sports in a safe and legal way. Outline planning permission already exists and the development would take place in two phases with an estimated total build cost of 250,000. £15,000 has already been secured. We therefore request a contribution from Crest of up to £250,000 towards the construction of this facility.

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

6. Officers Appraisal

6.1 In support of the application the developers have provided a number of detailed technical reports. These include Design Statement, Supporting Statement, Transport Assessment, Landscape Visual Appraisal and Ecological Appraisal, a Landscape and Ecological Management Plan, Infrastructure Report, Archaeological Assessment, Flood Risk Assessment and a Statement of Community Engagement. Two public consultation exercises have also been undertaken and a further report provided on the outcome of these events. The contents of these reports will be referred to in the Officer's Appraisal.

6.2 The Council has also undertaken two Screening Opinions as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which have concluded that although the development is a Schedule 2 10B infrastructure project, an Environmental Statement is NOT required.

6.3 There are 6 key issues to be assessed in the consideration of this application.

1. The Principle

6.4 The site falls outside of the settlement boundary for Hereford City as identified in the adopted Hereford Local Plan and therefore for the purposes of planning policy, falls within the open countryside. The Hereford Local Plan and South Herefordshire District Local Plan (which the development site falls within) is to be replaced with a Unitary Development Plan. This document is now at an advanced stage of preparation in light of the Inspector's report having been received and therefore it is not only a material planning consideration in the assessment of the development, but can be given considerable weight.

6.5 The first draft of the Unitary Development Plan allocated the site now proposed under this application for residential development. However, the revised deposit draft removed the allocation and proposed a new allocation south of the river known as the Bullinghope site. This was subsequently challenged by the applicant at the Planning Inquiry into the Revised Deposit Draft Unitary Development Plan. The Local Plan Inspector's report was published in June 2006 and recommended that the site be reinstated as a residential allocation in the development plan. The Inspector comments:

... I have considered all the objections to the proposal together with representations in support of the Council's stance. Many points of detail have been raised. I have discussed above those matters that are most likely to have a bearing on the decision.

I support the initial position of the Council. I find that the site is suitable for housing development of the scale envisaged. It is a relatively well-contained site that is seen in the urban context.

- 6.6 The Inspector's recommendations with regard to this site were considered at Full Council on 28th July, 2006 and it was subsequently accepted that the site should be reinstated for residential purposes.
- 6.7 Whilst any development of the site is presently contrary to the adopted development plan policies and therefore must be considered as a departure from the adopted policies, since the Council is not proposing to challenge the Inspector's recommendation to reinstate the site for residential purposes, the principle of residential development on the site can be considered positively. This is supported by the West Midlands Regional Assembly who confirm that development of the site for residential purposes is in general conformity with the Regional Spatial Strategy, which identifies Hereford as a sub regional foci for long-term strategic housing growth. The latest national and regional household projections indicate that the housing requirement in sub regional centres such as Hereford is likely to increase.

2. Access and Traffic Impact

- 6.8 The application is in outline form with all matters, except for the means of access to the site, reserved for future consideration. The development is proposed to be served by new single vehicular access onto Roman Road located around 180 metres east of the junction with Attwood Lane. An emergency access is also proposed from the western boundary of the site onto Attwood Lane but the use of this access will be restricted by bollards to ensure that it is only used for emergency purposes.
- 6.9 Traffic to and from the site will be controlled by a new signalised junction arrangement on Roman Road which will entail some road widening to introduce an additional right/left turn lane in order to minimise the impact on the free flow of traffic on Roman Road. The new access proposal will also incorporate safe pedestrian and cyclist crossing facilities both across Roman Road and across the site access. A Stage 1 Road Safety Audit has also been undertaken of the proposed site access to further investigate and establish whether it would operate satisfactorily and safely. Further works will also be proposed to the Old School Lane junction and Munstone Road/College Road junction to improve the safety of these areas in light of the additional traffic which will be generated by the development. The final detail of the works to these junctions has yet to be agreed but it is recommended that as well as the new site access arrangements, the works to Munstone Road junction in particular should also be undertaken by the developer as this junction is already operating close to capacity.
- 6.10 A number of comments have been received that the site's access should be provided by way of a roundabout on Roman Road along with further roundabouts on the existing junctions at Old School Lane and College Road. These options have been fully investigated by consultants acting on behalf of the developers; independent consultants acting on behalf of the Council and the Highways Agency's consultants and all have concluded that the most appropriate means of providing access to the site is via a signalised junction. All three independent assessments of the development also conclude that the local road network, subject to modifications, does have capacity to accommodate the additional traffic associated with the development.

6.11 The Highways Agency initially had concerns with the capacity of the Starting Gate roundabout which is also operating close to capacity at peak periods and the development will result in 0.65% increase in traffic flows at the roundabout. However, further research and information has been provided and the Highways Agency have now withdrawn their objection subject to the developers providing a residential travel plan delivered through a Section 106 Agreement. Other Section 106 highway related improvements are discussed below under Section 106 matters. The conclusions therefore drawn by the traffic consultants employed by the applicants, the Council's Traffic Manager, consultants employed by the Council and the Highways Agency is that the proposed access arrangements and traffic impact of the development is within acceptable tolerances subject to various works being undertaken.

3. The Concept Master Plan Layout

6.12 A master plan for the development of the site has been provided to illustrate how the site could and is likely to be developed. Whilst the actual development of the site will be controlled by the subsequent reserved matters applications if outline planning permission is approved, the plan provides a good indication as to the key design and layout principles.

6.13 Blocks of housing will be developed around a network of roads. The focus of the development will be a central area of public open space incorporating equipped play areas. This will be extensively landscaped and overlooked by surrounding housing thereby providing natural surveillance. Higher density development is proposed within the central part of the site with medium density along the western boundary with Attwood Lane and part of the eastern boundary with Munstone Road and low density along the northern boundary with the open countryside and the southern boundary with Roman Road. Existing hedgerows and trees along the boundaries of the site will be retained and reinforced with further planting to provide green buffers between the new development and existing residential properties and the open countryside. The existing Public Right of Way running through the site is to be retained and incorporated into the development with funds provided to improve the standard and usability of other off site footpaths which link into the site.

6.14 A pedestrian and cycle friendly environment will be created by limiting traffic speeds to 20mph though creating pedestrian priority areas, the use of different road surface materials to differentiate between the hierarchy of streets, the use of strategically positioned landscaping and open space to create an informal road layout. Emergency access will be controlled via bollards to restrict its use. Alongside the varying density, a number of key locations and frontages will be identified through focal buildings and/or public art to reinforce prominent vistas into and within the site.

6.15 Overall, the concept of the proposed layout will create an interesting residential environment, which minimises the loss of existing trees and vegetation whilst compensating for any loss through reinforcement of other areas with additional planting. This will have the added benefit of safeguarding amenity for existing properties surrounding the site.

6.16 Comments have been received that the scale and particularly height of the development should be restricted to two storeys. This is not considered necessary as the general design of the development including the scale and height of properties is most appropriately dealt with through reserved matters applications. If the scale and

height was considered unacceptable, those applications could be refused. Furthermore, whilst three or even two and a half storey properties on the outskirts of the site are unlikely to be acceptable, it is not considered, in principle, that two and a half or even three storey properties within the high density areas near the centre of the site would be unacceptable. As such, a condition restricting height is not considered necessary.

4. Site Infrastructure including Foul and Surface Water Drainage

- 6.17 All of the principle statutory undertakers have confirmed that adequate supplies exist to serve the development, these being gas, telecommunications, electricity and water. Three overhead 66kv power cables run through the site, which the applicants propose to divert underground around the eastern, northern and western perimeter of the site. An 8-metre wide easement strip must be maintained over the route of the underground cables where new development and extensive landscaping is restricted.
- 6.18 Welsh Water have objected to the application, as there is insufficient capacity in the foul drainage system to accommodate the proposed development. However, it should be noted that Welsh Water do not object to the development in principle but require the upgrading of the existing foul drainage network in the locality to a point where capacity exists. Subject to these works being undertaken, their objection would be overcome. This is confirmed by the fact that Welsh Water did not raise an 'in principle' objection to the allocation of the site in the Unitary Development Plan.
- 6.19 Foul drainage works are likely to entail the provision of an on site pumping station, associated rising main, and an additional off site gravity sewer to an appropriate outfall sewer where capacity exists. Research undertaken by the developers has indicated that capacity is likely to exist around the Kingsway residential estate. The drainage option is therefore pumping sewage through the rising main across Roman Road and into Old School Lane through a gravity system down to Kingsway and beyond. A hydraulic modelling system will be required to fully assess what works are necessary which the developers will fund. Understandably, however, they do not want to undertake the considerable work and expense involved with this without the security of a planning permission. Therefore, foul drainage can be dealt with via a condition of planning permission preventing any works taking place on site until a satisfactory drainage arrangement has been agreed in consultation with Welsh Water and the Council. This is a lawful Grampian condition given that there is a probable solution to the drainage problem.
- 6.20 The applicants are also aware of existing foul drainage problems within the adjoining Wentworth Park residential estate and have confirmed that any new system would be designed to have capacity to accommodate the existing residents of the adjoining residential estate as well as other residents which presently have foul discharge rights across the site. The diversion of foul drainage from the Wentworth Estate to a new separate foul main provided by the developer would also relieve the problems which presently exist with the pumping station at Cleeve Orchard by as much as 70% which may ultimately mean that this pumping station could then be adopted. Therefore, with appropriate new foul drainage infrastructure the present drainage problems in the locality are likely to be resolved.
- 6.21 Surface water drainage is to be addressed through the creation of a surface water balancing pond in an area of land north of the development site. This in effect would be a large soakaway area to regulate the flow of surface water drainage into Holmer

Brook running north of the site. This balancing pond will also ensure that no flood water that may arise currently or be exacerbated by the development will be displaced onto other land or developments in the area. Although the area and balancing pond will remain dry most of the year, it will contain water to a depth of up to one metre in extreme events. A detailed Flood Risk Assessment is provided and the Environment Agency has confirmed no objections to the proposal subject to conditions.

5. Open Space, Landscape and Ecology

- 6.22 The focus of the development will be the area of central open space incorporating two equipped play areas, one catering for children of ages 0-6 and the other catering for older children aged 6-12. The relevant Unitary Development Plan policies require further small equipped play areas around the site. It is considered that the creation of one larger well equipped area of play incorporating other open space accessible by all residents of the estate and other local residents is a more appropriate strategy for delivering the required play facilities and open space. Notwithstanding this the smaller areas that would have been used as small play areas are largely to be retained in strategic locations as landscaped open space.
- 6.23 Other open space is to be provided principally around the perimeters of the site with small landscaped strips between some of the clusters of housing. Two landmark pieces of public art are also to be provided in focal locations, namely near the entrance to the site and within the central open space along with further green art such as interpretation boards within the balancing pond area. The design of some of the street furniture within the central open space can also be of a non standard form. Such features will enhance the residential environment for the benefit of the residents.
- 6.24 Planning policy, due to the scale of the development, alongside that which is proposed on site also requires facilities for youth and adult play. No such facilities have been provided on site and therefore there is a deficiency in relation to that which the recreational policies require. This is dealt with below under the Section 106 requirements. Overall, the strategy for the on site open space and play/recreation facilities is considered acceptable.
- 6.25 The existing boundary trees and hedgerows are largely to be retained and reinforced with further planting, which is welcomed. Furthermore, the existing trees and vegetation within the surface water drainage area are to be enhanced with additional planting including a traditional orchard area. This area will be publicly accessible for existing and proposed residents and whilst it is not proposed that this area will be formally adopted as part of the public open space, it clearly has amenity, recreational and ecological value and is welcomed by both the Council's Landscape Officer and Ecologist as mitigation for the loss of biodiversity resulting from the development.
- 6.26 Extensive ecological surveys that have been undertaken which have identified a number of key species including Great Crested Newts, bats and badgers which are all protected species. The ecological management plan proposed mitigation to safeguard the habitat of the existing wildlife in and around the site. A number of residents have highlighted the recent presence of barn owls on site, which the earlier surveys did not reveal. Further survey work will therefore be required and is recommended by the Council's ecologist prior to commencement of any development and this can be required by condition if permission is approved.

6. Section 106 Matters

6.27 The Heads of Terms for the Section 106 agreement are appended to this report. A summary of the justification for the proposed 106 requirements is detailed below:

a) Affordable Housing

Policy H9 of the Herefordshire Unitary Development Plan requires that 35% of the total number of units on the site are affordable dwellings. The applicants have agreed to this provision. The Council's Strategic Housing Team have objected to the application on the grounds that whilst the proposed mix of affordable housing meets a current need, it does not meet the overwhelming and pressing need. Current Homepoint data which is the agency through which affordable housing is allocated, identifies that the principal need in and around the city is for rented accommodation.

The applicant's original proposal was for the 35% affordable to be split between 50% rented and 50% shared ownership/low-cost market housing. The Head of Strategic Housing has requested a 70:30 split. Following negotiations, the applicants now propose that 65% of the affordable housing be rented and 35% be for shared ownership/low cost market. Whilst this still falls short of the mix required by Strategic Housing, it is not considered that this mix is sufficiently unacceptable to warrant refusal of the application given that there remains a need for shared ownership and low cost market housing as well as rented accommodation. As such this mix of tenure is considered acceptable. This is providing that the low cost market housing is discounted in line with the most up to date figures contained within the Council's Supplementary Planning Guidance on affordable housing. A 30% discount on current market values as has been previously negotiated on other sites is no longer proving to be affordable. The discount and the precise mix of accommodation will be negotiated with the developer as part of the Section 106 requirements if planning permission is approved.

b) Education

The Head of Democratic and Adult Services has requested a contribution of £2,000 per dwelling to be used for improvement of existing facilities within the two schools for the catchment area, namely Broadlands Primary School and Aylestone High School. However, both schools currently have capacity to accommodate the likely children resulting from this development. As a result, the applicant commissioned a specialist education consultant to undertake research.

The consultant advises that it is wrong to only consider schools within the catchment area of the site as parents can now express a preference for any school. He has therefore looked at a much wider impact than the two local schools including St. Francis Xavier's School, Holmer Church of England School, St. Thomas Cantilupe School, Trinity, Lord, Scudamore, St. James Hampton Dene, St. Pauls, Hunderton Junior, St. Martins Primary as well as Aylestone and Broadlands. With the exception of St. Thomas Cantilupe and Hampton Dene, all schools have spare capacity up to January 2006 with the capacity likely to increase over the next two years. Nevertheless the applicants recognise that the development will have an indirect impact on some of the school facilities and therefore propose a contribution of £50,000 to be used for one or more of uses as requested by the Head of Democratic and Adult Services.

c) Community Benefits

Holmer Parish Community Centre along with the Holmer Parish Church burial ground is already operating at capacity and the further population arising from the development will inevitably place greater pressure on these facilities. The applicants have therefore agreed to provide £45,000 towards the construction of an extension of the village hall, planning permission having been approved for this extension in November 2006 along with £15,000 towards an extension of the existing burial ground.

d) Public Art

The public art strategy is discussed above but to ensure that the art is of an appropriate standard, a contribution of £25,000 is proposed which would fund the cost of two key pieces along with other ancillary street furniture and green art.

e) Highways and Transportation

The Local Plan Inspector in assessing the impact of the development on the site stated that the development should contribute towards the cost of improving the existing railway bridge on Roman Road. The traffic assessment undertaken by the developers and further research undertaken by the Council identifies a total cost of providing the new bridge to be around £2.5m, the projected increase in traffic resulting from this development is 5.5% and as such, the developers propose a contribution of £138,000 towards the cost of providing a new bridge. This being the proportionate figure arising from the traffic impact of the development. However, it should be noted that this contribution is to be ring fenced for this purpose only with the requirement for money to be paid back after a period of 10 years.

£450,000 is proposed for off site highway works. It is anticipated that the majority of this money will be used to reduce the need to travel by private motor car by improving travel choice in line with the recommendations made in the applicant's traffic assessment. The list of likely uses is detailed (in no order of priority) in the Heads of Terms but it must be emphasised that the contribution is unlikely to deliver all the suggested improvements.

Other works such as the new site access, emergency access, safe pedestrian and cyclist crossings in the locality of the new access including linkages to the existing footpaths/cycleways in the locality, highway junction improvements to the Munstone Road/College Road crossroads and pedestrian/cycle links through the site connecting with existing facilities are considered essential to facilitate the development and will be carried out by Crest at their expense. Discussions are ongoing between the developer and Traffic Manager as to the works to be undertaken by the developer rather than the Council and the recommendation reflects this position.

To address the Highway Agency's concerns, £20,000 is also proposed for a residential travel plan to be formulated in consultation with the Council and Highways Agency. This will identify clear objectives to influence a lifestyle less dependent upon the private car through a package of measures to encourage and facilitate less car dependant living and a time bound programme of implementation. These measures will include facilities to promote home working including internet access, partnerships with local supermarkets to promote and co-ordinate home

deliveries, provision of travel packs on initial occupation of each dwelling providing details of bus and train timetables, pedestrian and cycle routes.

f) Off Site Sport and Recreation

Policy H19 and RST3 of the Herefordshire Unitary Development Plan provide an indication of what facilities should be provided on a development site of this size. Much of the policy requirements are being satisfied with the exception of the provision of sports and recreational facilities and outdoor playing space for youth and adult use. Policy H19 states that such facilities should normally be provided on site but where this is not practicable, financial contributions to new and improved provision elsewhere in the locality may be made.

Planning Policy Guidance Note 17 requires Local Authorities to undertake an evaluation of existing sport and recreational provision with an assessment of the likely short and medium term needs for further facilities. This has recently been completed and identifies a significant shortfall in supply of playing pitches north of the city. More specifically, the report identified a shortfall of over 10 hectares of usable playing pitches (primarily football and cricket) north of the River Wye within the city. It is acknowledged that there is a shortfall of sports provision on site, alongside an identified existing shortfall of sports pitch provision in the locality. The increased population arising from the development will only place further pressure on existing facilities. The principle of an off site contribution has therefore been agreed with the developers.

