

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 7th February, 2007**

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

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| | 7th March, 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, 17th January, 2007 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)

Councillors: Mrs. W.U. Attfield, A.C.R. Chappell, P.J. Edwards, R.I. Matthews, Mrs. J.E. Pemberton, Mrs. S.J. Robertson, Miss F. Short, Mrs. E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

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

137. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. P.A. Andrews, Mrs. E.M. Bew, Mrs. S.P.A. Daniels, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, J.C. Mayson, J.W. Newman, Ms. G.A. Powell and R. Preece.

138. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

| Councillor | Item | Interest |
|---------------------|--|--|
| D.B. Wilcox | Minute 141, Agenda Item 5 DCCE2006/3614/F 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET | Declared a personal interest. |
| Mrs. S.J. Robertson | Minute 144, Agenda Item 8 DCCE2006/3622/F 57-59 Commercial Road, Hereford, Herefordshire, HR1 2BP | Declared a prejudicial interest and left the meeting for the duration of the item. |

139. MINUTES

The Minutes of the last meeting were received.

The need to incorporate the name of Councillor W.J.S. Thomas into the record of attendance was noted.

Councillor R.M. Wilson proposed the incorporation of the following into the Minutes in respect of Minute 123, CW2006/2619/O - Land to the North of Roman Road, Holmer, Hereford, HR1 1LE:

Page 8, top of page, add the following to the bullet points:

- *Brownfield sites in the city could have been used instead of a greenfield site.*
- *Concerns over siting the emergency gate in Attwood Lane.*

Page 9, paragraph 2, line 8, insert the words “*and seconded Councillor Edwards’ motion to refuse.*”

Page 9, paragraph 4, line 21, insert the sentence “*Councillor J.G.S. Guthrie seconded Councillor Wilcox’s motion for deferral.*”

Again with reference to Minute 123, Councillor D.B. Wilcox noted the observations recorded in the Minutes and felt that the Section 106 agreement should specifically include reference to two issues which were not disputed at the last meeting. These were, 1) that funds should be provided for Barrs Court School as an additional contribution by the developers, and 2) that the £138,000 should not be ring-fenced specifically to improvements to the skew railway bridge but should be available for other appropriate junction, highway and sustainable transport works in the locality should the railway bridge scheme not be forthcoming within a reasonable timeframe. This was supported by other Members.

The Central Team Leader advised that a meeting was scheduled for the next day and said that he would convey the wishes of the Sub-Committee to the developers.

Councillor R.I. Matthews noted that there were other matters to be discussed regarding contributions.

RESOLVED: That, subject to the above, the Minutes of the meeting held on 13th December, 2006 be approved as a correct record and signed by the Chairman.

140. ITEM FOR INFORMATION - APPEALS

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

RESOLVED: That the report be noted.

141. DCCE2006/3614/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 5]

Variation of Condition 4 of planning consent ref. no. DCCE2006/2424/F to permit movement of one cart and associated support vehicle in the yard, and into and out of the yard between 6.00am and 10.00pm.

The Central Team Leader reported the following:

- the receipt of two further letters of support;
- the receipt of an additional letter of objection from Gabbs Solicitors on behalf of a local resident;
- information had been received from the Environmental Health Manager about the extent of noise monitoring that had been undertaken; and
- the requested extension in hours would apply to one coffee cart and associated support vehicle only and a two-year permission was sought to enable the applicant to operate a viable business.

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

The Chairman sought clarification about the ‘Coffee Cart’ licensed by Herefordshire

Council to operate in High Town. Later in the meeting, it was confirmed that the licence permitted service between 6.00 a.m. and 9.00 p.m..

In response to a question, the Chairman suggested that the level of trade at the High Town location was not a material planning consideration. The Legal Practice Manager commented that the application had to be considered on its planning merits and the current operation appeared to be lawful.

Councillor Ms. A.M. Toon sympathised with the objector and felt that the operation would be better sited on an industrial site. She also commented on the need for proper scrutiny of street trading operations. Councillor Mrs. E.A. Taylor questioned whether the operation had outgrown the site and felt the disturbance to the neighbouring property in the early hours of the morning was unacceptable.

Councillor A.C.R. Chappell clarified the street trading licensing process and advised that on site set up had to be undertaken around 6.00 a.m. in the interests of pedestrian safety. Councillor Chappell drew attention to the number of other businesses and non-residential activities in the locality and did not feel that this proposal, subject to conditions, would result in significant additional harm to the amenities of the locality.

Councillor D.B. Wilcox commented that many of the businesses in the area did not start as early as 6.00 a.m. and, therefore, this proposal would have a direct impact on the adjacent residential property. He questioned how the proposed conditions could be enforced, perhaps with the registration details of the specific vehicles involved, and felt that the overriding consideration was the potential disturbance to the neighbour.

The Development Control Manager commented that a temporary two-year permission would provide the opportunity to assess the use and any harm caused. He also commented on the planning policy considerations.

In response to questions about previously approved schemes, the Legal Practice Manager advised that a planning permission did not supersede an earlier approved scheme until it was implemented in some form.

In response to a question about whether planning permission could be revoked if significant noise disturbance resulted from the use, the Development Control Manager advised that the planning permission would be for two years but action to mitigate disturbance could be considered under Environmental Health legislation.

A number of different views were expressed by Members both in support of the application and against. The Central Team Leader drew attention to the 'fall back' position of a previous planning permission and commented that this application provided the opportunity to control activities on the site.

The Chairman, speaking in his capacity as the Local Ward Member, expressed sympathy for the concerns of the neighbour but noted the various mixed uses in the area. He commented that Environmental Health had undertaken noise monitoring in the past but the case had not been proven. Therefore, given the specific nature of the application, he did not feel that there were sufficient grounds to warrant refusal of the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. 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 7am or after 9pm on any day except in the case of emergency, with the exception of one cart and its associated support vehicle which shall be permitted to be moved into or out of the yard between 6am and 10pm.

Reason: To safeguard the amenities of the locality.

4. This consent shall expire on the 17th January, 2009. 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.

**142. DCCE2006/3665/F - CLUB MO, GAOL STREET, HEREFORD, HR1 2HU
[AGENDA 6]**

Variation of hours to nightclub of planning permission H/P28121/E to: Monday - Thursday 12.00-02.00; Friday - Saturday 12.00-03.00; Sunday 12.00 – 02.00.

The Central Team Leader advised that the description above related to the hours sought by the applicant but it was recommended that the hours be varied to reflect the licensed opening hours as confirmed by the Licensing Manager. He advised the Sub-Committee of corrections to the recommended condition 2 as detailed in the report. He drew attention to recommended condition 4 which sought a contribution towards the operation and management of the Closed Circuit Television system (CCTV) in the interests of public safety and local amenities. It was reported that West Mercia Constabulary had not raised any objections to the application.

Councillor R.I. Matthews expressed concern that the licence application had not been considered by the Regulatory Sub-Committee and commented on the need for tight control of the opening hours of such establishments in the city centre. He felt that consideration of the application should be deferred to enable the Licensing Manager to explain the situation to Members.

The Legal Practice Manager outlined the licence application process and advised that if no relevant person or body objected to an application then, under the terms of the Licensing Act 2003, the application had to be granted by default.

The Chairman, speaking in his capacity as the Local Ward Member, commented that he could not recall whether the change of hours was detailed in the licence application and concurred that the application should be deferred in order to obtain further information.

A number of Members commented on the need for effective controls to prevent under age drinking and for enhanced CCTV resources.

In response to comments from Members, the Development Control Manager advised that the opening hours would be made clearer in the report for the next meeting.

The Legal Practice Manager explained the links between the regulatory and planning functions of the authority.

Some Members felt that a more detailed comment should be sought from West Mercia Constabulary.

RESOLVED:

That consideration of the application be deferred in order to obtain further information.

**143. DCCW2006/3705/F - WEIR VIEW, BREINTON, HEREFORD, HR4 7PR [AGENDA
ITEM 7]**

New detached house with garage and vehicular access thereto.

Councillor R.I. Matthews, the Local Ward Member, felt that the Sub-Committee would benefit from a site inspection. He commented on the policy considerations and the level of support in the local community for the development.

In accordance with the criteria for public speaking, Mrs. Eyles spoke on behalf of Breinton Parish Council. Mr. Hyett had registered to speak in support of the application but decided to reserve his opportunity to speak until the next meeting after the site inspection had been held.

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.**

144. DCCE2006/3622/F - 57-59 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP [AGENDA ITEM 8]

Demolition of the rear two-storey extensions and the construction of a new extension to provide halls of residence living accommodation and extension to the public house.

The Principal Planning Officer advised that the applicant had agreed to the Draft Head of Terms in respect of contributions towards improved transportation infrastructure in the locality. The Section 106 Agreement would be restricted to 'rent only' accommodation. Referring to recommended condition 15, the Principal Planning Officer reported that the accommodation was to be managed through an appointed agent who would also oversee the letting process. The Sub-Committee was advised that there was an error in the report in that the separate application for Conservation Area Consent had not yet been approved.

The Chairman, speaking in his capacity as Local Ward Member, noted that the application was essentially the same as the application considered in July 2006 (DCCE2006/1158/F refers) but the principal objections had now been overcome. He noted that there was demand for such accommodation and supported the proposal.

In response to questions, the Principal Planning Officer clarified the type, format and layout of the accommodation proposed.

Councillor P.J. Edwards felt that the comments of the Waste Manager should be sought given the need for correct storage and disposal of waste materials. The Central Team Leader felt that this was a valid point and agreed that it would be helpful if such comments were obtained on proposals of this scale and nature. This was supported by a number of Members.

In response to questions, the Principal Planning Officer re-iterated that the separate application for Conservation Area Consent had not yet been approved and he explained the relationship between the two applications.

The Development Control Manager advised that the key difference between this application and that previously refused by the Sub-Committee was that the proposal now had the support of key consultees, including the Strategic Housing Manager.

In response to a question, the Development Control Manager advised the Sub-Committee that there was no technical objection to the lack of a rear emergency access and the applicant was not in control of the land behind the site.

The Chair commented on the need, as part of the contribution towards improved bus

shelters/stops, to enhance the bus stop adjacent to the Merton Hotel.

RESOLVED:

1. The Legal Practice Manager will be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.
2. The planning obligation shall be completed by 5th February 2007 and upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

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.
4. **D01 (Site investigation - archaeology).**
Reason: To ensure the archaeological interest of the site is recorded.
5. **Prior to the commencement of the development the applicant shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during the demolition and construction phases. The development should be carried out in accordance with the agreed Method Statement.**
Reason: To safeguard the amenities of the locality.
6. **During the demolition and 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 hours: Monday to Friday 8am to 6pm, Saturday 8am to 5.30pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the local planning authority.**
Reason: To protect the amenity of local residents.
7. **No materials or substances shall be incinerated within the application site.**
Reason: To safeguard residential amenity and prevent pollution.
8. **Development shall not begin until the applicant/agent has provided for the prior approval of the local planning authority a parking policy/plan identifying where all demolition and construction traffic associated with the development will be parked and how the parking will be managed.**

The parking shall be in accordance with the approved policy/plan.

Reason: To prevent indiscriminate parking in the interest of highway and pedestrian safety.

9. 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.

10. 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.

11. G01 (Details of boundary treatments).

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

12. Within 3 months of commencement of work on the construction of the new development details to include scale plans shall be provided of the proposed communal garden area which shall include details of all hard and soft landscaping proposed. The approved details shall be completed prior to first occupation of the development hereby permitted.

Reason: To ensure a reasonable standard of communal amenity space is available for future occupants of the development.

13. All windows and glazed areas on the south west elevation shall be glazed with obscure glass, details of which shall be submitted for the approval in writing of the local planning authority within 1 month of commencement of work on the construction of the new development. The glazing to be used shall be in accordance with the approved details.