Rather than requiring the developer to provide a new pitch on a green field site where there may not be any changing facilities, it is considered more sustainable to improve existing facilities to enable increased usage. The all weather pitch at the Leisure Centre is in urgent need of resurfacing and potentially only has around 18 months further usage. A new surface for this pitch will not only ensure the existing facility remains available for use but will also enable a more intensive use equivalent to the capacity of more than one new full size grass pitch due to new types of surface treatment available. This will ensure the developers are meeting the development plan requirements for sport and recreational provision. A contribution of £165,000 is therefore proposed to enable the full resurfacing of the all weather pitch with any surplus money being used at Hereford Athletics Club to provide a new hammer cage and/or athletics shelter.

The applicants have also agreed to provide a further contribution towards a new skate park facility proposed adjacent to Hereford Leisure Centre. Such a facility will undoubtedly have sporting and recreational benefits for its users, particularly the 12-18 age group who are often forgotten when play provision is being considered and which are not being catered for on site. Neither Government guidance nor the Unitary Development Plan Policies specifically recognise skateboarding, roller blading or BMX riding as a specific form of sporting activity and therefore it is difficult to quantify an appropriate figure. Following negotiations however, £55,000 is proposed towards the cost of this facility, which is considered a reasonable contribution.

g) Foul Drainage

In order to ensure that existing local foul drainage problems are addressed, developers have also agreed that the Section 106 Agreement will also require that

the appropriate infrastructure is in place to allow local residents bordering the site and within the Wentworth Park Estate to connect to the new foul drainage system.

h) Energy Use and the Environment

The environmental impact of development, particularly housing development, is becoming an increasingly strong concern at all levels and the planning system provides an opportunity to make a positive contribution towards reversing the current climate change trends. Policy DR4 of the Unitary Development Plan requires resource use including water and energy to be minimised and maximise resource efficiency including passive energy absorption. Policy W11 of the Unitary Development Plan also requires a waste audit to be provided for developments in excess of 50 dwellings. It was therefore also considered reasonable and necessary for the Section 106 to include a requirement for a strategy to reduce the carbon footprint of the development. This could include measures such as a waste audit, on site waste management and recycling facilities, use of renewable sources of energy, recycling of grey and surface water, use of recycled materials in the construction of the dwellings, installation of energy efficient heating, water and ventilation systems, enhanced design and construction features over and above the Building Regulations requirements and so on.

6.28 These Section 106 requirements and contributions have been formulated following lengthy discussions with the developers and key consultees and informed by representation from third parties as well as the Public Consultation exercises undertaken by the applicants. The contributions are considered reasonable, necessary and in accordance with the requirements of Circular 05/2005 concerning Planning Obligations.

Conclusion

6.29 Whilst there are a number of issues yet to resolve, the application is now considered to be at a stage where a recommendation of approval can be made subject to the resolution of the outstanding matters.

RECOMMENDATION

- 1. Subject to there being no objection from Sport England by the end of the consultation period and the Traffic Managers concerns being addressed.**
- 2. The application be referred to the Government Office for the West Midlands under the Departure Procedures.**
- 3. Subject to the Secretary of State confirming that she does not intend to call the application in, 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 covering the matters detailed in the Heads of Terms appended to this report and any additional matters that he considers necessary and appropriate.**
- 4. Upon completion of the above mentioned Planning Obligation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to conditions.**

Conditions

Due to the scale of the development, the wording of the conditions are still being discussed and agreed with the applicants. However, conditions will be included to cover the following:

- Standard outline conditions regarding commencement and submission of reserved matters details
- Phasing of the development and phasing of the construction of affordable housing
- Access and internal road construction including traffic calming and parking provision
- Off site junction and highway works
- A residential travel plan
- Tree and hedgerow protection and a landscape and biodiversity maintenance and management plan
- Further ecological surveys
- Foul and surface water drainage to include a restriction that no development can commence until the drainage works have been agreed by the Council and Welsh Water
- Restriction on construction times, strategy for minimising dust and noise during construction
- Archaeological watching brief
- Details of boundary treatments, materials, site and slab levels, hard landscaping, lighting
- Specification for the play areas
- Restriction on the number of dwellings to 300

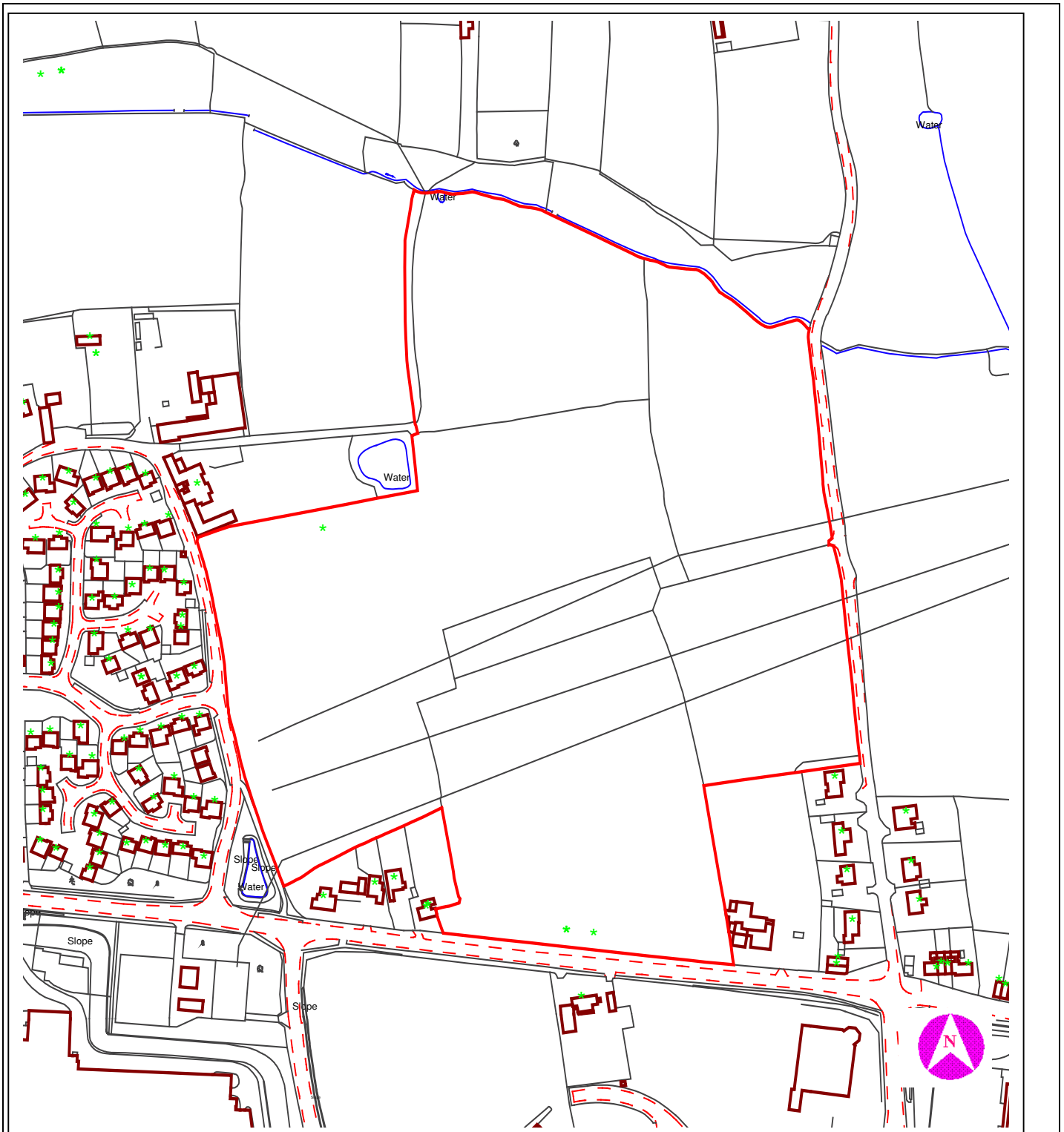
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/2619/O

SCALE : 1 : 3456

SITE ADDRESS : Land to the North of Roman Road, Holmer, Hereford HR1 1LE

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

Planning Application – DCCW2006/2619/O

Residential development of 300 dwellings including access from Roman Road, essential infrastructure, open space, balancing pond, landscaping, roads, parking footpaths, cycleway, engineering, earth works

Land north of Roman Road, Hereford, HR1 1LE

1. The developer covenants with Herefordshire Council to pay £165,000 for a replacement all weather surface at Hereford Leisure Centre with any surplus money not used for this purpose being used by Herefordshire Council for a new hammer/discus cage and/or a single storey athlete and spectator shelter (subject to planning permission being obtained) at Hereford and County Athletics club.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £55,000 towards the cost of constructing a new skatepark facility on Holmer Road in accordance with planning permission DCCW2005/2998/F and the Hereford Wheeled Sports 4 Hereford Project Proposal (revised) June 2006.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the appropriate commuted sum for the ten year maintenance of the public open space and equipped play facilities to be adopted by Herefordshire Council
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £50,000 to provide enhanced educational infrastructure at Broadlands Primary School or Aylestone High School.
5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £450,000 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
6. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Reduction in the speed limit to 30mph on Roman Road (subject to meeting criteria)
 - b) Diversion of existing bus routes to the development site
 - c) Improved bus shelters/stops in the locality of the application site

- d) Safe Routes for Schools
 - e) Improve lighting to existing highway/pedestrian and cycle routes leading to the site
 - f) Improved pedestrian and cyclist crossing facilities at Starting Gate roundabout
 - g) Off road shared pedestrian/cycle route along the south side of Roman Road from College Road to Holmer Road
 - h) New pedestrian/cycle route from Roman Road along Old School Lane to the railway bridge and upgrading existing footpath link to Holmer
 - i) Pedestrian/cycle route linking in with the proposed works associated with the restoration of the Herefordshire Gloucester canal including Aylestone Park
 - j) Provision of a pedestrian/cycle route from the Starting gate roundabout along the slip road running parallel with the A49 south to Newtown Road with a new pedestrian/cycle crossing facility on the A49
 - k) Traffic calming on Attwood Lane, Munstone Road and Church Way/Coldwells Road
 - l) Enhancements in the usability of the existing Public Rights of Way in the locality of the application site
 - m) Traffic calming in Old School Lane and College Road to link in with recently approved traffic calming on Venns Lane
7. The developer covenants with Herefordshire Council to pay Herefordshire Council £25,000 to provide two landmark pieces of art within the development site, artist designed street furniture and further green art and interpretation boards with the balancing pond area along with a commuted sum for the ten year maintenance of the on site art to be adopted as part of the public open space.
8. The developer covenants with the Herefordshire Council to pay Herefordshire Council £138,000 towards the design and construction of improvements to/or a new railway bridge on Roman Road to enable two way free flow traffic over the bridge
9. Prior to the commencement of the development, the developer shall provide a residential travel plan in consultation with Herefordshire Council and the Highways Agency which shall contain the following and any other measures deemed necessary by the Highways Agency:
- Clear and unambiguous objectives to influence a lifestyle less dependent upon the private car
 - A package of measures (administrative and physical) to encourage and facilitate less car dependent living
 - A time bound programme of implementation along with measures to enable future monitoring
10. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum £45,000 towards the cost of extending

Holmer Parish Village Hall in accordance with the plans approved under reference DCCW2006/3386/F.

11. The developer covenants with Herefordshire Council to pay the sum of £15,000 towards the cost of acquiring land and basic infrastructure required to facilitate an extension to Holmer Parish Church burial ground.
12. Prior to the commencement of the development, the developer shall provide details of the new foul drainage infrastructure agreed in consultation with Herefordshire Council and Welsh Water which shall be designed to have capacity to accommodate the foul drainage from the development and other properties which have a common boundary with the development site and properties within Wentworth Park Estate west of the development site.
13. Prior to the commencement of the development, the developer shall provide a strategy (which should include physical measures) in consultation with Herefordshire Council for minimising the impact of the development on the environment. The strategy shall include the following:
 - a. A waste audit
 - b. On site waste management facilities
 - c. A package of measures to reduce the carbon footprint of the development informed by carbon footprint analysis
 - d. A time bound programme of implementation along with measures to enable future monitoring
14. 35% of the total number of residential units shall be "Affordable Housing" which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. 65% of the affordable units shall be made available for rent and 35% for shared ownership and low cost market housing. The low cost market housing shall be discounted in accordance with the most up to date salary figures available to the Head of Strategic Housing at the time the discount is being calculated in accordance with the Council's Supplementary Planning Guidance entitled Affordable Housing. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development or in accordance with a phasing programme to be agreed with Herefordshire Council.
15. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3, 4, 5, 7, 8, 10 and 11 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.

16. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council

17. 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.

Russell Pryce - Principal Planning Officer

29th November 2006

7 DCCW2006/3362/F - PROPOSED CHANGE OF USE TO AGRICULTURAL MACHINERY AND EQUIPMENT STORAGE AREA AT LAND TO THE REAR OF BEECH BUSINESS PARK, TILLINGTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 9QJ

For: Ravenhills Farm Services per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 18th October, 2006 Ward: Three Elms Grid Ref: 48694, 42270

Expiry Date: 13th December, 2006

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

1. Site Description and Proposal

- 1.1 Ravenhills Farm Services is located on the north western edge of Beech Business Park, Hereford. Access is obtained from the Tillington Road through the Business Park.
- 1.2 The proposal is to use a triangular parcel of land as additional storage for the business.
- 1.3 The land abuts the Roman Road to the north but all access will be by means of the Business Park. The site measures 115 metres by 60 metres at its widest point tapering to 23 metres where it abuts Roman Road.
- 1.4 The planning application proposes enhanced landscaping along the southern, northern and part of the western boundary. Security fencing is proposed on the inside of the enhanced landscaping with two gates leading from the applicant's existing premises. A public footpath abuts the western boundary.

2. Policies

2.1 National:

PPS1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1 - Sustainable Development
 Policy S4 - Employment
 Policy DR2 - Land Use and Activity
 Policy E6 - Expansion of Existing Businesses
 Policy E7 - Other Employment Proposals Within and Around Hereford and the Market Towns
 Policy LA3 - Setting of Settlements
 Policy LA6 - Landscaping Schemes

3. Planning History

- 3.1 SC990152PF Proposed change of use to agricultural storage area. Refused 6th August, 1995. Appeal dismissed.
- 3.2 DCCW2004/2365/F Proposed change of use from agriculture to agricultural storage. Withdrawn 26th August, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Head of Environmental Health & Trading Standards: "I can find no nuisance complaints relating to this site. I am satisfied that there is no foreseeable reason for objection to this proposal, however I would advise that restrictions are placed upon the operating hours of the site in order to protect the amenity of nearby residents from potential noise and movement of machinery and equipment.

I would recommend that the use or movement of plant, machinery or equipment should not take place on the proposed site before 7.00am on weekdays and 8.00am on Saturdays nor after 8pm on weekdays and 6pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays."

5. Representations

- 5.1 Hereford City Council: "Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council has no objection to this application for planning permission."

- 5.2 Burghill Parish Council: "The Parish Council would object to this application on the grounds of creeping urban development - loss of agricultural land.

They are also concerned that any further development will lead to an increased noise and light pollution to the residents of the nearby dwellings - hospital Houses, and the increase in traffic which will occur."

- 5.3 Four letters of objection have been received from J. Millest, Tsavo; 4 Tensing Close; Mr. James, 6 Hospital Houses, Burghill; Mrs. S. Green, Lower Burlton Cottage, Tillington Road and B.M. Stevens, Summer-set, Burghill.

- 5.4 A further letter of objection has also been received signed by the occupants of Nos. 1, 6, 12 and 13 Hospital Houses, Burghill.

- 5.5 The main points raised are:

1. This is an infringement of the 'Green Belt'.
2. This will set a precedent for other companies to extend onto these fields.
3. The footpath will eventually be enclosed by industrial units like the one by Bulmers at the end of Plough Lane.

4. This will increase the urbanisation of this semi-rural area.
5. The existing operation already causes problems to local residents with both smell, light and noise pollution and the further development will cause even more disruption to the local community.
6. Access to Beech Business Park is difficult for large agricultural vehicles and this will put more pressure on the local infrastructure.
7. Expansion of the premises will increase the running and testing of machinery reducing the tranquility in this area.
8. Inappropriate to place industrial units so close to Hereford Dialysis Unit.

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. Officer's Appraisal

- 6.1 This site has previously been subject of a refusal and dismissed appeal in 2000. However since then the applicants have pursued the allocation of this land within the Herefordshire Unitary Development Plan. In this respect the Inspector has amended the settlement boundary in this location in order that the land, subject of this application, is included within the settlement boundary for Hereford City. The Inspector's full comments are:

“6.15.1 It appears to me that Ravenhill Farm Services is an important local company. It is a major supplier of agricultural equipment in Herefordshire and The Marches. The company moved into purpose built premises at the Beech Business Park in 1992. This is now the head office where some 21 staff are employed. However, the business operates in cramped conditions and expansion is an important requirement.

6.15.2 The Council has suggested relocation to a larger site. However, there are a number of problems. For example, there is a lack of suitable sites. Only two sites have been revealed by the Council's property register, both at Rotherwas. More particularly, bearing in mind existing and future business requirements, the firm needs to be located in north or northwest Hereford. If local premises cannot be found, there is a danger that the company would move to Shrewsbury.

6.15.3 The possibility of expansion to the west of Beech Business Park has been considered before. In this regard, an appeal was dismissed in May 2000. Part of the problem is that expansion of the business park would involve encroachment into the countryside outside Hereford's settlement boundary. In addition, south of the objection site, the business park does not have strong defensible boundaries and there could be pressure for more expansion into the open countryside. Further, and in relation to the UDP, the Plan does not make allocations for the needs of individual companies.

6.15.4 I saw that Roman Road in the vicinity of the objection site has recently been improved. I was told that this had resulted in an urbanising effect. Certainly, when approaching from the west, I had the clear impression of driving into an urban area. Indeed, the western elevation of the premises occupied by Ravenhill Farm Services is clearly visible and can be seen in marked contrast to the open countryside generally to the west of Hereford. Planting on the western periphery of the city at this point would be highly desirable.