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

14. The accommodation hereby permitted shall be occupied as halls of residents (groups of up to 8 en-suite bedrooms arranged around communal living and circulation areas) and the development shall not be occupied in any other manner or for any other use.

Reason: For the avoidance of doubt and to ensure the accommodation remains in a format that will ensure it is affordable.

15. Within 2 months of the commencement of the construction of the development hereby permitted, details shall be provided of the mechanism by which the accommodation is to be managed. The accommodation shall be managed in accordance with the approved details.

Reason: In the interests of residential amenity.

16. W01 (Foul/surface water drainage).

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

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

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

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

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

19. **The applicant shall submit for the prior written approval of the local planning authority a scheme of noise attenuating/insulation measures to achieve standards set in the document produced in the Building Research Establishment and BS8233 1999 detailed in the revised noise impact assessment report dated 16th June, 2006 and received by the local planning authority on 21st June, 2006. The development shall be carried out in accordance with the approved plans and shall not be occupied until the attenuation/insulation works have been completed.**

Reason: To safeguard the amenity of the occupiers of the development hereby permitted.

- 20 **F39 (to include reference to recycling/waste management measures)- unless incorporated into requirements of the legal agreement.**

Informatives:

1. **HN01 - Mud on highway.**
2. **HN04 - Private apparatus within highway.**
3. **HN05 - Works within the highway.**
4. **A watching brief should be kept during the works for the presence of bats as well as nesting birds. If found to be present during the work, operations should cease and an ecologist licensed by English Nature for bat surveys should be engaged to determine the species, populations and impact of the works together with mitigation and compensation. The presence of nesting birds should also be evaluated throughout the works and if revealed or potentially disturbed by the development the Herefordshire Council's Ecologist should be notified. Works should avoid disturbance to the nests, young, eggs, adults and nesting area.**
5. **ND02 - Area of Archaeological Importance.**
6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
7. **The applicant/developer is advised that the occupants of the development hereby permitted may not be entitled to resident sparking permits.**

145. DCCW2006/3583/F - THE WORKSHOPS, CORNER FRIAR STREET AND CROSS STREET, HEREFORD, HR4 0AS [AGENDA ITEM 9]

Proposed additional residential unit to Approved Planning Application DCCW2006/1324/F.

Councillor Miss F. Short, a Local Ward Member, questioned the potential impact of the development on the occupiers of adjacent dwellings. In response, the Principal Planning Officer advised that the additional residential unit would increase the height of the development by some 2.5m but it was felt that, given the distances between the buildings and the similar height of Red Lion Court, this should not cause significant harm to the amenities of neighbours.

A number of Members felt that the contemporary approach of the proposal would complement the site and surroundings. It was also felt the fact that the building would be stepped back from the junction of Friars Street/Cross Street would improve access and safety. Members welcomed the parking ratio of one space per unit and the inclusion of a cycle storage area.

Councillor P.J. Edwards commented on the need to prevent graffiti through appropriate design considerations.

The Principal Planning Officer, noting comments made by Members, suggested that a condition relating to the storage and disposal of waste materials be included and extended to the whole building if possible.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

Reason: For the avoidance of doubt.

Informatives:

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

146. DCCW2006/3671/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HR2 7XS [AGENDA ITEM 10]

Installation of two temporary refrigerated storage units.

The Principal Planning Officer advised the Sub-Committee that one of the units had already been removed.

Councillor P.J. Edwards, a Local Ward Member, asked that a letter be sent to the applicant suggesting that, given the significant expansion in recent years and impact

on neighbouring properties, any further development of the store should be kept within the confines of the existing building. Councillor Edwards commented on the noise disturbance experienced by local residents from activities on the site.

Councillor W.J.S. Thomas felt that the store needed to review its approach to waste disposal and recycling facilities.

RESOLVED:

That planning permission be granted subject to the following condition:

- 1. This permission shall expire on 31st January 2007. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

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

Informatives:

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

147. DATE OF NEXT MEETING

Wednesday 7th February, 2007.

The meeting ended at 4.05 p.m.

CHAIRMAN

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|---------------------------------------|
| ITEM FOR INFORMATION - APPEALS |
|---------------------------------------|

APPEALS RECEIVED**Application No. DCCE2006/1990/F**

- The appeal was received on 12th January, 2007.
- 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 CBRE Investors Ltd.
- The site is located at B&Q/Halfords, Holmer Road, Hereford, HR4 9SB.
- The development proposed is Variation of Condition 7 of planning permission HC/880434/PF/E to permit the sale of goods from a catalogue showroom retailer in the unit identified as 'Unit A' and to permit the sale of fashion clothing, footwear, jewellery, watches and homeware in the unit identified as 'Unit B'.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957

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

- The appeal was received on 27th September, 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 Regimental Inns Ltd.
- The site is located at 57-59 Commercial Road, Hereford, Herefordshire, HR1 2BP.
- The application, dated 21st April, 2006, was refused on 10th July, 2006.
- The development proposed was Demolition of rear two storey extensions and construction of new extension to provide living accommodation for 38 key workers and extension to public house.

Decision: The appeal was **WITHDRAWN** on 22nd January, 2007.

Case Officer: Kevin Bishop on 01432 261946

Application No. DCCW2006/0900/F

- The appeal was received on 6th September, 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.M. Sosna.
- The site is located at 22 - 28 Friars Street, Hereford, Herefordshire, HR4 0AS.
- The application, dated 17th March, 2006, was refused on 3rd May, 2006.
- The development proposed was New three storey residential unit comprising of 15 flats.
- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The appeal was **UPHELD** on 11th January, 2007.

Case Officer: Kevin Bishop on 01432 261946

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

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

5 DCCW2006/3705/F - NEW DETACHED HOUSE WITH GARAGE AND VEHICULAR ACCESS THERETO AT WEIR VIEW, BREINTON, HEREFORD, HR4 7PR

For: Mr. D.J. Hyett per D.J. Hyett, Architect R.I.B.A. 27 East Street, Hereford, HR1 2LU

Date Received: 23rd November, 2006 Ward: Credenhill Grid Ref: 45214, 39945

Expiry Date: 18th January, 2007

Local Member: Councillor R.I. Matthews

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 17th January, 2007 in order to carry out a Members' site visit. The site visit was carried out on 30th January, 2007.

1. Site Description and Proposal

- 1.1 The application site is comprised of the south eastern half of the existing domestic curtilage serving the property known as Weir View which is located at the north western end of Breinton Common, on the southern side of the unclassified road which runs roughly east-west through Breinton Common.
- 1.2 The application seeks permission to erect a two storey four bedroom dwelling with a detached garage within the subdivided curtilage.

2. Policies

2.1 Government Guidance:

Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

| | | |
|------------|---|--|
| Policy S1 | - | Sustainable Development |
| Policy S2 | - | Development Requirements |
| Policy DR1 | - | Design |
| Policy DR2 | - | Land Use and Activity |
| Policy DR7 | - | Flood Risk |
| Policy H7 | - | Housing in the Countryside Outside Settlements |
| Policy H10 | - | Rural Exception Housing |
| Policy H13 | - | Sustainable Residential Development |

2.3 South Herefordshire District Local Plan:

| | | |
|-------------|---|--------------------------------|
| Policy GD1 | - | General Development Criteria |
| Policy C44 | - | Flooding |
| Policy SH10 | - | Housing in Smaller Settlements |

3. Planning History

- 3.1 Outline planning permission no. 35720 Site for the erection of one dwelling with garage. Approved 13th March 1973.
- 3.2 DCCW2006/2270/F Proposed new dwelling. Refused 25th August 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection. The site is theoretically located within Zones 2 and 3 on the indicative flood plain maps, however it is physically situated at a ground height of 70 metres which is 16 metres above the highest recorded flood level in that area, consequently the Environment Agency accept that the site is not within a designated flood plain and raise no objections.
- 4.2 Welsh Water: No objection, subject to the development being connected to a private drainage system.

Internal Council Advice

- 4.3 Traffic Manager: No objection, subject to the imposition of standard conditions.
- 4.4 Forward Planning Manager: Objection - the Revised Deposit Draft Unitary Development Plan (UDP) can be given material weighting in regards to this application due to the Plan being through independent inquiry and the publication of Inspector's Report. The site is located in what is considered 'open countryside', outside and away from any of the listed main villages (Policy H4) or smaller settlements (Policy H6). In such locations, development is strictly limited to the exceptions detailed in Policy H7 (Housing in the Countryside outside of Settlements). It is considered that the application does not meet any listed exception within the policy and is therefore contrary to policy. Rural exception housing is allowed through Policy H10. Clear long term local need must be identified and established, however it is considered that the location and settlement is unsuitable for such a one off dwelling, even in the event of any need, given the lack of facilities and service provision within the immediate area. In regards to the issue of local need, clearly housing provision exists in the area, as the applicant lives there presently. There is no 'net need' for a further dwelling. Although desirable to remain in the area, this desire needs to be compared to the overall local need and the issue of development in the open countryside. Although the proposal tailors the new dwelling in regards to the specific requirements of the applicant and one sympathises with his personal need, it is unlikely subsequent occupiers would have exactly the same requirements. No representations were made in regards to Breinton or Breinton Common's lack of designation as either a main village or smaller settlement. In line with settlements where representations were made for inclusion, such as St. Owens Cross, these locations were dismissed at the Inquiry by the Inspector as being places where development should not be encouraged for reasons including their lack of facilities and services. Overall it is considered that the proposal is contrary to national and local planning policy.

5. Representations

5.1 Breinton Parish Council: Objection - This application site is located in 'an area of open countryside' as defined by the Unitary Development Plan (UDP) and therefore where there is general presumption against any new residential development. The Parish Council fully supports the Herefordshire Unitary Development Plan (Revised Deposit Draft) as it affects Breinton and for that reason cannot support this application. Furthermore, even if this application had been made under the South Herefordshire District Local Plan, the Parish Council would still maintain that the proposed dwelling is too large for the site and represents 'cramming' in relation to its neighbours. Eight out of eleven mature trees would be cut down, not only destroying the surrounding environment but also affecting its ability to absorb excess water. This latter is particularly important as Breinton is situated on a hillside leading down to the river and there is a general problem with storm water run-off in the area.

5.2 The appellant's agent has submitted a supporting statement which can be summarised as follows:

"The applicant has lived in the locality for 40 years and has throughout that time held an intention to build a second dwelling within the curtilage, planning permission was previously approved in the 1970's although this was allowed to lapse, the existing house has now become unsuitable for the applicant's needs. The applicant wishes to build a modern house which could be simply converted in the future to provide ground floor accommodation."

5.3 Fourteen copies of a duplicated letter signed by local residents have been received in support of the application.

5.4 A petition signed by 26 people has also been submitted in support of the application.

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

6. Officers Appraisal

6.1 Having regard to the relevant policies of the Development Plan, the primary issues in determining this application are considered to be:

- The Principle of Development
- Other Development Control Criteria

Principle of Development

6.2 Breinton Common was previously defined as a smaller settlement by Policy SH10 of the South Herefordshire District Local Plan, within which small-scale housing development may have been acceptable. However it is no longer recognised by the Herefordshire Unitary Development Plan (Revised Deposit Draft) (hereafter referred to as the UDP) as an area suitable for new residential development, therefore its settlement status has effectively been removed.

6.3 In the interests of securing sustainable patterns of development the UDP establishes a clear presumption against any form of residential development outside of an identified

settlement boundary as defined by Policies H1 and H2 or those smaller settlements identified in Policies H4 and H6.