6.15.5 In all the circumstances, I believe that expansion of Ravenhill Farm Services by utilising the land west of Beech Business Park should be supported. Development should be accompanied by planting along the western boundary of the site. I do not consider that the character or appearance of the area would be materially harmed.

6.15.6 However, the allocation of land for the expansion of a particular company would not be appropriate. In addition, I would not wish to encourage the unwarranted expansion of the remainder of the business park into the open countryside. As such, I feel that the most appropriate solution would be to extend the settlement boundary of Hereford to include the objection site.

6.15.7 Inclusion within the settlement boundary of Hereford would pave the way for expansion under Policies E6 and E7 and would allow for negotiated landscaping on the western boundary of the site. I appreciate that Policy E7 refers to making use of previously developed land in preference to Greenfield land. However, this is only "wherever possible". The use of brownfield land would not be possible in this instance."

- 6.2 The Council have not objected to this change made by the Inspector and therefore substantial weight can now be attached to this policy. Accordingly the principle of developing the site accords with Policy E6 of the emerging Unitary Development Plan as the site is within the revised settlement boundary for Hereford City. Therefore whilst the concerns raised in respect of encroachment into open countryside are acknowledged, these cannot be substantiated when weighed against the clear advice set out in the UDP Inspector's Report.
- 6.3 No buildings are proposed on the land with its use limited to the storage of machinery and equipment. A condition is recommended to restrict the use to storage only.
- 6.4 Enhanced landscaping of the boundaries is included within the proposal and again this will be protected with appropriate conditions and is in accordance with the inspector's findings.
- 6.5 Regarding the complaints of smell, noise and light pollution, the Council's Environmental Health and Trading Standards Manager has confirmed that they have had no nuisance complaints and are satisfied that there are no reasons to object to the proposal. However, an operating hours condition is proposed and will be included within the recommendation together with a condition controlling external lighting.
- 6.6 Finally, the Traffic Manager has assessed the proposal and raises no objection.

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. F07 (Restriction on hours of operation of plant/machinery/equipment).**

Reason: To safeguard the amenity of the area.

3. F20 (Scheme of surface water drainage).

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

4. F22 (No surface water to public sewer).

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

5. F26 (Interception of surface water run off).

Reason: To prevent pollution of the water environment.

6. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

7. The use of the site shall be for the storage of agricultural plant and equipment in association with Ravenhills Farm Services only.

Reason: In order to clarify the terms under which this planning permission is granted.

8. G01 (Details of boundary treatments).

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

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

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

Informatives:

1. N19 - Avoidance of doubt.

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

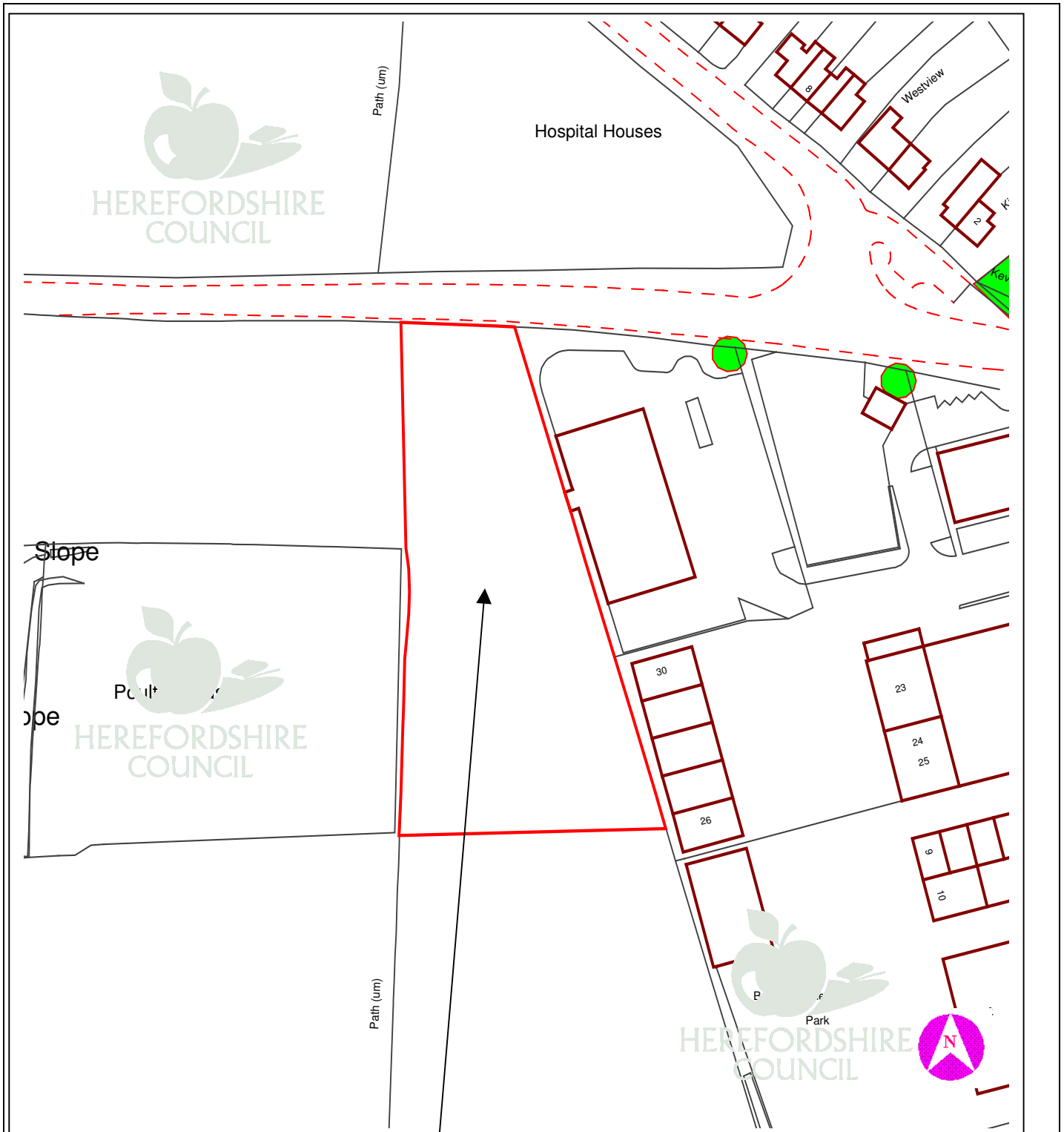
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3362/F

SCALE : 1 : 1250

SITE ADDRESS: Land to the rear of Beech Business Park, Tillington Road, Hereford, Herefordshire, HR4 9QJ

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8 DCCE2006/3474/G - VARIATION OF CONDITION 6 OF PLANNING PERMISSION DCCE2005/1017/F GRANTING C1 USE - HOTEL USE ONLY. NOW REQUESTING BOTH HOTEL AND RESIDENTIAL USE. 1 TO 5 AYLESTONE COURT MEWS, ROCKFIELD ROAD, HEREFORD, HR1 1HS

For: Mrs. P. Holloway, Kingsthorpe House, Kingsthorpe, Hereford, HR2 3AY

Date Received: 1st November, 2006 Ward: Aylestone Grid Ref: 51791, 40396

Expiry Date: 27th December, 2006

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

1. Site Description and Proposal

- 1.1 The site is located to the east of Rockfield Road just south of the junction with the A465 (Aylestone Hill) and forms part of the curtilage of Aylestone Court Hotel which is Grade II Listed. Immediately south and east are existing residences and to the western side of Rockfield Road is Rockfield Trading Estate. The site is enclosed to the south, west and east by a 2 metre high brick wall and a yew hedge exists along the northern boundary. The site falls within Aylestone Hill Conservation Area.
- 1.2 Planning permission was approved on 1st June, 2005 for the construction of five 1-bedroom self-catering apartments. This development is now complete and some of the apartments are currently occupied. Condition 6 of the planning permission states:

'The apartments hereby permitted shall be occupied for C1 Use in association with the Aylestone Court Hotel only and for no other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class and any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: In order to clarify the terms of this permission and in the interests of highway safety.'

Planning permission is now sought to vary Condition 6 to allow the flexibility for apartments to be occupied independently of the hotel as well as providing additional hotel accommodation.

2. Policies

- 2.1 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
- RST12 - Visitor accommodation

3. Planning History

- 3.1 CE2000/1189/F - New house. Refused 22nd August, 2000.
- 3.2 CE2001/1259/F - New house. Refused 6th July, 2001.
- 3.3 CE2004/4193/F - Construction of 6 no. 1 bedroom self-catering apartments. Application withdrawn 26th January, 2005.
- 3.4 CE2005/1017/F - Construction of 5 no. 1 bedroom self-catering apartments. Planning permission approved 1st June, 2005.

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager: No objection providing parking spaces designated to these units under DCCE2005/1017/F to form part of the application and remain attached to these units.
- 4.2 Conservation Manager: This proposal will have minimal impact on the character of the Conservation Area and is therefore acceptable.

5. Representations

- 5.1 Hereford City Council: Hereford City Council recommends refusal on the grounds that the proposal would be severely detrimental to the concept of the original planning permission.
- 5.2 Two letters of objection have been received from 3 Rockfield Road and Rockfield Road Businesses. The main points raised are:
 - 1. We are concerned as to where residents or visitors will park
 - 2. The hotel has difficulty catering for its own guest at the best of times with overspill when functions take place causing many problems on Rockfield Road and the Trading Estate
 - 3. How will the proposed parking and future usage be monitored and controlled
 - 4. The applicants have had little regard for the conditions of the permission with working hours being breached and deliveries continually blocking Rockfield Road
 - 5. The accommodation was advertised in the Hereford Times for rent before the change of use was applied for.
 - 6. The application was originally submitted for residential and then amended to holiday lets and staff accommodation

6. Officers Appraisal

- 6.1 A letter provided by the applicants agent in support of the previous planning permission for the development states the following:

'The purpose of this application is to broaden the range of accommodation offered by the hotel by the provision of 5 no. 1 bedroom self-catering apartments. The hotel often has long stay guests who because of the tenure of their stay would benefit from having a degree of independence from the hotel. This new facility would therefore offer such a provision and in doing so free up hotel bedrooms for additional short stay guests. Currently the hotel also has a need for staff accommodation and any staff staying or working overnight have no dedicated space of their own and therefore use hotel bedrooms which could otherwise be available. This new facility would also therefore provide a dedicated staff apartment for the hotel's own use.'

- 6.2 As a result of the above comment the development was approved subject to condition 6 which prevents the accommodation from being occupied other than for purposes ancillary to the hotel. The creation of additional tourist accommodation within the city is clearly welcomed. However, the site is equally as acceptable in policy terms for independent residential accommodation being located in a sustainable location, with each apartment providing low cost accommodation with dedicated off-street parking and a small area of private amenity space. Furthermore, it is not considered that there will be any additional impact on the amenity of neighbouring properties if the accommodation is occupied independently of the hotel.

- 6.3 Ultimately, the applicants request the variation rather than the removal of the condition which will enable the apartments to be occupied in association with as well as independently of the hotel. Two of the units are currently being occupied in association with the hotel. There are no Development Plan policies which specifically require tourist accommodation to be safeguarded within the city and this application would provide a degree of flexibility for the use to alternate between residential and hotel accommodation. It is acknowledged that this application may appear to represent a change of emphasis soon after the recent permission but it accords with policy and it is therefore not considered that there are any grounds to warrant refusal of the application.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

1. **A10 (Amendment to existing permission)**

Reason: For the avoidance of doubt.

2. **The apartments hereby permitted shall be occupied for C1 and C3 Use in association with Aylestone Court Hotel and for no other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.**

Reason: In order to clarify the terms of the permission and the interests of the amenity of the area.

- 3. The five parking spaces identified within the curtilage of the hotel shall be for the sole use of the residents of the accommodation hereby permitted.

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

Informatives:

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

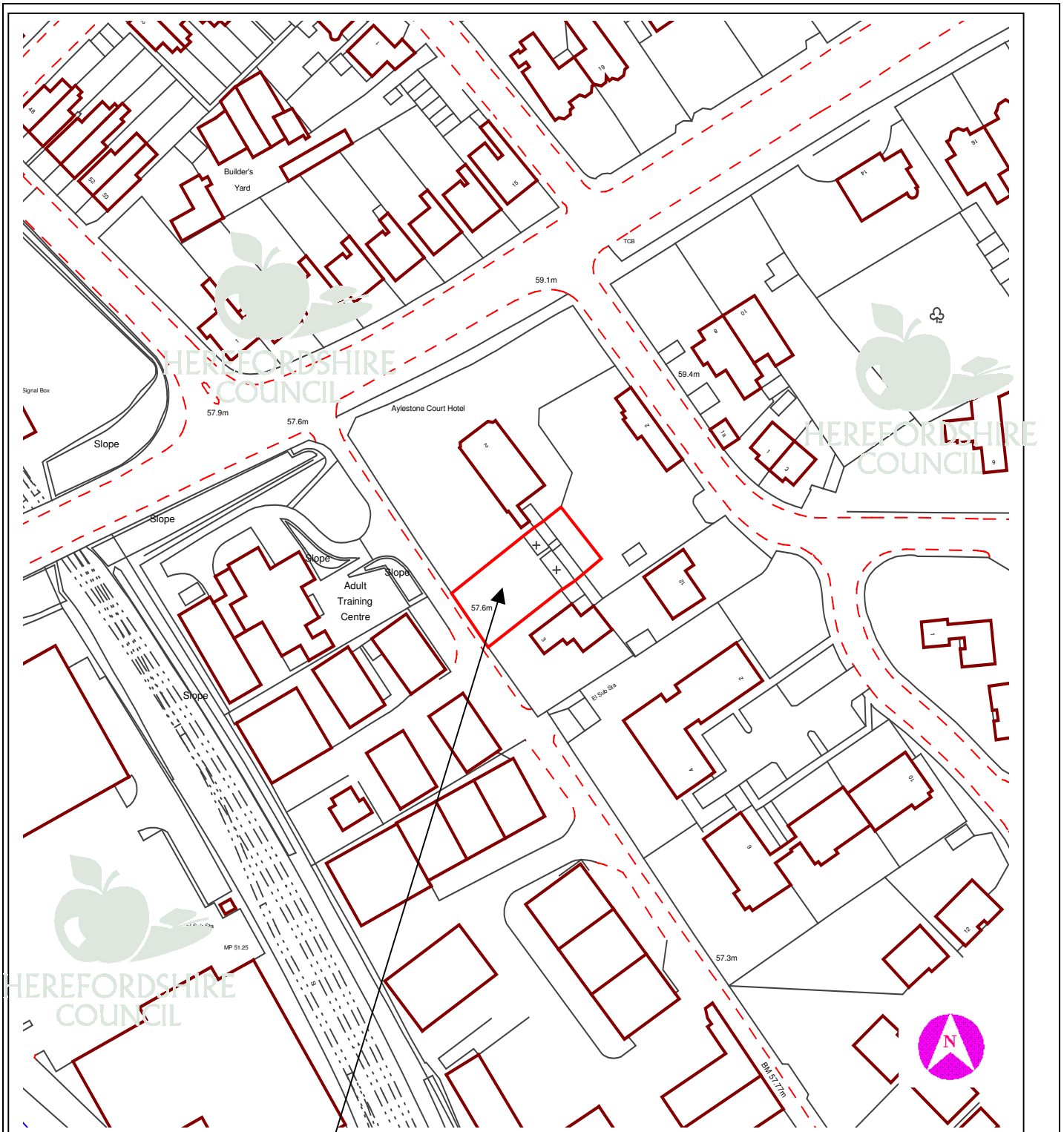
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3474/G

SCALE : 1 : 1250

SITE ADDRESS : 1 to 5 Aylestone Court Mews, Rockfield Road, Hereford, Herefordshire, HR1 1HS

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9 DCCE2006/3200/O - ERECTION OF 2 NO 16000 BIRD, FREE RANGE EGG LAYING UNITS. THINGHILL COURT WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QG

For: J.S. & C.P. Hawkins, Ian Pick Associates Ltd, Unit 3 Brook Street, Driffield, East Yorkshire, YO25 6QP

Date Received: 5th October, 2006

Ward: Hagley

Grid Ref: 56978, 44903

Expiry Date: 4th January, 2007

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The site is located either side of public bridleway WT21, 150 metres east of Thinghill Court and approximately 1 kilometre north of Withington. Access is via the C1130, 800 metres south of the junction with the A465 Hereford to Bromyard Road. The bridleway which is to provide access to the site is surfaced with tarmac and of a single vehicle width with the boundaries enclosed by mature hedging. The site for the buildings is relatively flat and is presently agricultural pasture land. Immediately to the east is a small agricultural building and area of hardstanding used for general storage, the remainder of the immediate area around the site is undeveloped.
- 1.2 Outline planning permission is sought for the construction of two single storey agricultural buildings, each to house 16,000 free range egg laying hens. The proposed buildings are of identical size and design each measuring 104.5 metres in length by 20.1 metres in width by 7 metres in height to the ridge of the roof. The buildings are to be sited either side of the bridleway (north and south) and accessed off the bridleway. A concrete apron is proposed around the buildings along with the installation of four feed bins which would be of the same height as the buildings. The application is in outline form with details of the access, siting and design of the building being provided at this stage and the external appearance and landscaping reserved for future consideration.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S2	-	Development requirements
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR9	-	Air quality
E13	-	Agricultural and forestry development
E16	-	Intensive livestock units
T9	-	Road freight

T13 - Traffic management schemes

3. Planning History

3.1 No history for the site or the immediate surrounding area.

4. Consultation Summary

Statutory Consultations

4.1 River Lugg Internal Drainage Board: The Drainage Board would raise no objection in principle but the planning authority must be satisfied that soakaways will operate satisfactorily in the ground conditions prevailing at the site throughout the year.

4.2 National Grid: Although the National Grid does have a high pressure gas pipe line in the vicinity, the proposed development is outside the criteria requiring Transco to carry out any improvements.

4.3 Health and Safety Executive: The HSE does not advise on safety grounds against the granting of planning permission in this case.

Internal Council Advice

4.4 Traffic Manager: I have concerns for any further intensification of operations at the above site due to damage to the local road network and passage of large vehicles through Withington village past the school where there are no footways. A routing agreement is recommended to use the southern access and require all traffic to enter and exit the site from a northerly direction via the A465. Passing bays between the site access and the junction with the A465 are also required.