- 6.4 Outside of these areas Policy H7 makes provision for specific exceptions, which are limited to dwellings required for an essential agricultural, forestry or other economic requirement, the conversion of an existing rural building and the replacement or extension of an existing dwelling. Therefore the primary issue in determining this application is considered to be the weight to attach to the emerging policies of the UDP, as against those of the adopted South Herefordshire District Local Plan.
- 6.5 The UDP is now in the final stages before its formal adoption, the Inspector's Report being published in June 2006.
- 6.6 Following publication of the Inspector's Report, there are a number of policies against which no modification is proposed. Therefore it is appropriate to view those policies as having significant weight in the determination of planning applications.
- 6.7 In this particular case Policy H6 is not proposed for modification and will consequently remain unaltered and unchallenged until the time of formal adoption. It has therefore been subject to the proper consultation process and can as a result now properly be relied upon to replace the South Herefordshire District Local Plan Policy SH10.
- 6.8 More specifically no challenge or objection as to whether or not Breinton Common should continue to be identified as a 'smaller settlement', was raised for the consideration by the Inspector during the UDP Inquiry. Consequently, the application site is now as a matter of policy clearly located outside of any area identified as being suitable for new residential development.

Other Development Control Criteria

- 6.9 Notwithstanding the in principal policy objection to the proposal, having consideration for the character and appearance of the wider locality the proposal dwelling is considered to be out of scale with that of the neighbouring properties.
- 6.10 The proposed dwelling is a full two-storey four-bedroom house providing in excess of 180 square metres of accommodation with a ridge height of 7.5 metres. It is considered that it would, if permitted, dominate the existing dwelling as well as Weir View Cottage to the south as both these properties are 1½ storey cottages with ridge heights of approximately 5.5 metres.
- 6.11 As to the appellants need to secure more appropriate accommodation, following the refusal of the earlier application they were advised by Officers that a purpose built replacement dwelling would be acceptable. However this advice has been discounted as the applicant wishes to pursue the erection of a new dwelling whilst retaining the existing dwelling for disposal by sale or transfer to family members.

Conclusion

- 6.12 The application site is located outside of any area identified as being suitable for new residential development and also represents an inappropriate form of development in the context of the locality. Therefore the proposal is considered to be contrary to the relevant policies in the Herefordshire Unitary Development Plan (Revised Deposit Draft) and as such, refusal is recommended.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The application site is located outside any identified settlement boundary, in an area of open countryside as defined by the Herefordshire Unitary Development Plan (Revised Deposit Draft). Within this location, there is a general presumption against any new residential development and therefore the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).
2. The proposal by virtue of its bulk and massing would have a detrimental impact on the character and appearance of the wider locality, contrary to Policies S2, DR1 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

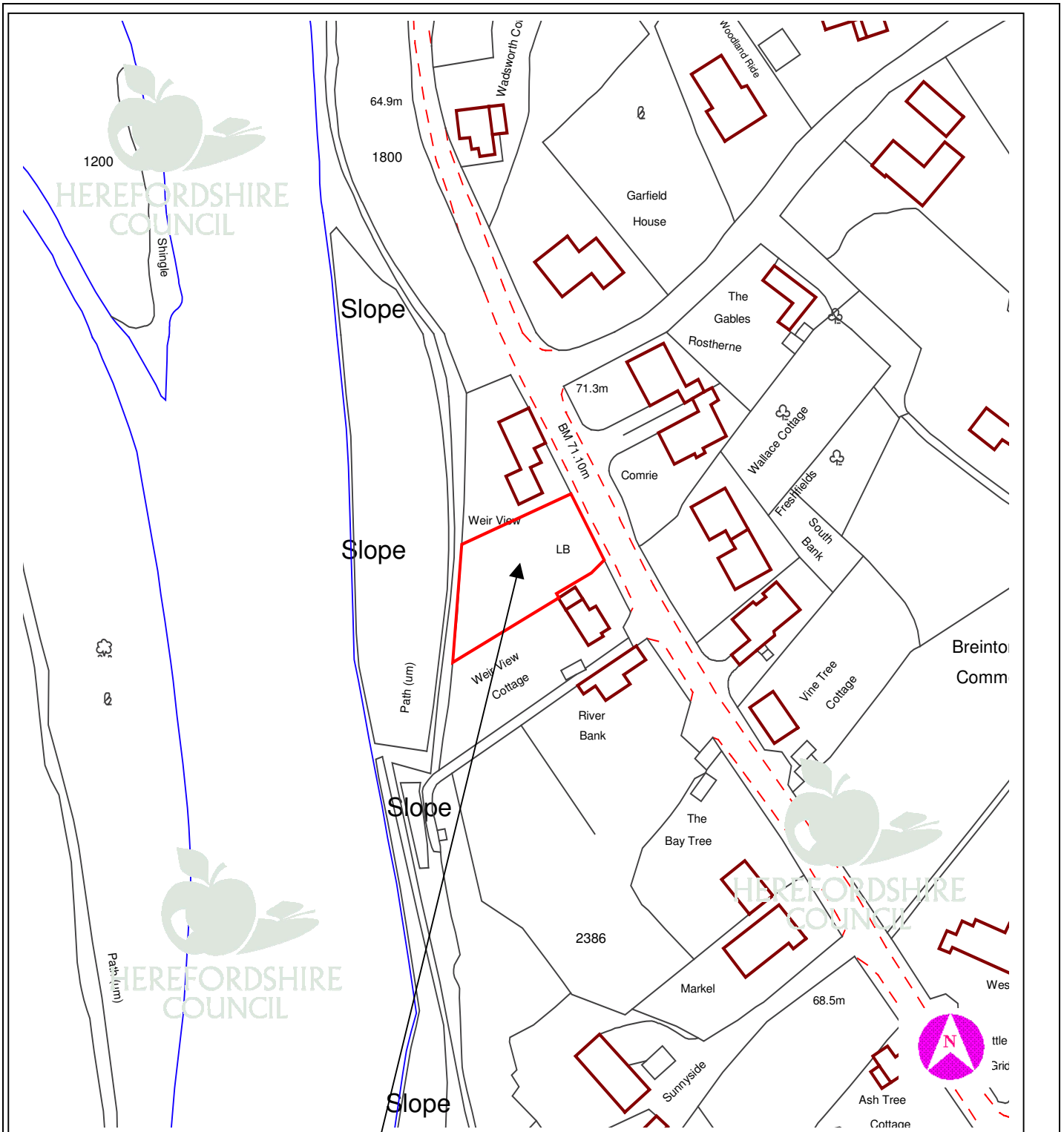
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3705/F

SCALE : 1 : 1250

SITE ADDRESS : Weir View, Breinton, Hereford, HR4 7PR

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- 6 DCCE2006/3665/F - VARIATION OF HOURS TO NIGHTCLUB OF PLANNING PERMISSION H/P28121/E TO:
 MON - THURS 12.00-02.00
 FRIDAY - SAT 12.00-03.00
 SUNDAY 12.00-01.30 CLUB MO, GAOL STREET, HEREFORD, HR1 2HU**
- For: Mr. S. Harrison, Club MO, Gaol Street, Hereford, HR1 2HU**

Date Received: 21st November, 2006 Ward: Central Grid Ref: 51238, 40054

Expiry Date: 16th January, 2007

Local Member: Councillor D.J. Fleet

Introduction

This application was deferred from the Central Area Planning Committee held on the 17th January 2007 to allow attendance at this subsequent meeting by an Officer from the Licensing Section and enable concerns relating to the requested extended hours to be fully explored by Members. This report has been updated and now includes the comments of West Mercia Police as well as a new form of words for the restrictive hours condition, which is considered clearer (see proposed Condition 2).

1. Site Description and Proposal

1.1 This application seeks permission to vary Condition 1 attached to planning permission H/P/28121/E to allow extended opening hours at Club M O, 1 Gaol Street, Hereford. The site is located on the northern side of Gaol Street, adjacent to the Probation Service facility. The site lies within the Central Hereford Conservation Area, the Central Shopping and Commercial Area, and an Area of Archaeological Importance.

1.2 Condition 1 attached to permission H/P/28121/E states that:

'The hours of opening shall be in accordance with the applicants stated intentions as follows: Sundays - 8.00pm to 10.30pm, Mondays and Tuesdays - 8.00pm to 11.00pm, Wednesdays, Thursdays, Fridays and Saturdays - 8.00pm to 1.00am'.

1.3 This application seeks to vary Condition 1 to extend opening hours to: Monday to Thursday 12.00pm to 02.00am, Fridays and Saturdays 12.00pm to 03.00am, Sundays 12.00pm to 02.00am.

2. Policies

2.1 Planning Policy Statement 6 – Planning for Town Centres
 Circular 11/95 – The Use of Conditions in Planning Permissions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

| | | |
|-------|---|--|
| S2 | - | Development requirements |
| S5 | - | Town centres and retail |
| S7 | - | Natural and historic heritage |
| DR13 | - | Noise |
| TCR1 | - | Central shopping and commercial areas |
| HBA6 | - | Development within conservation areas |
| ARCH7 | - | Hereford Area of Archaeological Importance |

3. Planning History

- 3.1 H/P/28121/E - Change of use of disused warehouse to nightclub, situated at Gaol Street Warehouse (adj Old St Peter's School). Approved 6th November, 1985.

4. Consultation Summary

Statutory Consultations

- 4.1 West Mercia Police: No objection.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: No objection.
- 4.4 Environmental Health and Trading Standards Manager: 'I have examined the application and have no objection to the proposed variation of hours'.
- 4.5 Licensing Manager: Confirmed that the licensed opening hours that will be in operation:
- Supply of alcohol and late night refreshment Monday 12.00pm - 02.00am, Tuesday to Thursday 12.00pm - 02.30am, Fridays and Saturdays 12.00pm - 03.00am, Sundays 12.00pm to 01.30am;
 - Non standard hours: Christmas Eve 12.00pm to 02.00am, New Year's Eve 24 hour, Bank Holidays 12.00pm to 03.00am.

5. Representations

- 5.1 Hereford City Council: 'Hereford City Council recommends refusal on the grounds that potential noise and vibration nuisance may arise which will impact detrimentally on adjacent residential properties'.
- 5.2 Local Residents: A single letter of objection has been received objecting on the grounds of noise, nuisance and disturbance to residential properties, many of which are historic with old style windows.
- 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 On the 24th November, 2005 the Licensing Act 2003 came into force. The act removes standard licensing hours enabling licensed premises to apply to remain open for longer. It is stated that the act should:

‘.enable flexible opening hours for premises, with the potential for up to 24 hours opening, seven days a week, subject for consideration of the impact on local residents, businesses and the expert opinion of a range of Authorities in relation to licensing objectives. This will help to minimise public disorder resulting from fixed closing times’. (Licensing Act 2003).’

6.2 The Circular advises that a condition which duplicates the effects of other controls will be unnecessary and one whose requirements conflict with those of other controls will be ultra-vires because it is unreasonable. Notwithstanding this, the Circular also states that even where other controls are available, a condition may be needed when the considerations material to the exercise of the two systems of control are substantially different. In the case of planning controls the broader considerations of amenity are considered. It is of note that the Licensing Act of 2003 is specifically intended to consider the following four objectives:

- 1) The prevention of crime and disorder;
- 2) Public safety;
- 3) The prevention of public nuisance; and
- 4) The protection of children from harm.

The objectives outlined above clearly have implications upon the preservation of residential amenities, however, it is the case that the operations of the unit in question will have wider implications upon the residential amenities of local residents and the proximity of dwellings to this premise renders the retention of a condition controlling opening hours necessary and reasonable.

6.3 In relation to the specific hours requested, the Environmental Health Manager has raised no objection. Typically it is assessed that the Licensing Act should provide effective controls and this is considered to be the case here. The West Mercia Constabulary have also confirmed that they have no objection to the proposed new hours. On this basis it is proposed that the condition be varied to reflect the hours of operation confirmed by the Licensing Manager. This will necessitate a variation of the hours requested by the applicant with respect to the early hours of Sunday morning (ie 0130 instead of 0200 requested).