4.5 Public Rights of Way Manager: The proposed development will have some impact on public bridleway WT21 which provides vehicular access to the site. The following points should be noted.

- The surface to the bridleway from public road C1130 is currently good quality tarmac with virtually no potholes. Any damage caused to the surface during construction activities, or supply and collection vehicle movements to and from the unit, must be made good at the applicants expense.
- It is noted that the units will be partially hidden behind hedges either side of the bridleway. These appear to be 2 to 3 metres high at present and a similarly good height should be maintained to reduce the impact on the public's enjoyment of the bridleway.
- I am concerned however with the visibility of bridleway users to vehicle drivers exiting on to the bridleway. I recommend that a sign is erected within the site of each unit in a position clearly visible to drivers that cautions them about the potential presence of horse riders, cyclists and pedestrians on the access road.

4.6 Environmental Health and Trading Standards Manager: I have visited the site and am satisfied that the separation distance from the nearest protected properties is sufficient to ensure that there should be no adverse affect from odours, noise, etc. I can also advise that my experience of this type of operation is that there is less likelihood of a nuisance to neighbours than from conventional intensive poultry houses.

5. Representations

- 5.1 Withington Parish Council: The Parish Council has no objection in principle but wish to see further details as to the visual impact of the proposal on the public footpath which passes between the two buildings and how this is affected during operational periods by vehicle movements during egg collection, cleaning out, etc.

Since the introduction of lawn turf production based at the farm the number of lorries and in particular the double trailer type being used to transport turf has considerably increased beyond which may be regarded as 'normal' farm traffic. Many of these lorries use Withington for access having to negotiate the tight bends by the school and the village war memorial and the narrow lanes, with no pavements, on the approaches from the A4103. As this is a conservation area and with the potential hazard to school children and parents the Parish Council would request controls being introduced such that the vehicles entering and leaving the farm do so via the A465 from and to the north or west. Neither of these routes have any significant number of dwellings and both are relatively straightforward.

- 5.3 Ocle Pychard Parish Council: Comments awaited.

6. Officers Appraisal

- 6.1 The proposal is for the construction of two buildings to be used for the housing of free range laying hens together with the associated egg collection and packing facilities and feed bins for the accommodation of a total of 32,000 birds. Free range egg production is a welfare friendly form of egg production. Feeding and lighting systems are all automatically operated with water supplied by nipple drinkers and the building is naturally ventilated. Pod holes are situated on the one side of the buildings which provide the birds with direct access to the range area which must equate to 1 hectare per 1000 birds and cannot be more than 350 metres from the building. The pod holes are open between 6am and 9pm daily. The birds also have free movement internally.
- 6.2 Although the buildings are large in footprint they are relatively low in height and are proposed to be sited within a low lying area largely screened by the existing mature hedges which form the boundaries of the bridleway. Whilst it is preferable for new agricultural buildings to be sited within or adjoining the main farmstead and existing groups of buildings, it is difficult in this instance due to the range requirements associated with free range egg production. Furthermore the existing farmstead is on higher land and therefore the buildings are likely to be more elevated and consequently more prominent than the proposed site. The design of the buildings are relatively standard for this type of proposal and the materials along with landscaping are reserved for future consideration. The likely impact within the landscape is therefore considered acceptable.
- 6.3 There are concerns with the proximity of the buildings to the bridleway and whether satisfactory vehicle manoeuvring area exists so as not to create a conflict or danger with the general management and operation of the units and the use and enjoyment of the bridleway. This matter is currently being investigated by the agents and may require minor re-siting of the buildings. The concerns of the Public Rights of Way Manager can be addressed through appropriate conditions and/or notes on the application if permission is approved. The applicants have confirmed that no on-site accommodation is required to manage the unit as much of the operation is controlled by automatic

systems and any other operational and management requirements can be satisfactorily met by persons living in the locality.

- 6.4 The nearest residential properties to the proposed site for the buildings are 250 metres away but these are within the applicants ownership and the nearest residential properties outside of the applicants ownership are in excess of 400 metres away which is considered the minimum distance required to safeguard amenity. This is confirmed by the Environmental Health Manager who raises no objection to the environmental impact of the development on the surrounding area or the amenity of properties in the locality. Notwithstanding this the applicants have provided detailed environmental information to demonstrate that the proposal will have negligible environmental consequences arising from smells, dust and flies as well as details of the proposed waste management. A screening opinion has also been undertaken as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which has concluded that the development does not require an Environmental Statement.
- 6.5 The parish council and Traffic Manager raise concerns about the potential impact of traffic generated by the development on the local highway network. In order to address these concerns a traffic management agreement is therefore recommended requiring all vehicles associated with the development utilise the southern access and only enter or exit the site via the A465 rather than through Withington. This will be controlled through the legal agreement under Section 106 of the Town and Country Planning Act 1990 and the applicants have agreed to this in principle. In addition, due to the sub-standard nature of the C1130 between the access to the site and the A465, further works within the highway are also required including the provision of two passing bays, piping of a section of open ditch and minor works to some of the highway hedges. These matters again can also be required either by condition or legal agreement. Subject to these provisions, the Traffic Manager does not object to the development the development is considered acceptable.

RECOMMENDATION

Subject to there being no objection from Ocle Pychard Parish Council by the end of the consultation period and

Subject to Head of Legal and Democratic Services being authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 by the 3rd January, 2007 in accordance with the Heads of Terms attached to this report and any additional matters and terms he considers appropriate,

Upon completion of the aforementioned planning obligation 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. A02 (Time limit for submission of reserved matters (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. A03 (Time limit for commencement (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. A04 (Approval of reserved matters).

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4. A05 (Plans and particulars of reserved matters).

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. F18 (Scheme of foul and surface drainage disposal)

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

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

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

7. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

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

Reason: To safeguard the amenity of the area.

9. Prior to the commencement of development, details including scaled plans of the proposed signage and its location to be erected both during the construction phase and thereafter shall be submitted for the approval in writing of the local planning authority. The approved signs shall be erected in accordance with the agreed details prior to the commencement of the development.

Reason: In order to safeguard the safety of users of bridleway WT21.

10. H17 (Junction improvement/off site works).

11. G26 (Landscaping management plan).

Informative:

- 1. HN21 – Extraordinary maintenance.**
- 2. N02 – Section 106 Obligation.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

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

Planning Application – DCCE2006/3200/O

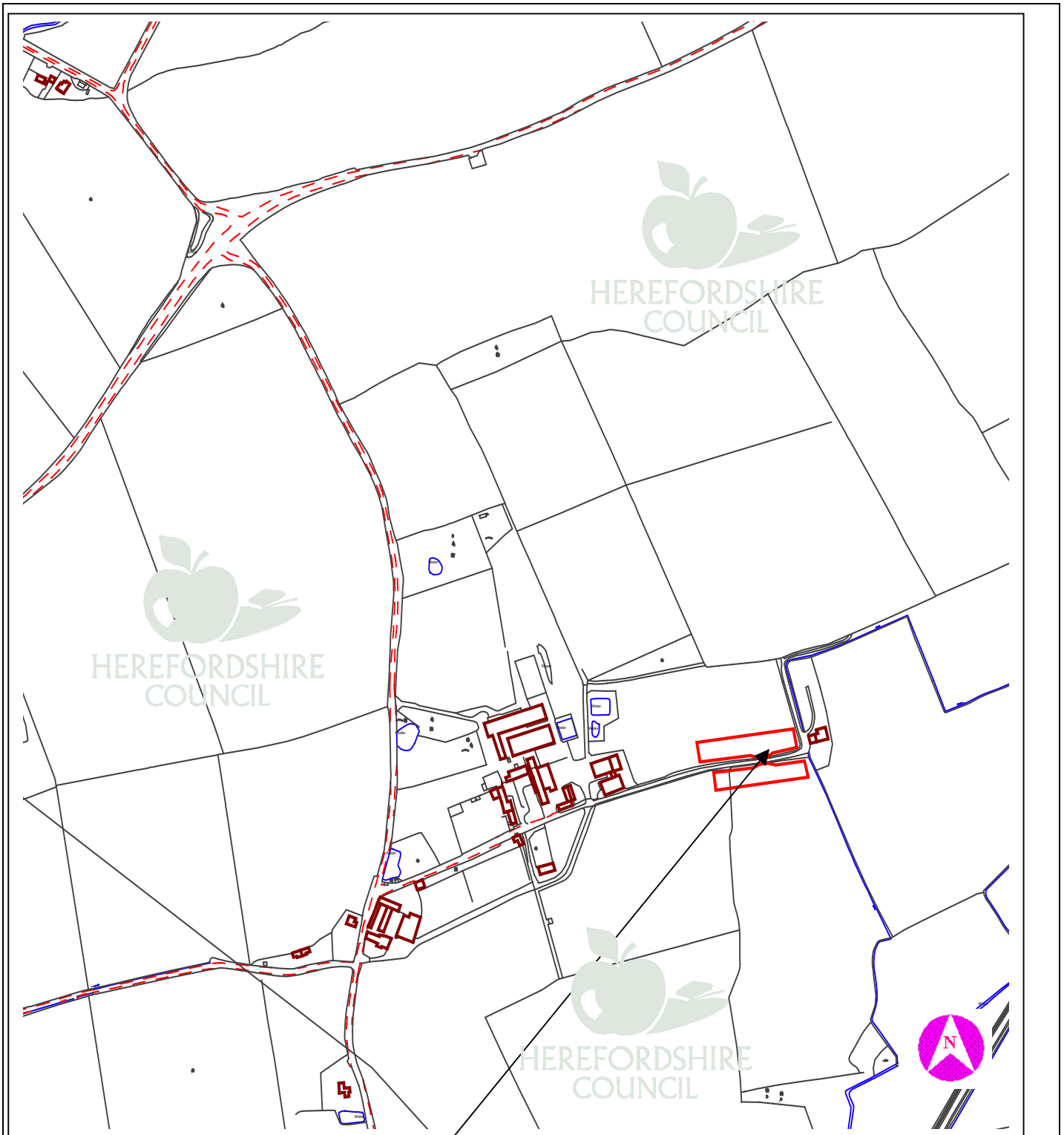
- Erection of 2 No 1600 bird free range egg laying units

Thinghill Court, Withington, Herefordshire, HR1 2QG

1. The developer covenants with Herefordshire Council to enter into an agreement to ensure that all traffic associated with the development shall travel to and from the site via the A465 only and shall access the development via the southern access. The agreement shall include details of the method(s) by which the agreement shall be complied with. The traffic routing and means of access shall be clearly identifying on a scaled plan and attached to the agreement.
2. 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.
3. The developer shall complete the Agreement by 3rd January 2007 otherwise the application will be registered as deemed refused.

Russell Pryce - Principal Planning Officer
Peter Yates - Development Control manager

29th November 2006



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APPLICATION NO: DCCE2006/3200/O

SCALE : 1 : 7000

SITE ADDRESS : Thinghill Court, Withington, Hereford, Herefordshire, HR1 3QG

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10 DCCE2006/3471/F - CONVERT EXISTING HOUSE PRESENTLY DIVIDED INTO THREE FLATS TO SIX FLATS AT NEWCOURT PARK WITH CHANDOS HOUSE, LUGWARDINE, HEREFORD, HR1 4DP

For: Ms. E. Seymour & Ms. S. Hickie per J.E. Smith, Parkwest, Longworth, Bartestree, Hereford. HR1 4DF

Date Received: 30th October, 2006

Ward: Hagley

Grid Ref: 54228, 41185

Expiry Date: 25th December, 2006

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The site is accessed via a tarmac drive off the A438, just north of Lugwardine bridge around 1/2 kilometre west of Lugwardine village. Newcourt Park is a manor house which sits in a prominent and elevated position and is Grade II* listed. The property dates from the early 18th Century and was remodelled in a gothic style in 1809 with an earlier timber framed core and provides accommodation on three floors. Immediately to the north and attached to the principle dwelling are a range of former agricultural buildings which have now been converted to residential use and generally are occupied independently of the property. As well as being Grade II* listed the surrounding grounds are registered as a historic park and garden with all of the mature trees being protected by individual or group tree preservation orders.
- 1.2 Planning permission is sought for the sub-division of the existing original listed building to create six separate self-contained flats comprising one one-bedroom, four two-bedroom and one three-bedroom properties. A new parking area is proposed within the immediate curtilage east of the listed building and a new section of driveway running north from the existing access drive is also proposed to provide access via unclassified road 72416 (Cotts Lane).

2. Policies

- 2.1 PPG15 – Planning and the Historic Environment
- 2.2 Hereford Unitary Development Plan (Revised Deposit Draft)
- S1 – Sustainable Development
 - S2 – Development Requirements
 - S6 – Transport
 - S7 – Natural and Historic Heritage
 - DR1 – Design
 - DR3 – Movement
 - H16 – Car parking
 - H17 – Sub-division of Existing Housing
 - T8 – Road Hierarchy
 - LA4 – Protection of Historic Parks and Gardens
 - LA5 – Protection of Trees, Woodlands and Hedgerows

- HBA1 – Alterations and Extensions to Listed Buildings
- HBA4 – Setting of Listed Buildings

3. Planning History

CE2005/3534/F & CE2005/3535/L - Divide building into 8 flats - Application withdrawn 13.12.2005

CE2005/2577/U - Existing use of separate dwelling, Honeybear Cottage, Lugwardine (attached to Newcourt) - Approved 27.9.2005

CE2004/2805/F & CE2004/2806/L - Conversion of outbuildings to three-bedroomed cottage – Planning and listed building consent approved 13.1.2005

SH961077PF - Change of use of old stable building from storage use into ancillary accommodation - Approved 28.10.96

SH931089LA - Re-opening of blocked window into dining room, opening doorway from kitchen into same - Approved 4.10.93

SH930689LA - Minor alterations to outhouses to incorporate as additional rooms into dwelling - Approved 7.7.1993

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage - We do not wish to comment in detail but suggest the Council should satisfy themselves that compliance with building regulations is feasible before granting permission.
- 4.2 Hereford and Worcester Garden Trust - No comments received.

Internal Council Advice

- 4.3 Traffic Manager - The closure of the access onto the A438 near the bridge would be desirable and should be requested. However, with the provision of the alternative access and recent 30 mph speed restriction introduced from west of the bridge, I cannot insist on this on highway safety grounds. Recommend approval subject to condition requiring the visibility of the existing access onto Cotts Lane to be improved.
- 4.4 Private Sector Housing - Some flats have egress from bedrooms into an area of higher fire risk i.e. living rooms.
- 4.5 Conservation Manager - This is a fine gothic mansion with an earlier timber framed core. It is most important and has some particularly fine rooms including the main reception hall and timber panelled bedroom on the first floor. Whilst acceptable in principle there are a number of changes that are required regarding the detail of the works such as the detail of the doors to be permanently closed and some of the noise insulation requirements.

A Tree Preservation Order also protects the trees within the grounds and therefore a full tree survey is required to ensure the car park would not be detrimental to the

important trees, the surface material for this car park should also be agreed so as not to be detrimental to the setting of the listed building.

4.6 Landscape Officer - comments are awaited.

5. Representations

5.1 Lugwardine Parish Council - We have no concerns about the alterations to the house. However, we are concerned about the proposed access and its affect on the neighbouring properties.

5.2 Three letters of objection have been received from Mr Bamford, New Court Farm, Cotts Lane, Lugwardine, Mr Harrison, Three Penny Bit Cottage, Lugwardine and Mrs Gallagher of Candleshoe, Lugwardine. The main points raised are:

- Extra traffic using existing access onto Ledbury Road is a concern.
- The existing access is already overused and very dangerous
- We object to any increase traffic using the existing drive. As a new access is proposed the existing drive must be block off, if the existing drive is not blocked off there will be no way of controlling traffic using the existing drive and which will put myself and my family in greater danger than is now the case.
- I am the owner of the access road presently providing access to Newcourt and I have no intention of agreeing to any change to the access or the planting of any further trees on my land.
- The existing property is only occupied as two rather than three residences.
- If permitted, passing bays are required on the existing access drive.

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

6. Officers Appraisal

6.1 This application is accompanied by an application for Listed Building Consent reference CE2006/3473/L relating to the physical alterations to the Listed Building. However, as no objections have been received to the works to the Listed Building this report only relates to the planning application and specifically the access arrangements.

6.2 With regards to the works to the Listed Building, these are relatively minor as the existing layout of the property is such that it can be sub-divided within minimal alterations to the fabric of the building. Where alterations are proposed such as closure of existing openings, existing doors including doorframes and architraves are to be retained to ensure that the appearance, character and integrity of the building is safeguarded. Minor alterations and further information is required to address the concerns of the Conservation Officer. The applicant's have agreed to the necessary alterations and further information and amended plans are awaited at the time of writing.

6.3 It is proposed that the development will be served by the existing access north of Lugwardine Bridge with proposals to create a second access off Cotts Lane entailing the construction of a new section of driveway. Concerns expressed by objectors relate to the possible intensification of the use of the existing access. It is acknowledged by the Traffic Manager that visibility from the existing access is substandard and therefore any increase in its use is of concern. However, the Traffic Manager does not consider

that the impact of additional traffic is so significant as to warrant closure of the existing access. This conclusion has been drawn having regard to the recent introduction of the 30 mph speed limit through Lugwardine and Bartestree and also the proposed creation of the new access onto Cotts Lane. The result of which is that the amount of traffic using the existing access is likely to be reduced as some traffic will be displaced to the new access particularly that travelling in an easterly direction. Notwithstanding this, the suggestion has been made to the applicant but they are not in a position to agree to the closure of the access principally as they do not own the access road and there are other third party interests who have vehicular access rights. Furthermore, the owner of the access road has also confirmed in writing that he would not be prepared for the access to be closed.

- 6.4 Therefore, as the Traffic Manager does not object on highway safety grounds, the proposal is considered acceptable subject to the concerns of the Conservation Manager being satisfied with the submission of additional details and amended plans.

RECOMMENDATION

Subject to receipt of suitably amended plans and additional information addressing the concerns of the Conservation Manager the Officers named in the scheme of delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by Officers.