6.4 Notwithstanding the comments above, the longer opening hours requested will potentially place an additional burden on the operation of the existing CCTV system within Hereford generally and on the immediate locality of the site in particular, as well as, causing further issues associated with street maintenance, dispersal policies, and taxi availability. The existing CCTV system does not operate 24 hours. This premise, along with many other bars and clubs in Hereford, are requesting to remain open for a longer time period which will therefore necessitate the extension of the existing CCTV operations to operate 24 hours a day. It is considered reasonable that the application property, along with other bars and clubs, contribute towards the continued and extended operation of CCTV in their respective parts of Hereford. Furthermore, the increased burden being placed upon resources having regard to the aforementioned street maintenance, dispersal policies and taxi availability management require

mitigation. Therefore, a financial contribution is requested for this purpose. No response has been received from the applicant as yet and therefore a condition is proposed to be attached to secure an appropriate financial contribution.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

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

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

- 2. The use hereby permitted shall not be open to customers outside the following hours: Monday 12.00 (noon) to Tuesday 02.00am, Tuesday 12.00 (noon) to Wednesday 02.00am, Wednesday 12.00 (noon) to Thursday 02.00am, Thursday 12.00 (noon) to Friday 02.30am, Friday 12.00 (noon) to Saturday 03.00am, Saturday 12.00 (noon) to Sunday 02.00am, Sunday 12.00 (noon) to Monday 01.30am.**

Reason: In the interest of the amenity of the locality.

- 3. The permission hereby granted is an amendment to planning permission H/P/2821/E and, otherwise than is expressly altered by this permission the conditions attached thereto remain.**

Reason: For the avoidance of doubt.

- 4. Within two months of the date of this permission, details including a timetable and the method of providing a contribution(s) and/or other assistance towards the operation and management of Closed Circuit Television system, street cleaning and client dispersal policy in the locality of the application site shall be submitted for the approval in writing of the local planning authority. The agreed contributions and/or other measures shall be implemented in accordance with the approved details and timescale.**

Reason: To ensure the effective operation and management of the day and night time economy in the interests of public safety, residential and visual amenity and the general vitality and viability of Hereford City Centre.

Informatives:

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

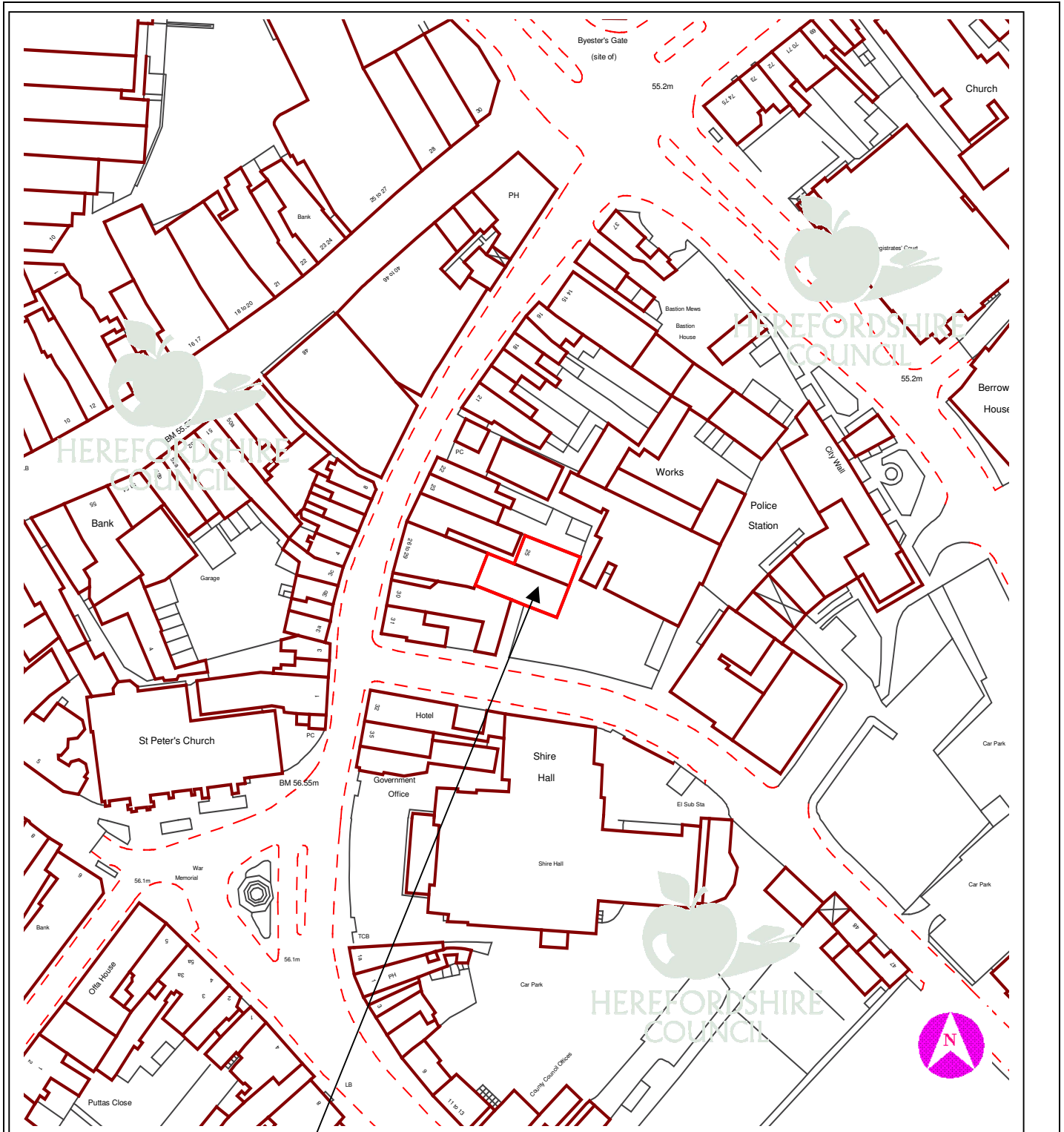
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3665/F