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

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

2. **Details of the specification for the new access driveway shall be submitted for the approval in writing of the local planning authority prior to the commencement of the development hereby permitted. The proposed new access/driveway shall be constructed in accordance with the approved specification and made available for use prior to commencement of any other development.**

Reason: In the interests of highway safety.

3. **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.

4. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

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

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

Informatives

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

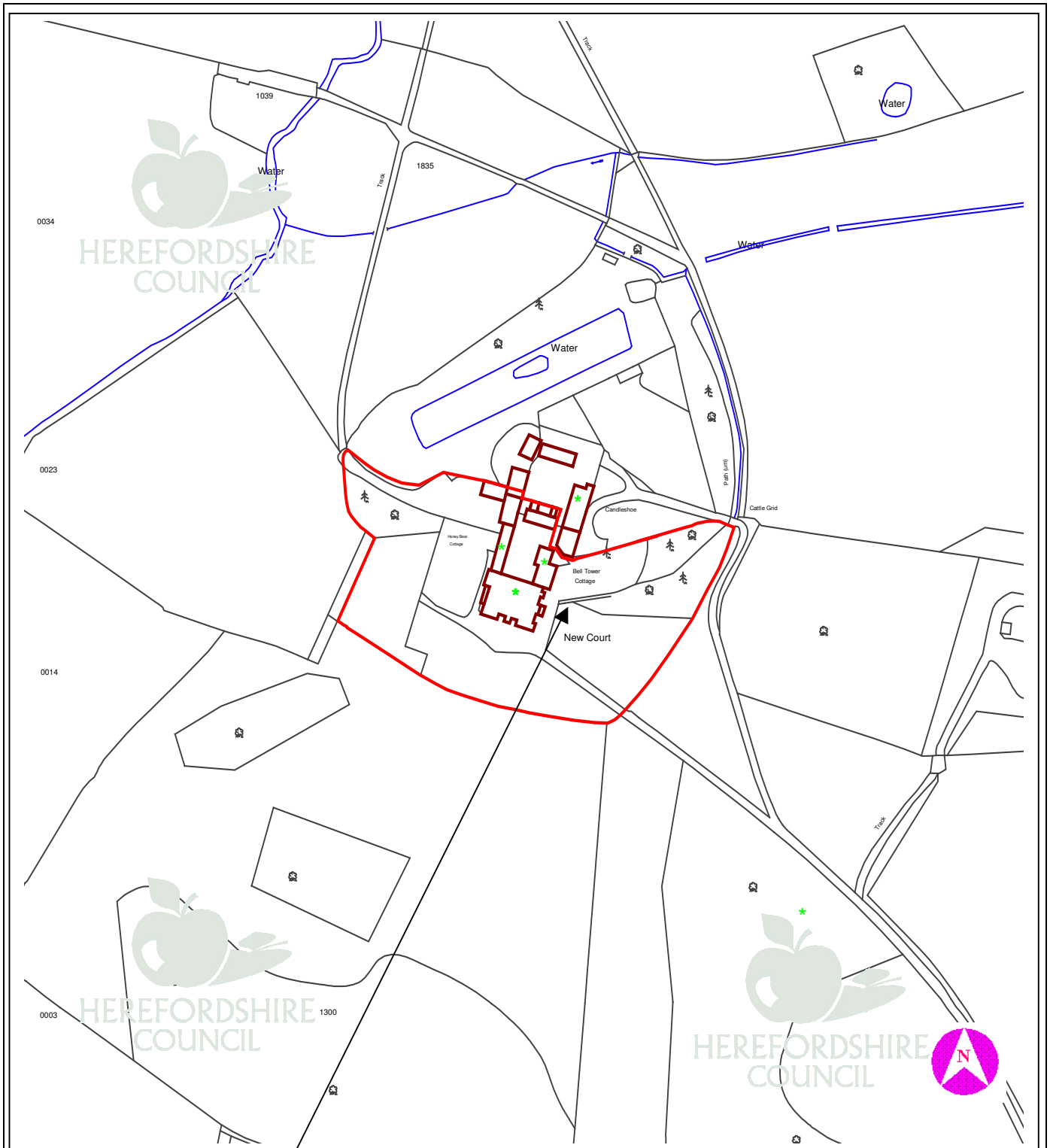
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3471/F

SCALE : 1 : 2500

SITE ADDRESS : Newcourt Park with Chandos House, Lugwardine, Hereford, HR1 4DP

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

11 DCCW2006/3160/F - PROPOSED IMPROVEMENTS TO EXISTING ACCESS AND TURNING FACILITIES AT TASTE FOR ADVENTURE CENTRE, THE HAFOD, CREDENHILL, HEREFORD, HR4 7DA

For: Taste for Adventure per Mr. Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 2nd October, 2006 Ward: Credenhill Grid Ref: 46084, 43274

Expiry Date: 27th November, 2006

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 This site is located on the western side of the A480 Stretton Sugwas to Credenhill road opposite Orchard House, Credenhill.
- 1.2 The proposal is to provide additional parking (17 spaces) together with an enhanced on-site turning head and improvements to the access onto the main road. The parking will be created opposite the existing parking bays and run parallel thereto. The additional area is 7 metres wide by 58 metres long.

2. Policies

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

Policy S6	-	Transport
Policy S8	-	Recreation, Sport and Tourism
Policy DR1	-	Design
Policy LA5	-	Protection of trees, woodlands and hedgerows
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision

3. Planning History

- 3.1 SH941200PF Change of use from stables to dwelling. Approved 23rd November, 1994.
- 3.2 SH960815PF Change of use from residential to outdoor educational and residential centre. Approved 23rd January, 1997.
- 3.3 SC980317PF Proposed new storage building. Approved 27th August, 1998.
- 3.4 CW1999/2150/F Continued use of outdoor educational and residential centre and erection of extension to form lecture room and office. Approved 30th September, 1999.

- 3.5 CW2001/3418/F Proposed over 60's and activity building, extension to stores and toilets and outside cycle track. Withdrawn 14th February, 2002.
- 3.6 CW2002/0986/F Proposed extension to stores and toilets. Approved 26th June, 2002.
- 3.7 DCCW2006/0976/A Location sign on building - retrospective. Approved 12th May, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.

5. Representations

- 5.1 Credenhill Parish Council: No comments received.
- 5.2 Defence Estates: No objections.
- 5.3 One letter of objection has been received from Mr. & Mrs. P. Prosser, Orchard House, Credenhill. The main points raised are:-
1. The proposal will increase traffic to the Centre.
 2. Enhanced access will lead to greater volumes of traffic and associated pollution from fumes together with an increase in noise.
 3. The enhanced entrance would allow vehicles to pull off the road when the Centre is closed creating concerns of safety.
 4. The increase in use of the access will result in loss of privacy.
 5. Local amenity will be impacted upon by the increase in commercial activity.

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

6. Officers Appraisal

- 6.1 This proposal seeks to provide a safer access into The Taste for Adventure Activity Centre whilst at the same time provide for enhanced parking and turning facilities. The revised access will provide for a 10 metre radius entrance which will therefore create an enhanced splayed entrance which will have a maximum gradient of 1.12. This enhanced splay will enable vehicles to pull clear of the highway before entering the site and is supported by the Traffic Manager. When the Centre is closed it is acknowledged that this proposal would enable vehicles to pull off the highway, a

concern of the neighbour. However vehicles can do this now, albeit in a more restricted situation and as such, it is not considered that there would be any significant change that would warrant the refusal of planning permission.

- 6.2 The increased parking area runs parallel with the existing parking bays and provides a 7 metre wide and 58 metres long addition with a new turning area. This increase will be seen as part of the existing establishment and considered not to be detrimental to the wider landscape, particularly given the screening across the frontage of the site. In addition the parking is further away from the neighbour's dwelling from the existing hardsurfaced area and is not considered to further impact upon the amenity of that property.
- 6.3 Subject to conditions requiring additional planting retention of the existing hedgerow and controlling any floodlighting, the proposal is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **A09 (Amended plans) (2nd November 2006).**

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

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

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

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

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

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

Reason: To safeguard the amenity of the area.

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

Reason: To safeguard local amenities.

Informatives:

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

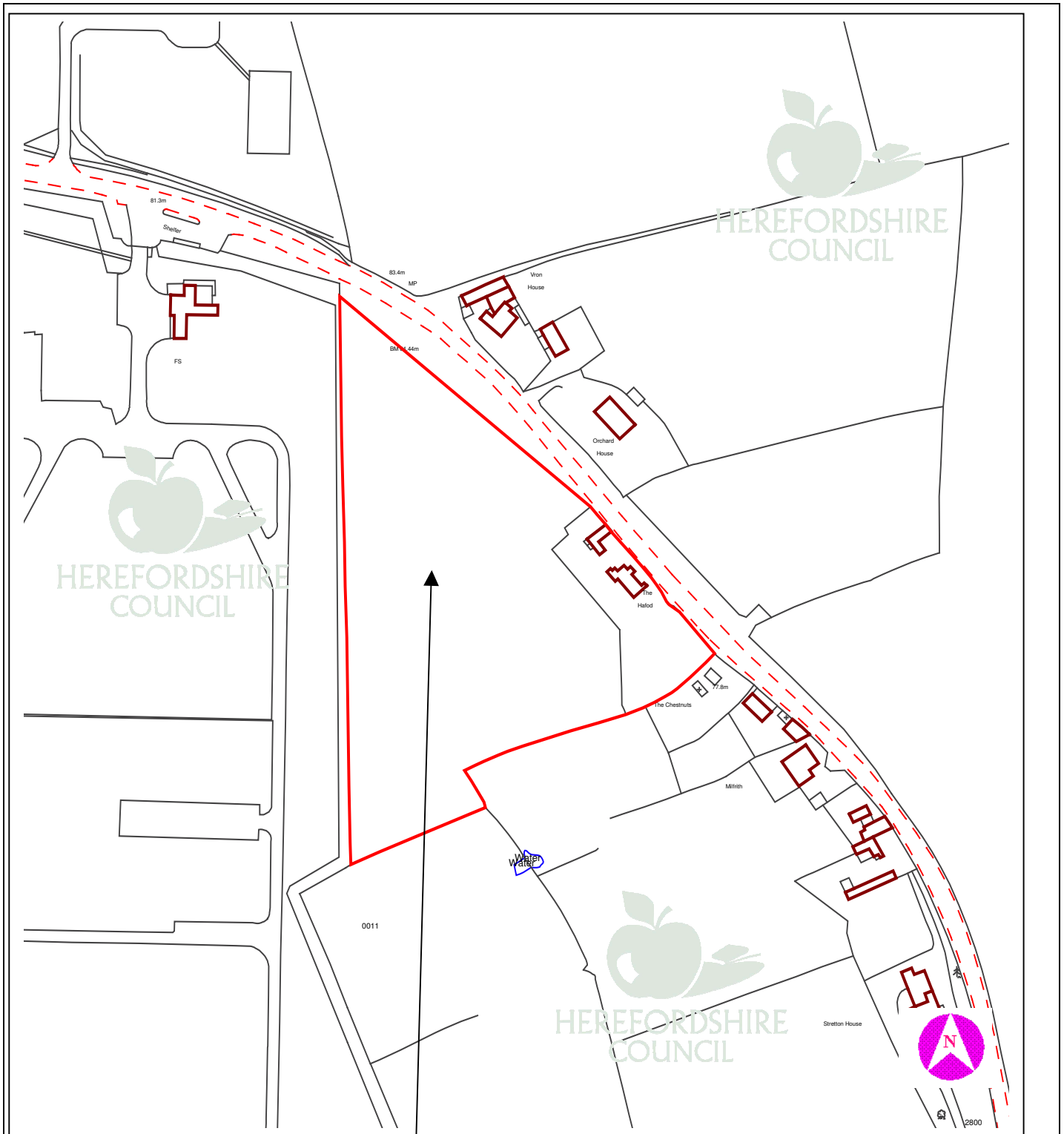
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3160/F

SCALE : 1 : 2500

SITE ADDRESS : Taste for Adventure Centre, The Hafod, Credenhill, Hereford, HR4 7DA

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12 DCCW2006/3387/O - NEW DWELLING AT BANNUT TREE COTTAGE, STATION ROAD, CREDENHILL, HEREFORD, HR4 7DW

For: Mr. P. Walsh, Bannut Tree Cottage, Station Road, Credenhill, Hereford, HR4 7DW

Date Received: 20th October, 2006

Ward: Credenhill

Grid Ref: 44959, 43421

Expiry Date: 15th December, 2006

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 This site is located on the western side of Station Road, Credenhill between Bannut Tree Cottage and Model Cottage. The proposal is to develop the site with one dwelling. The outline planning application seeks approval of the principle of developing the site together with its access. All other matters are reserved for subsequent approval.
- 1.2 The site is raised above road level and has a mature roadside hedge at the back of the pavement. It is presently used as a lawn and vegetable garden serving Bannut Tree Cottage. The access will be sited adjacent to the boundary with Model Cottage and will require the removal of the hedge. It is proposed to replace this with a new stone wall to match that in front of Bannut Tree Cottage. The site area is approximately 14 metres wide by 18 metres deep.

2. Policies

2.1 National:

PPS1 - Delivering Sustainable Development
PPG3 - Housing

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1 - Sustainable Development
Policy S3 - Housing
Policy DR2 - Land Use and Activity
Policy H4 - Main Villages: Settlement Boundaries
Policy H13 - Sustainable Residential Design
Policy H14 - Re-using Previously Developed Land and Buildings

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Raise no objections subject to conditions to ensure that foul water and surface water are drained separately from the site and that the public sewer crosses part of the site.

Internal Council Advice

- 4.2 Traffic Manager: Confirms that the whole hedge will need to be removed and turning facilities will need to be provided on site.

5. Representations

- 5.1 Credenhill Parish Council: Comments awaited.
- 5.2 One letter of objection has been received from Mr. & Mrs. Jones, Model Cottage, Station Road, Credenhill. The main points raised are:
1. To infill will spoil the character of the area in an already densely housed village.
 2. The site is one metre higher than Model Cottage and would therefore impose.
 3. The cluster of houses in the area causes an echo of noise created by traffic and another property would worsen the situation.
 4. Questions the adequacy of the foul drain.
 5. The entrance will not meet highway standards and is adjacent and opposite other entrances causing a highway danger.
 6. Light will be lost.

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. Officer's Appraisal

- 6.1 The proposal to develop this site with one dwelling falls to be considered mainly under Policies H4 and H14 of the emerging Herefordshire Unitary Development Plan. Policy H4 confirms Credenhill as a main village where new residential development is permitted within the identified settlement boundary. It also confirms that priority is given to previously developed land including windfall sites. This site is included within the settlement boundary and is classified as previously developed land (brownfield site) as it is within the curtilage of a dwelling. The principle of developing the site is therefore broadly supported by policy.
- 6.2 The two other key issues to consider are the impact on highway safety and the residential amenity of the occupier of Model Cottage.
- 6.3 The Traffic Manager confirms that a suitable access can be formed and recommends conditions. This will require the removal of the hedge. However the proposal is to

replace this with a new stone wall. The character of the area north of this site is defined by stone boundary walls and therefore the revised impact on the street scene is considered acceptable together with the new access. It should be noted that the hedgerow is not one that is protected by the Hedgerow Regulations and ultimately could be removed without seeking the approval of the local planning authority.

- 6.4 Model Cottage has a landing window at first floor level in the end gable with windows on the ground floor. Any design of a new dwelling can ensure that no windows are placed in the end gable facing this property and thereby maintain adequate levels of privacy.
- 6.5 The difference in ground levels is noted. However this is not considered sufficient to warrant a refusal. Again the careful design of the new dwelling can mitigate its impact and a condition requiring slab level details to be agreed is proposed.
- 6.6 Finally, consideration of the land to remain with Bannut Tree Cottage has been assessed and considered acceptable in terms of it offering a satisfactory garden/amenity area for both the existing and proposed property.

RECOMMENDATION

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

1. **A02 (Time limit for submission of reserved matters (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. **A03 (Time limit for commencement (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. **A04 (Approval of reserved matters) (delete access).**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4. **A05 (Plans and particulars of reserved matters) (delete access).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

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

6. **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.

7. **H03 (Visibility Splays) (2.4 x 90).**

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. H09 (Driveway Gradient).

Reason: In the interests of highway safety.

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

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

Informatives:

- 1. HN5 - Works within the highway.
- 2. N19 - Avoidance of doubt.
- 3. N15 - Reason(s) for the Grant of Planning Permission

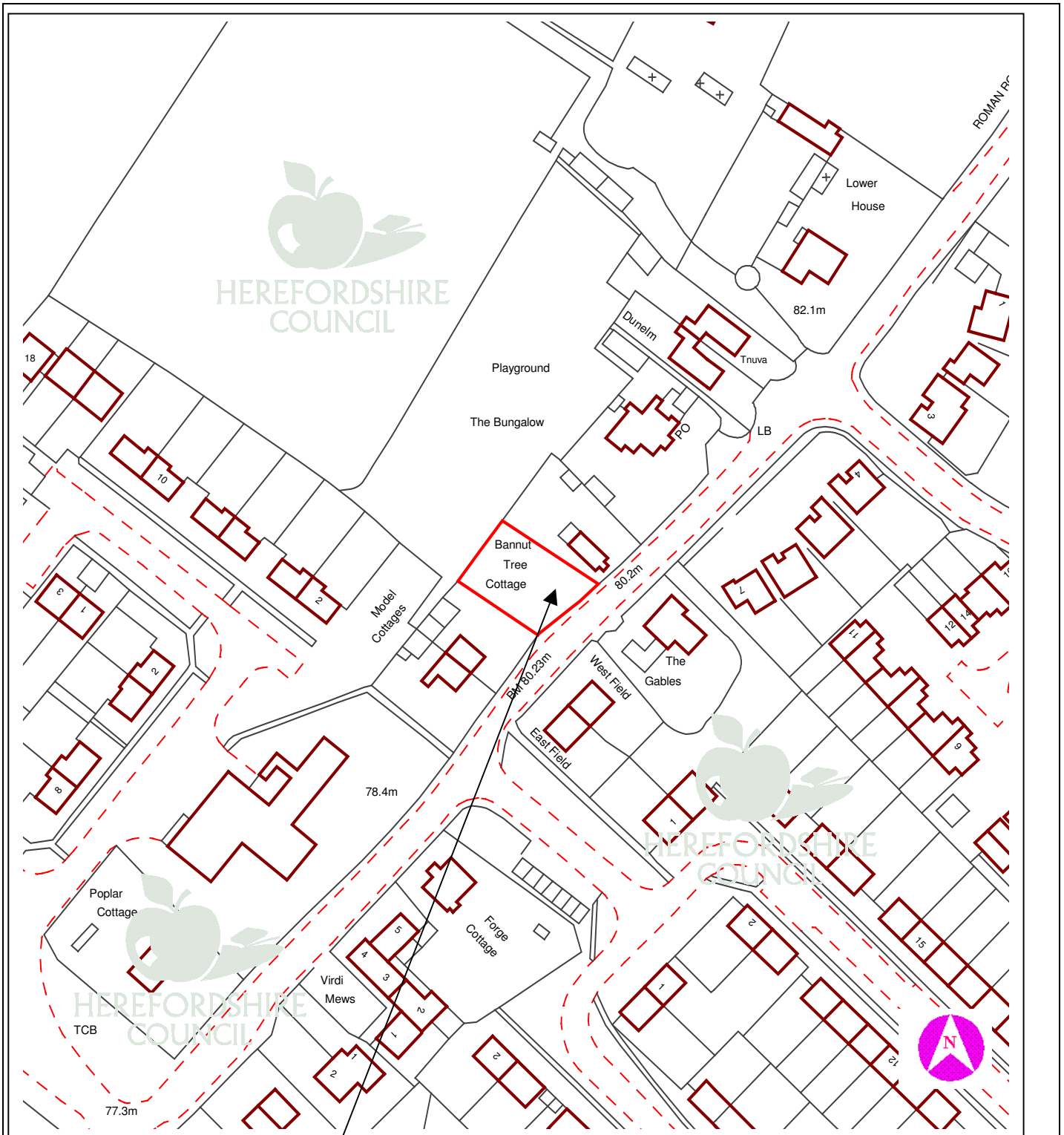
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3387/O

SCALE : 1 : 1250

SITE ADDRESS : Bannut Tree Cottage, Station Road, Credenhill, Hereford, HR4 7DW

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13 DCCW2006/3276/F - PROPOSED FIRST FLOOR EXTENSION AT 225 ROMAN ROAD, HOLMER, HEREFORD, HR4 9QT

For: Mr. & Mrs. R. Chamberlain per Daniel Forrest, 2 Broomy Hill, Hereford, HR4 0LH

Date Received: 9th October, 2006 Ward: Three Elms Grid Ref: 49930, 42172

Expiry Date: 4th December, 2006

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

1. Site Description and Proposal

- 1.1 No. 225 Roman Road is located on the eastern side of the junction of Aylesbrook Road and Roman Road. It is a two-storey detached dwelling with a single garage on the side.
- 1.2 The proposal is to build above the garage with a new bedroom and en-suite, and convert the garage into a dining room and store. All openings will face the front or rear with no openings on the side.
- 1.3 No. 223, a semi-detached dwelling is located to the east, with a gap between buildings of approximately 2 metres.
- 1.4 The new extension would have a lower ridge line and be set back from the front and rear facade. External materials are to match.

2. Policies

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

Policy DR.1 - Design
Policy H.18 - Alterations and Extensions

3. Planning History

- 3.1 No recent history.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Transportation Manager raises no objection.

5. Representations

5.1 Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the parish of the City of Hereford. The City Council has no objection to this application for planning permission.

5.2 One letter of objection has been received from:

Mrs. J.R. King, 223, Roman Road, Holmer, Hereford.

The main points raised are:

- reduced privacy
- reduce natural light

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

6. Officer's Appraisal

6.1 This proposal is a side extension to the dwelling and it has been designed to ensure it is subordinate and the character of the main dwelling is retained. In addition, all external materials are to match and no windows are proposed in the side elevation. The new en-suite is proposed to the rear and a condition to ensure obscure glazing is proposed to protect privacy.

6.2 Therefore the only issue remaining is the loss of light. The ground floor window of the neighbouring property (No. 223) is a secondary window into the kitchen and whilst light will be reduced it is towards the southern end of the dwelling where natural daylight levels will be greater. At first floor level the windows provide light for a bathroom and again are situated towards the southern end. Whilst it is acknowledged that light will be reduced it is not into main rooms and is not considered sufficient to warrant a refusal in this instance.

6.3 Accordingly, whilst the comments of the neighbour are noted, the proposal is considered to satisfy the policy requirements.

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. B02 (Matching external materials (extension)).

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

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

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

- 4. **E19 (Obscure glazing to window).**

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

Informatives:

- 1. **N19 - Avoidance of doubt.**
- 2. **N15 - Reason(s) for the Grant of Planning Permission.**

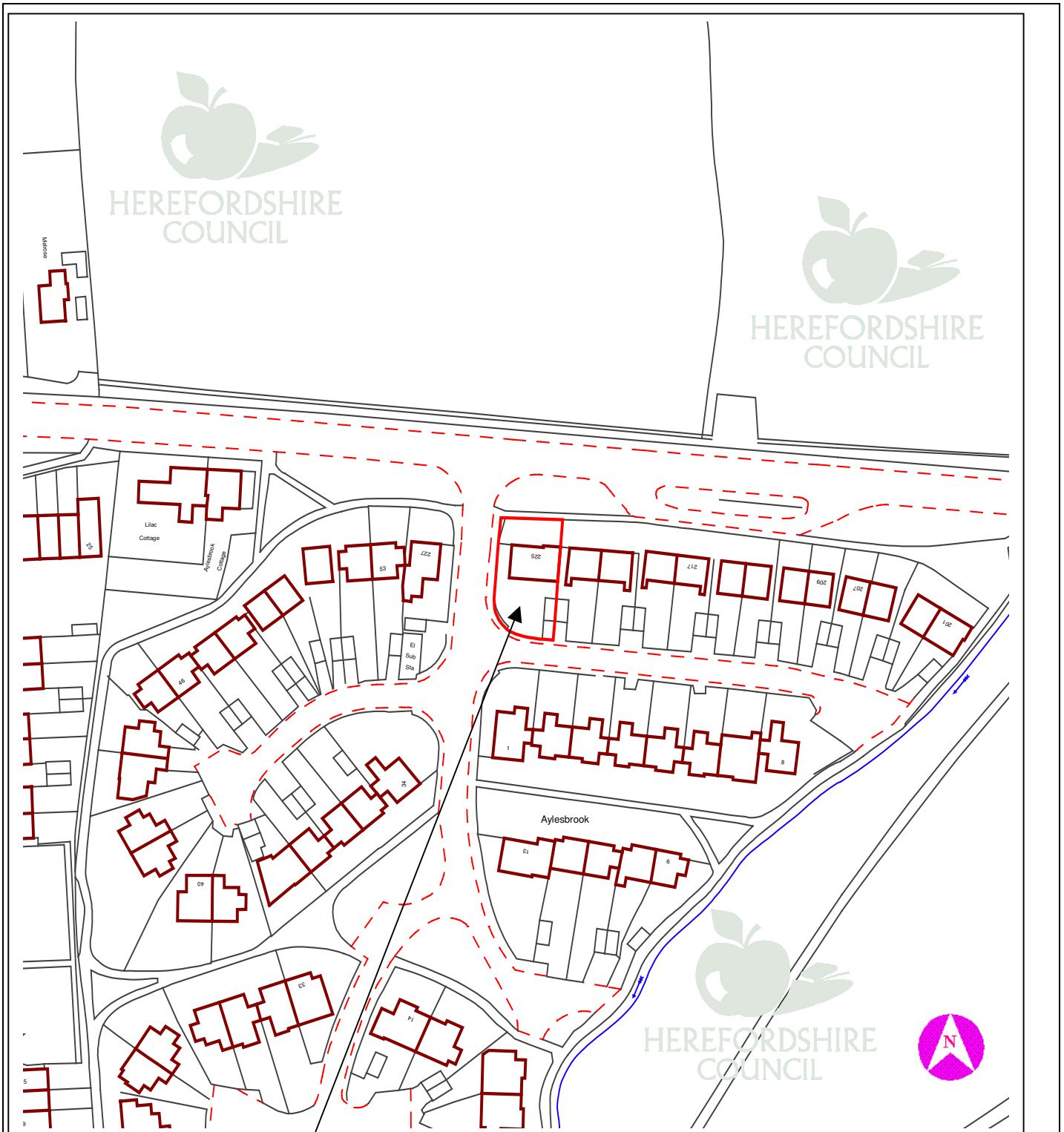
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3276/F

SCALE : 1 : 1250

SITE ADDRESS : 225 Roman Road, Holmer, Hereford, Herefordshire, HR4 9QT

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14 DCCE2006/3614/F - VARIATION OF CONDITION 4 OF PLANNING CONSENT REF NO DCCE2006/2424/F TO PERMIT MOVEMENT OF CARTS AND SUPPORT VEHICLES IN THE YARD, AND INTO AND OUT OF THE YARD BETWEEN 6.00AM AND 10.00PM 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET

For: Mr. J. Gardner, RPS Planning, Highfield House, 5 Ridgeway, Quinton Business Park, Birmingham, B32 1AF

Date Received: 15th November, 2006 Ward: Central Grid Ref:51447, 40097

Expiry Date: 10th January, 2007

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 This application seeks permission for the variation of Condition 4 attached to planning permission DCCE2006/2424/F. The application relates to a commercial activity at No. 10 Kyrle Street, Hereford. Activities on site originally commenced following planning permission granted by virtue of application CE1999/2467/F that allowed an area of hardstanding for a mixed residential/commercial parking use and the use of existing residential sheds for conducting a sign writing business. A subsequent application, DCCE2003/0405/F, secured permission to vary this permission to allow for storage of four coffee bar trailers and one swing boat trailer as opposed to the previous arrangement which allowed for two coffee bars trailers and one swing boat trailer. More recently, application DCCE2006/2424/F secured permission to vary Conditions 1 and 2 of application DCCE2003/0405/F, thereby allowing the storage of 4 mobile coffee carts, 1 freezer cart, 1 fridge car, and 4 non-HGV associated support vehicles. This permission was subject to conditions, No. 4 of which states:

‘Notwithstanding the connections of the freezer and fridge carts to a mains power supply, the coffee carts and support vehicles described in the description of development shall not be moved or operated in the yard or moved into or out of the yard before 7am or after 9pm on any day except in the case of emergency.

Reason: To safeguard the amenities of the locality.’

This application now seeks to vary this condition to allow the aforementioned coffee carts and support vehicles to be moved or operated in the yard, or moved into or out of the yard no earlier than 6am or after 10pm on any day except in the case of emergency.

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

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

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

3. Planning History

- 3.1 CE1999.2467/F - New hardstanding for both residential and commercial (non-HGC) parking to include a 16ft trailer mounted set of swingboats. Use of existing residential shed for conducting family signwriting business. Approved 19th January, 2000.
- 3.2 DCCE2003/0405/F - Retention of existing sheds and variation of Condition 2 of planning permission CE1999/2476/F to permit storage of mobile coffee bars and trailer mounted swing boats. Approved 11th June, 2003.
- 3.3 DCCE2006/2424/F - Variation of Conditions 1 and 2 of planning permission DCCE2003/0405/F to permit the storage of 4 mobile coffee carts, 1 freezer cart, 1 fridge cart, and 4 non-HGV support vehicles. Approved 25th September, 2006.

4. Consultation Summary

- 4.1 At the time of writing it is recognised that the consultation period has not expired but in view of concerns raised with the recent application it was considered expedient to produce a report since the issues are well known. Any additional comments raising material considerations will be verbally reported.

Statutory Consultations

- 4.2 None.

Internal Council Advice

- 4.3 Environmental Health Manager: No response to date.
- 4.4 Traffic Manager: No objections.

5. Representations

- 5.1 Hereford City Council: No response.
- 5.2 Local Residents: A letter of support has been received from Hereford Tyres Ltd, which is found on the boundary to the south of the application site.
- 5.3 In support of this application a supporting statement was submitted, the contents of which can be briefly summarised as follows:
1. The requested extension in hours is absolutely essential to enable the Coffee Cart Co to continue to operate as a viable business;

2. An extended temporary permission is also requested, particularly having regard to the limited timescale associated with the extant business;
 3. Kyrle Street is not a primarily residential street with a variety of commercial activities in close proximity of the site;
 4. A number of premises on Commercial Road are accessed via Kyrle Street, including extended hours licensed uses, with associated HGV movements;
 5. The site is also a residential property occupied not by the applicant/owner, but by his parents;
 6. The site is established and well maintained;
 7. Vehicle movements and associated noises are low;
 8. One of the Coffee Carts is licensed by Herefordshire Council to operate in High Town. This has been undertaken for 8 years running from 7am (8am on Saturdays), To get on site and set up departure from the application site must be at 6am;
 9. The licence permits the service between 6am and 9pm and have been issued annually for the last 8 years without debate or discussion;
 10. Other carts are used for 'events' nationally and as such need flexibility in hours;
 11. No objections were received from the Environmental Health Manager to the previous application and, although monitoring and loading/unloading restrictions were requested, no restriction on hours of operation were requested;
 12. Condition 7 attached to permission DCCE2006/2424/F requires approval of noise control measures and will ensure appropriate noise control;
 13. The variation of Condition 4 is for real and reasonable business needs and are necessary to allow the business to continue to operate and compete;
 14. The hours variation is to allow the business to continue to operate within its existing contracts;
 15. A 2 year period is considered appropriate to allow for effective monitoring;
 16. The 'fallback' (DCCE2003/0405/F) allows for fewer carts to be stored, but places no hours of restriction, either on the hours of operation or the loading/unloading.
- 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. Officer's Appraisal

- 6.1 The commercial activities on this site, including the units stored and the areas of operation, are established and accepted by virtue of the existing planning history. The matters for consideration are limited to the request to extend the hours of operation by 1 hour at each end of the day, and the question of the length of time appropriate for a temporary permission,
- 6.2 This application seeks permission for an extension in the hours of activity on site to allow the business to operate and comply with the requirements of its existing contracts. Of particular note is the operating of a coffee cart in High Town. In accordance with a licence from Herefordshire Council. This operation commences on site at 7am weekdays, necessitating a departure from the application site at 6am. Of further consideration are the country wide activities of this business, which will at times necessitate a departure earlier than 7am.
- 6.3 The Environmental Health Manager has confirmed previously that although complaints have been received regarding this business, these have not been substantiated following investigation. It is significant that previously the Environmental Health Manager requested restrictions upon deliveries, but not hours of operation. It is

assessed that the conditions suggested will allow for effective monitoring of the activities on site and the issuing of a temporary permission will allow for the review of operations and restrictions on site.

- 6.4 The limited variation in hours is considered reasonable having regard not only to the existing business operations on site, but also to the advice of the Environmental Health Officer and the safeguards in place through the effective conditioning of this permission.
- 6.5 Turning to the temporary permission status, it is suggested that 2 years is reasonable in consideration of the need to balance the desire to review the activities on site at an appropriate time against the need to be reasonable and considerate of the business implications of an excessively short time restriction.

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 E02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality.

- 3 Notwithstanding the connections of the freezer and fridge carts to a mains power supply, the coffee carts and support vehicles described in the description of development shall not be moved or operated in the yard or moved into or out of the yard before 6am or after 10pm on any day except in the case of emergency.**

Reason: To safeguard the amenities of the locality.

- 4 This consent shall expire on the 13th December, 2008. Unless further consent is granted in writing by the local planning authority prior to the end of that period, the restrictions on activities on site shall revert to those as approved by virtue of planning permission DCCE2003/0405/F, or DCCE2006/2424/F if said permission has been implemented.**

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

- 5 The permission hereby granted is an amendment to planning permission CE1999.2467/F (as amended by application DCCE2003/0405/F and DCCE2006/2424/F) and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.**

Reason: For the avoidance of doubt.

- 6 Before the development hereby permitted commences a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the**

monitoring of, and control of, noise emanating from the site. The use shall be carried out in accordance with the approved details.

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

informatives:

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

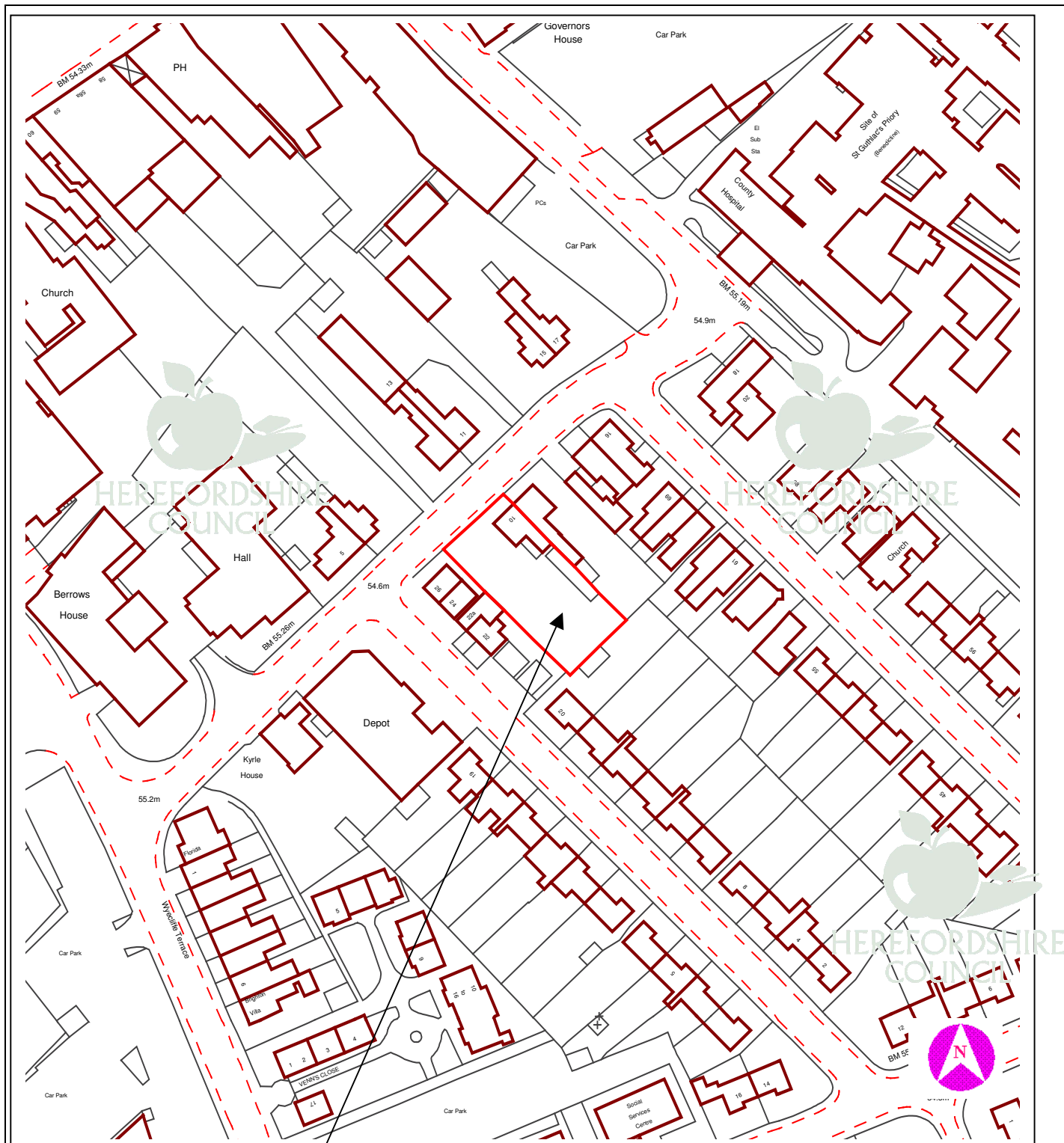
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3614/F

SCALE : 1 : 1250

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

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15 DCCE2006/3313/F - FIRST FLOOR EXTENSION OVER EXISTING GARAGE. 9 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY

For: Mr. & Mrs. S.J. Pellant, Andrew Last, Brookside Cottage, Knapton Green, Hereford, HR4 8ER

Date Received: 13th October, 2006 Ward: Aylestone Grid Ref: 52510, 40303

Expiry Date: 8th December, 2006

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

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a first floor extension to No. 9 Folly Lane, Hereford. The application site is located to the south of Folly Lane within the Established Residential Area. The existing dwelling on site is a detached dwelling with a single storey front projection and an attached single garage to the side.
- 1.2 The proposal seeks permission for the erection of a first floor hipped side addition above the existing garage. It is proposed to finish the extension with bricks and tiles to match the existing property.

2. Policies

2.1 Planning Policy Guidance:

PPS1 - Delivering sustainable development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

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

3. Planning History

- 3.1 DCCE2004/0302/F - Replacement single storey front extension. Approved 16th March, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objections.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Local Residents: Two letters of objection have been received from Mr. K. Mallender, 11 Folly Lane, Hereford. The comments raised can be summarised as follows:
1. Loss of privacy;
 2. Land ownership matters;
 3. Implications of construction process.
- 5.3 A further letter, stating no objection, has been received from Mr. and Mrs. P. Whaley, 7 Folly Lane, Hereford.
- 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 following points represent the key issues associated with this application:
1. Residential Amenities;
 2. Design and Scale;
 3. Visual Amenities.

Residential Amenities

- 6.2 The main issue for consideration in this proposal is the privacy implications of the rear element of this extension. The extension as proposed is close to the site boundary and therefore does offer the potential to compromise the privacy of the area to the rear of No. 11. As originally submitted the application sought permission for French windows at first floor level with an associated 'Juliet' balcony. It was assessed that, notwithstanding the existing relationship, this arrangement would result in an unacceptable impact on the privacy of the rear garden of No. 11. On this basis a revised scheme was requested, and received, with the French windows and 'Juliet' balcony removed. The amended proposal revised the roof arrangement and introduced rooflights. The potential privacy loss from the amended proposal is therefore significantly reduced and, though a limited degree of overlooking may still be possible, the impact is considered to be within acceptable limits. The occupiers of No. 11 remain concerned over the amended scheme and have requested fixed windows for the rooflights. In the circumstances, this is considered unreasonable.

- 6.3 A condition will be attached to ensure that construction takes place during reasonable hours.

Design and Scale

- 6.4 The proposed side extension is designed appropriately having regard to the existing form, though it appears a little awkward to the rear. The issues associated with the residential amenity impact of this addition are noted however, and the design is appropriate in this context. The addition is subservient in appearance and will integrate acceptably into the existing built form with the use of matching materials.

Visual Amenities

6.5 Folly Lane is characterised by properties of varying designs and ages and as such there is no single dwelling form or period to relate to. The positioning of the addition, and its design and scale are such that it is considered that this scheme will not adversely impact upon the street scene or upon the visual amenities of the locality.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B02 (Matching external materials (extension)).

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

3 E18 (No new windows in specified elevation).

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

4 F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

Informatives:

1 N01 - Access for all.

2 N03 - Adjoining property rights.

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

4 N19 - Avoidance of doubt.

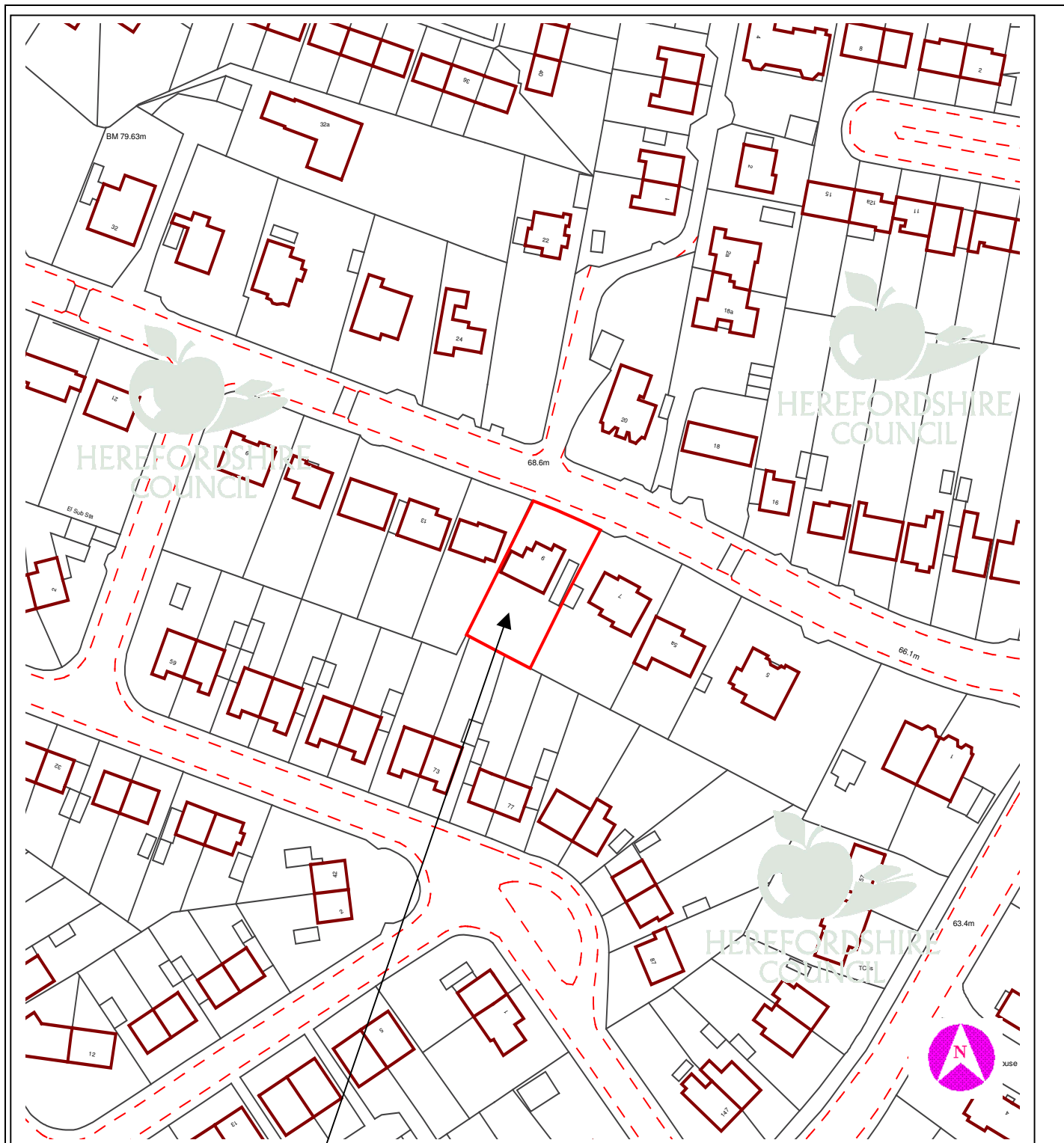
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3313/F

SCALE : 1 : 1250

SITE ADDRESS : 9 Folly Lane, Hereford, Herefordshire, HR1 1LY

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16 DCCE2006/3355/F - CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL OFFICE. BROCKINGTON LODGE, OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1TX

For: Thomas Mawer Ltd, Neil Chapman, 36 Elgar Avenue, Hereford, HR1 1TY

Date Received: 17th October, 2006 Ward: Tupsley Grid Ref: 52577, 39489

Expiry Date: 12th December, 2006

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

1. Site Description and Proposal

- 1.1 This application seeks permission for the change of use of Brockington Lodge from residential use (C3) to commercial office (B1). The existing dwelling is located in a corner position on the junction between Old Eign Hill and Hafod Road and is an 'Arts and Craft' lodge of architectural interest. The existing property is served by a detached double garage, accessed off Old Eign Hill.
- 1.2 Minor works are proposed to vary the internal arrangements and thereby enable the use of the property for office purposes. The access is also intended to be altered to facilitate the provision of adequate off-street parking facilities. The proposed office accommodation is to be occupied by Thomas Mawer Ltd who buy and sell raw materials used in the production of animal feeds. The property is intended to be occupied by 2/3 persons conducting business via the telephone and computers.
- 1.3 This application represents the second submission for this proposal. The first, DCCE2006/2225/F, was withdrawn following concerns raised by the Traffic Manager over the parking arrangements on site.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
DR2	-	Land use and activity
E7	-	Other employment proposals in, within and around Hereford and the market towns

3. Planning History

- 3.1 DCCE2006/2255/F - Change of use of property from residential to a commercial office. Withdrawn 30th August, 2006.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Conservation Manager: No response received.

4.4 Environmental Health and Trading Standards Manager: No objection.

4.5 Economic Development Manager: No response received.

4.6 Forward Planning Manager: No response received.

5. Representations

5.1 Hereford City Council: Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to this area of the parish of the City of Hereford. The City Council also makes the following additional representations: Refuse on the grounds of potential detrimental effect on Established Residential Area.

5.2 Local Residents: Seven letter of objection have been received from local residents. The comments can be summarised as follows:

1. The property is located in a residential area and the proposed commercial use is not appropriate in such an area;
2. The property is located within a Conservation Area and the proposed commercial use will detract from the character and appearance of said area;
3. Insufficient justification for locating a commercial use in this area has been provided;
4. The future use/development of the property and site could adversely impact upon the Conservation Area and residential nature of this property;
5. This permission would establish a precedent in this area for non-residential development;
6. The access to the site, and the nearby road junction, offer poor visibility and its use in association with a commercial operation would be detrimental to highway safety;
7. The property will be vacant overnight, causing an increased security risk for neighbouring properties;
8. The proposal will lead to undesirable on-street parking, to the detriment of highway safety;
9. The introduction of a commercial use in this area would devalue the neighbouring residential uses.

5.3 In support of the application the applicant has provided the following information:

- The proposal is for a low key operation with business carried out on the telephone/computer;
- The business will employ 3 people in the long term, 2 at start-up;

- Visitor numbers are anticipated to be approximately 6 per year based upon the operation currently based in Hull;
- Ample parking for 5 cars is available;
- No alternative office accommodation of the tenure and size required are available;
- Detailed searches have been carried out since January;
- The business has links with Sun Valley and is looking to improve these links with the establishment of a small scale presence in Hereford;
- The site provides good walking access and good public transport access;
- No products would be delivered to the property, it would be used for administrative purposes only;
- Parking would be available for any visitors;
- The property will remain unaltered except for minor internal works;
- It is intended that the property will revert to residential use one Thomas Mawer Ltd vacate the property.

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. Officer's Appraisal

6.1 It is considered that the following matters represent the salient issues for consideration in the context of this proposal:

- Principle of Development;
- Highway Safety;
- Residential Amenity;
- Visual Amenity and Conservation Area Impact.

Principle of Development

6.2 Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy E7 considers employment proposals within and around Hereford and outside of the safeguarded employment locations. This policy advises that such a proposal will be permitted where there are no suitable alternative sites, the scale is appropriate, and within residential areas are for B1 Business Use only. It is of note that the supporting text associated with Policy E7 advises that employment uses can offer a viable use for previously developed buildings.

6.3 In this case the applicant has been searching for an appropriate premise since January 2006. The applicant requires a property for purchase, not rental and has looked for such a premise with the Herefordshire Commercial Property Register, The Hereford Times Property Times, and local Estate Agents. Shortly before the application was submitted, of the 32 properties listed on the Commercial Property Register, 31 were for rent. The property available for sale was an industrial/storage building unsuitable to meet the applicants needs. The applicant has submitted supporting information detailing the property search and, although a response has not been received thus far from the Council's Economic Development Officer, it is significant that he was supportive of the earlier application.

6.4 In respect of the other policy criteria contained within Policy E7 it is confirmed that the proposal involves a B1 Use and is considered appropriate in scale within this predominantly residential environment.

- 6.5 In this case it is therefore considered that the change of use of from residential to office use can be supported.

Highway Safety

- 6.6 The scheme as proposed previously (DCCE2006/2225/F) did not secure the support of the Traffic Manager due to concerns over the access and parking area. This re-submission, submitted following extensive pre-application discussions, revises the arrangements to allow easier access and the provision of an appropriate parking facility. It is not considered that this proposal will result in the generation of unacceptable levels of on-street parking. The Traffic Manager, having regard to the scale of operation proposed, is satisfied that the arrangements are acceptable subject to conditions.

Residential Amenities

- 6.7 It is assessed that the use of this building for an office would have no greater adverse impact upon residential amenities than an intensive residential use. That said, it is recognised that other B1 uses, such as light industry, R&D, and laboratories, could have a more significant impact. A condition to restrict the use to office purposes only is therefore proposed. Of further consideration are the limited operational activities proposed which are low-key in nature. The applicant has confirmed that a personal condition is acceptable and this is considered appropriate, giving greater control over the future use of this premise. On the basis of the above, it is considered that the impact upon residential amenities will be acceptable.

Conclusions

- 6.8 On balance it is considered that the scale of this proposal is such that the impact upon the area will be acceptable. The use of appropriate conditions will ensure that the site is effectively controlled. It is considered that the proposal is in accordance with the provisions of Policy E7 of the Herefordshire Unitary Development Plan and on this basis no issue of precedent exists.

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

Reason: To safeguard the amenities of the locality.

- 3. 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.

4. E27 (Personal condition).

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.

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

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

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

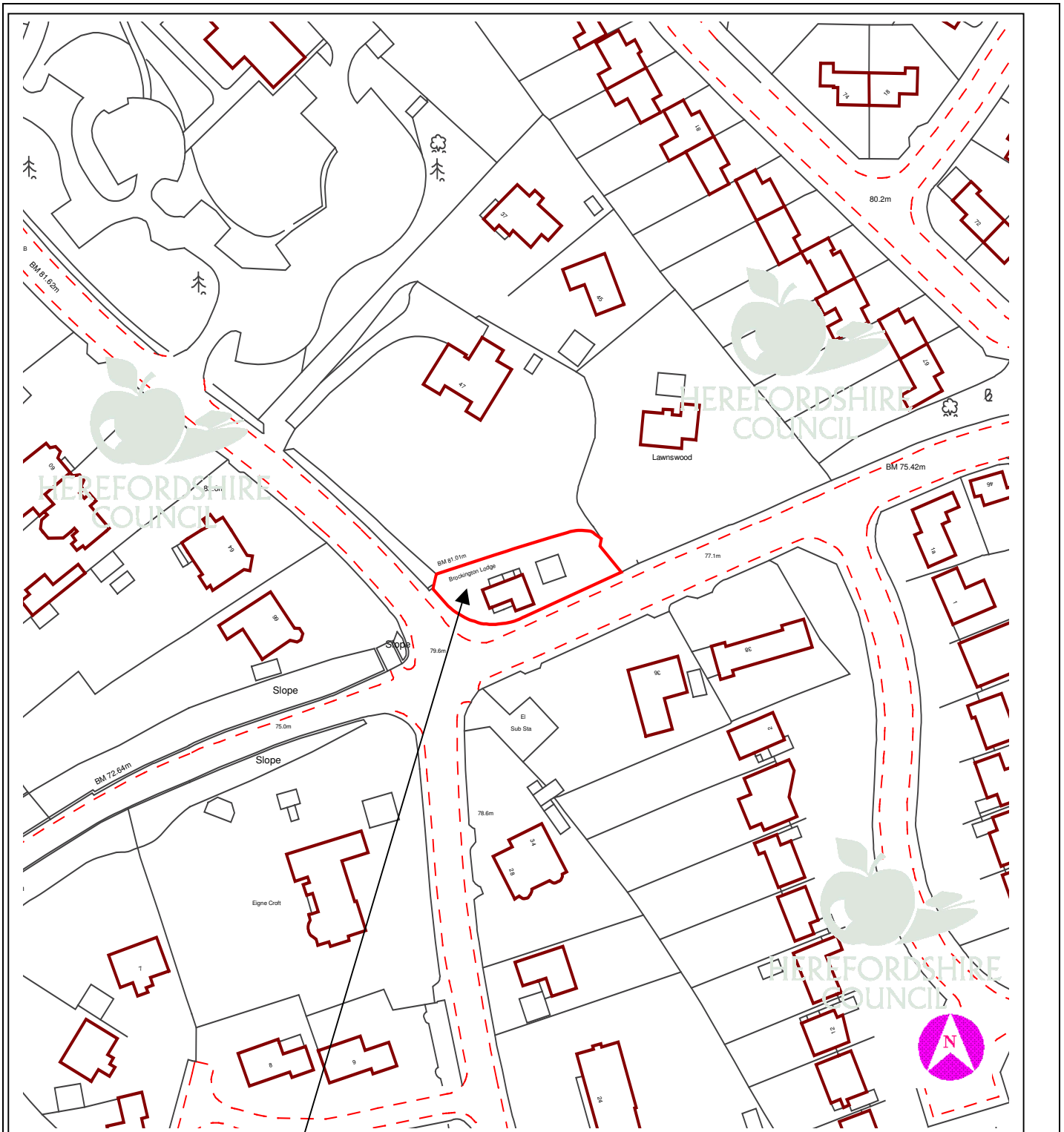
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3355/F

SCALE : 1 : 1250

SITE ADDRESS : Brockington Lodge, Old Eign Hill, Hereford, Herefordshire, HR1 1TX

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17 DCCE2006/2981/F - PROPOSED TWO STOREY EXTENSION. 38 HAMPTON DENE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1UX

For: Mr. & Mrs. Mitchell, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 23rd October, 2006 Ward: Tupsley Grid Ref: 53248, 40015

Expiry Date: 18th December, 2006

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

1. Site Description and Proposal

1.1 No. 38 Hampton Dene Road is a two-storey detached dwelling with a single storey flat roof extension and a carport attached to the east elevation within the Established Residential Area. It is situated in a relatively inconspicuous set back location with mature landscaping to the southern boundary. To the north east are two detached dwellings No. 1 and No. 2 Croome Close, to the north is another detached dwelling, No. 3 Croome Close and to the west is St Paul's Primary School.

1.2 The application seeks planning permission to erect a first floor extension over the existing flat roof single storey extension. A single storey lean-to is also proposed wrapping around to link up with the existing front porch. At the rear the first floor addition would be set back 1.8 metres from the rear wall of the main dwelling. The ridge line of the extension would be 400mm lower than the main dwelling but the eaves level would remain the same. Materials are proposed to match the existing dwelling.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

DR1 - Design
H18 - Alterations and extensions

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objections.

5. Representations

5.1 Hereford City Council: No objections.

5.2 Local Residents: One letter has been received from Mr & Mrs Colley of 2 Croome Close. The concerns raised can be summarised as follows:

- Disproportionate size;
- Overbearing;
- Loss of light;
- Loss of privacy.

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 primary considerations in the determination of this application are as follows:

- Design and Scale; and
- Impact on Residential Amenities.

Design and Scale

6.2 The proposal would remove the existing unsightly flat roof single storey addition and replace this with a two-storey side extension. Although the proposed addition together with the car port is reasonably substantial it is ultimately not considered excessive in scale or disproportionate in relation to the main dwelling. With regard to the design, the set down roofline provides an appropriate subservient appearance and as such the dominance of the main dwelling would be retained.

Impact on Residential Amenities

6.3 The residents of 2 Croome Close have raised concerns about the effect of the proposal on their privacy and potential light loss. It is acknowledged that the introduction of a first floor addition would result in a greater impact on their property. However in this instance it is recognised that their property is situated some distance away with approximately 11 metres between the nearest habitable window. It is considered that the distance is such that there would not be an unacceptable impact on the property. In relation to the small window at the rear, a condition will ensure that it will be glazed with obscure glass only to protect privacy.

6.4 Regarding the potential impact on 1 Croome Close it is of note that the nearest first floor windows both serve non-habitable rooms (bathroom and study room only) and since there is no window proposed at the first floor in the east elevation, it is considered that no loss of privacy or overbearing impact will result in this case. A condition is proposed to ensure that no new windows can be inserted in the east elevation in order to protect privacy.

6.5 In conclusion the concerns of the objector are acknowledged but having regard to the above, the proposed development is considered to accord with the relevant planning policies subject to appropriate conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 A09 (Amended plans).

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

- 5 E19 (Obscure glazing to windows).

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

Informatives:

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

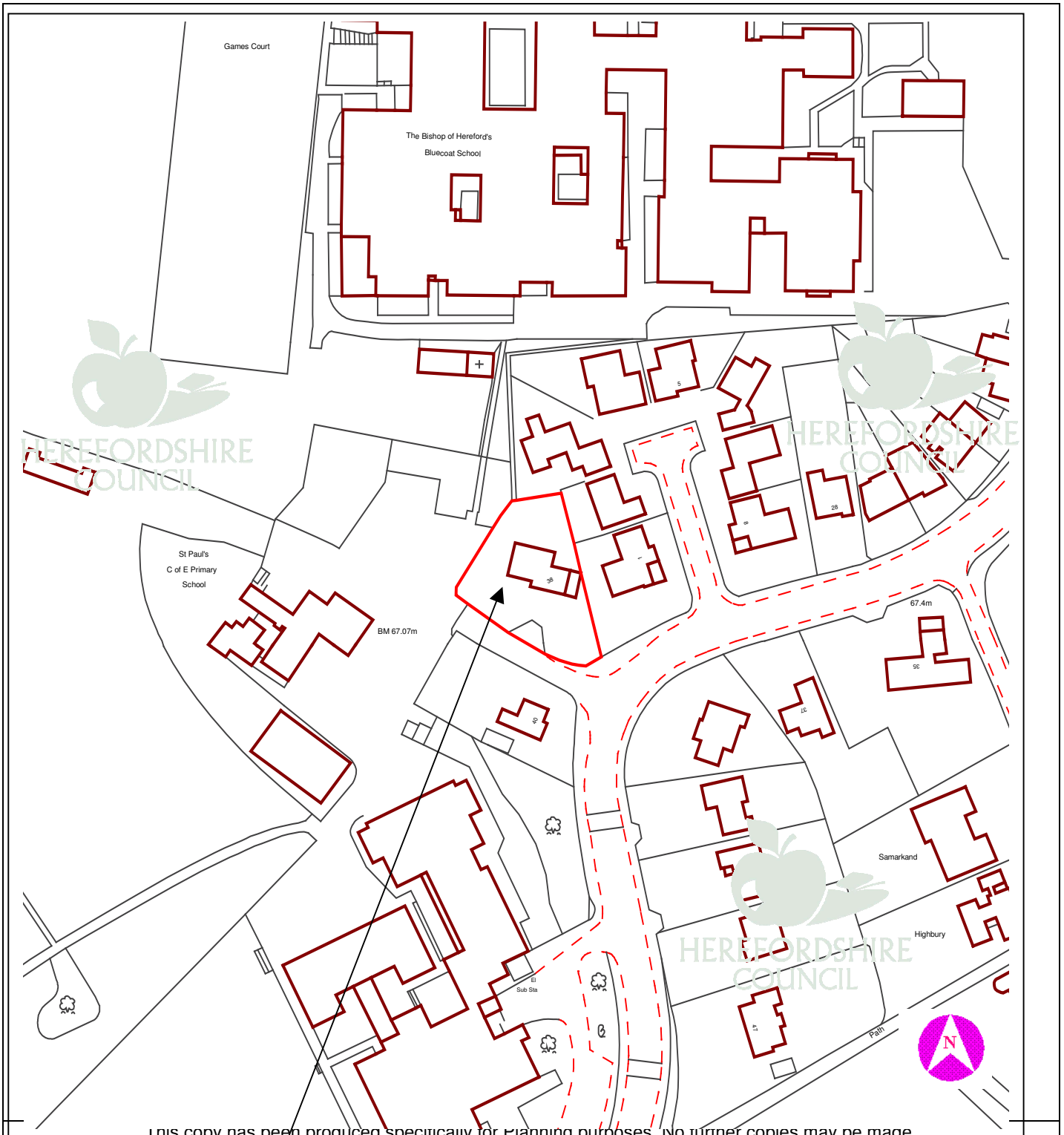
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCCE2006/2981/F

SCALE : 1 : 1250

SITE ADDRESS : 38 Hampton Dene Road, Hereford, Herefordshire, HR1 1UX

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18 DCCE2006/3508/O - PROPOSED NEW DWELLING LAND TO THE REAR OF 105 GORSTY LANE (RYDER CLOSE) HEREFORD, HEREFORDSHIRE, HR1 1UN

For: Mr. & Mrs. Harris, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 3rd November, 2006 **Ward: Tupsley** **Grid Ref: 53385, 39330**

Expiry Date: 29th December, 2006

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

1. Site Description and Proposal

- 1.1 No. 105 Gorsty Lane is a bungalow with a detached garage situated within the designated Conservation Area and the Established Residential Area of Hereford. The property has a substantial rear garden, which is flanked to the north by Ryder Close, a cul-de-sac serving 5 detached dwellings. This boundary is currently formed by a 2.4 metre high beech hedge.
- 1.2 This proposal seeks outline planning permission to erect a dwelling with all matters reserved although an indicative layout plan is provided. The application site comprises an area of garden associated with No 105 Gorsty Lane. The existing detached garage serving the property would be demolished and the area would be sub-divided to form a new curtilage of the proposed dwelling.
- 1.3 In 1989 planning permission was granted for one dwellinghouse with garage on the same site (HC890551POE) but this has not been implemented.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H3	-	Design of new residential development
H12	-	Established residential areas – character and amenity
H13	-	Established residential areas – loss of features
H14	-	Established residential areas – site factors
CON12	-	Conservation areas
CON13	-	Conservation areas – development proposals
CON14	-	Planning applications in conservation areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment

- H1 - Hereford and the market towns: settlement boundaries and established residential areas
- H13 - Sustainable residential development
- H15 - Density
- H16 - Car parking
- HBA6 - New development within conservation areas

3. Planning History

- 3.1 BP21339 - Proposed extension to form utility and kitchen. Approved 27th July, 1978.
- 3.2 HC890270PO/E - One proposed dwelling house with vehicular access. Not determined 29th June, 1989.
- 3.3 HC800551PO/E - One proposed dwelling house with garage and vehicular access. Approved 31st October, 1989.

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

- 4.2 Traffic Manager: Recommends standard conditions concerning visibility splays, vehicular access construction, driveway gradient and provision of sufficient parking.
- 4.3 Conservation Manager: No objections.

5. Representations

- 5.1 Hereford City Council: No objections.
- 5.2 Local Residents: Five objection letters have been received from Mr Tam of 1 Ryder Close, Mr Caton of 2 Ryder Close, Mrs Green of 3 Ryder Close, Mr & Mrs Wilson of 4 Ryder Close and Mr & Mrs mant of 107 Gorsty Lane. The concerns raised can be summarised as follows:
 - 1. The size of the plot is limited;
 - 2. Ryder Close is already over congested with traffic and parking from the five family houses; another exist into the Close would increase congestion and be potentially difficult for emergency vehicles to access;
 - 3. The removal of the beech hedge will destroy the visual aspect and character of Ryder Close as well as the natural habitat of wildlife;
 - 4. The proposal would have a detrimental impact on the amenities of the neighbouring properties in relation to the overlooking and loss of privacy.
- 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. Officer's Appraisal

- 6.1 The site is situated within the Established Residential Area of Hereford and previously was granted planning permission for the erection of a single dwelling. The location is one where residential infill would be considered acceptable in principle subject to satisfying detailed policy requirements.
- 6.2 The proposed plot is 14 metres wide and 21 metres deep and the general character of this area comprises relatively modern housing development. Whilst the plot is not as spacious as those properties in Ryder Close, it is not considered so restricted that an appropriately sized dwelling would appear cramped or out of character in relation to the general pattern of development in the locality.
- 6.3 With regard to the concerns raised in respect of the overlooking and loss of privacy, careful consideration has been given to the likely impact of a dwelling. With regard to the property to the north (3 Ryder Close), the indicative layout plan demonstrates that with a reasonable set back a distance of 18 metres between the two front elevations could be achieved. In terms of the impact upon 107 Gorsty Lane to the south and west of the site, it is acknowledged that an additional dwelling would enable overlooking of the property and its garden but the impact will not be significant since the property is already overlooked by existing dwellings. To the east is 5 Ryder Close, which is set in some 8 metres from the boundary with the application site and has no windows in the side elevation. Ultimately a reserved matters application would need to demonstrate that a detailed scheme could be satisfactorily accommodated.
- 6.4 In the light of the above it is considered that subject to conditions, an appropriately sized and orientated dwelling could be accommodated on the proposed plot without detriment to the character of the locality, the Conservation Area or the privacy of the neighbouring occupiers.
- 6.5 Regarding the parking and highway safety issues, it is acknowledged that this is course for significant concern from local residents and that of the properties in Ryder Close benefit from detached garages and a minimum of 2 off street parking spaces. However the Traffic Manager raises no objection in principle to this proposal, it is considered that Ryder Close is capable of supporting the additional traffic generated by the proposed dwelling and with the conditions as requested, highway safety will not be detrimentally affected.
- 6.6 The loss part of the existing mature hedge along the south boundary of Ryder Close is unfortunate but the removal of this hedgerow is not controlled by planning legislation. A condition requesting a replacement boundary treatment will effectively ensure that the visual impact on the character and appearance would be protected in the long term. The Conservation Manager raises no objection to this proposal.
- 6.7 Policy guidance generally encourages the submission of a detailed planning application within the Conservation Area but in this case having regard to the modern residential character of the area and the planning history of the site, it is assessed that an outline proposal can be considered in this particular instance.
- 6.8 The concerns of the objectors are acknowledged but having regard to the appraisal above, the proposed development is considered in accordance with the relevant planning policies and represent an acceptable form of development.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
4. **E16 (Removal of permitted development rights).**
Reason: [Special Reason].
5. **E17 (No windows in side elevation of extension).**
Reason: In order to protect the residential amenity of adjacent properties.
6. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
7. **F18 (Scheme of foul drainage disposal).**
Reason: In order to ensure that satisfactory drainage arrangements are provided.
8. **F22 (No surface water to public sewer).**
Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.
9. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
10. **H03 (Visibility splays).**
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. H10 (Parking - single house).

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

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. HN05 - Works within the highway.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 4. N19 - Avoidance of doubt.**

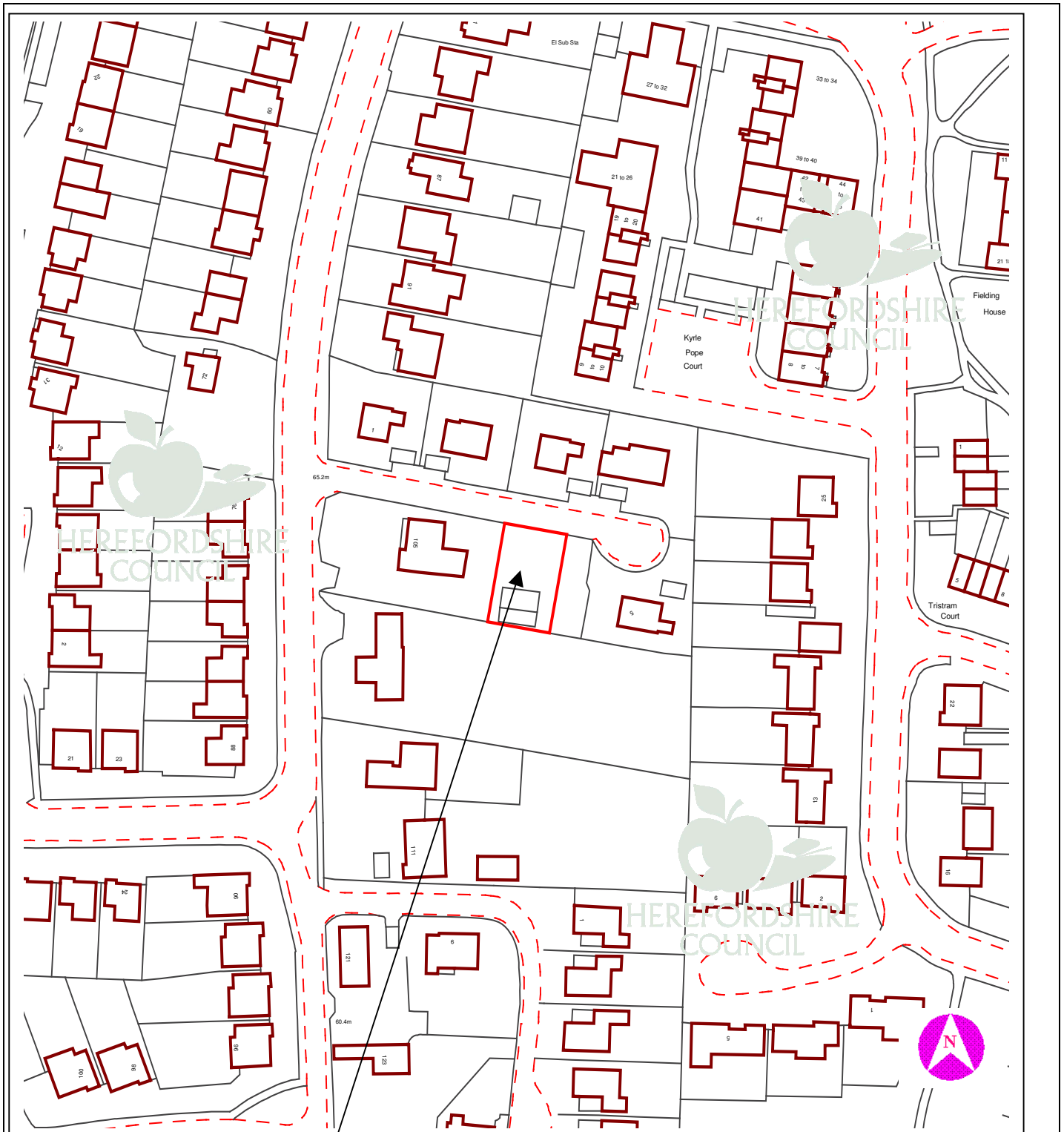
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3508/O

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of 105 Gorsty Lane (Ryder Close) Hereford, Herefordshire, HR1 1UN

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