SCALE : 1 : 1250

SITE ADDRESS : Club MO, Gaol Street, Hereford, Herefordshire, HR1 2HU

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7 DCCW2006/3725/RM - ERECTION OF 15 DWELLINGS COMPRISING 10 OPEN MARKET HOUSES AND 5 AFFORDABLE HOUSES AT LAND OPPOSITE SUTTON PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORD, HR1 3AZ

**For: R. Andrews Esq. per James Spreckley, MRICS
FAAV, Brinsop House, Brinsop, Herefordshire, HR4
7AS**

Date Received: 24th November, 2006 Ward: Sutton Walls Grid Ref: 53448, 45670
BVPI Expiry Date: 23rd February, 2007
Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The application site is comprised of a parcel of agricultural land which extends to 0.8 hectares, and is located on the northern fringe of the settlement of Sutton St. Nicholas.
- 1.2 Outline planning permission (DCCW2004/1004/O) was granted in October 2004 for the erection of a replacement primary school incorporating a village hall and 15 dwellings.
- 1.3 The grounds of the new school/community centre campus (which received reserved matters approval pursuant to application CW2006/1247/RM in June 2006) form the northern boundary of the application site, whilst to the west it is bordered by a classified road (C1125). On the opposite side of the road are properties forming part of the established residential area of Sutton St. Nicholas, which continue to wrap around the southern and eastern boundaries of the application site.
- 1.4 The application seeks approval of the reserved matters of the appearance, layout scale and landscaping of the 15 dwellings.

2. Policies

2.1 Planning Policy Guidance:

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable development
S2 - Development requirements
S3 - Housing
S8 - Recreation, sport and tourism
S10 - Waste
S11 - Community facilities and services
DR1 - Design
DR4 - Environment

| | | |
|-----|---|--|
| DR5 | - | Planning obligations |
| H5 | - | Main villages: Housing land allocations |
| H9 | - | Affordable housing |
| H13 | - | Sustainable residential design |
| H15 | - | Density |
| H19 | - | Open space requirements |
| T1 | - | Public transport facilities |
| T6 | - | Walking |
| T7 | - | Cycling |
| T8 | - | Road hierarchy |
| T11 | - | Parking provision |
| T14 | - | School travel |
| LA3 | - | Setting of settlements |
| LA5 | - | Protection of trees, woodlands and hedgerows |
| LA6 | - | Landscaping scheme |
| CF1 | - | Utility services and infrastructure |
| CF2 | - | Foul Drainage |

- 2.3 Supplementary Planning Guidance, Development Brief – Land opposite Sutton St. Nicholas Primary School, November 2003.

3. Planning History

- 3.1 DCCW2004/1004/O Construction of a replacement primary school incorporating a village hall and the provision of 15 residential houses. Approved October 2004.
- 3.2 DCCW2006/0015/RM Construction of community facility and replacement primary school. Withdrawn January 2006.
- 3.3 DCCW2006/1247/RM Construction of community facility and replacement primary school. Approved June 2006.
- 3.4 DCCW2006/2116/RM Erection of 15 dwellings, comprising 10 open market houses and 5 affordable houses. Withdrawn September 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection.
- 4.2 Welsh Water: No objection, subject to standard conditions.
- 4.3 Sports England: No objection.

Internal Council Advice

- 4.4 Traffic Manager: No objection, subject to standard conditions.
- 4.5 Head of Environmental Health & Trading Standards: No objection.

5. Representations

- 5.1 Sutton Parish Council: The Parish Council supports this application and is pleased to see a mix of owner-occupied, shared ownership and rented houses. The Parish Council would like clarification of the following points; 1, The proposed screening of plots 8 and 9 from the adjoining properties in St Ethelbert's Close seems less than the screening of plots 10 and 11. 2, The Parish Council would like further details of the Draft Heads of Terms and would like to contribute to the various measures described
- 5.2 River Lugg Internal Drainage Board: No comments received following initial request for more information.
- 5.3 A total of 3 letters have been received from Mr. Caulfield, 6 Churchway; Mr. Sheath, 7 Churchway and Mr. Lewis, 25 St. Ethelbert Close. Objections summarised as follows:
- Loss of privacy and overlooking.
 - Inadequate landscaping to screen the proposed development.
 - The southeast corner of the site is prone to water logging and flooding.
 - Increased traffic and overall road safety is a cause for concern.

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

6. Officers Appraisal

- 6.1 The principle of residential development has already been established by the outline planning permission (DCCW2004/1004/O), and therefore the primary issues in determining this reserved matters application are considered to be:
- Design and Layout of the Development
 - Residential Amenity
 - Access and Highways Issues
 - Flood Risk

Design and Layout of the Development

- 6.2 The proposal offers a mixture of 2, 3, 4 and 5 bedroom properties, which accords with Government guidance, which promotes schemes that include a diverse range of housing types.
- 6.3 More specifically the open market housing will comprise 10 two storey 4 and 5 bedroom detached properties, which will be arranged in loose parallel lines either side of the internal access road.
- 6.4 The 5 affordable houses will be provided within a pair of two storey blocks, with a terraced block of 3 units providing 2 bedroom accommodation and a semi-detached pair providing 3 bedrooms. These dwellings would be located at the front of the site adjacent to the highway, thereby reflecting the character and appearance of the street scene in the locality of the site

- 6.5 Having regard to the size and shape of the site, the layout is considered acceptable and as proposed it would not appear out of character with the mixed residential environment in the vicinity.
- 6.6 The landscaping as proposed would help to integrate the proposed dwellings, and further details in relation to this aspect of the proposal are set out below.

Residential Amenity

- 6.7 A number of existing dwellings have gardens that back onto or abut the southern and eastern boundary of the application site, and it is acknowledged that the determination to approve the extant outline planning permission for the erection of the 15 dwellings, coupled with the school campus, inevitably altered their setting and outlook.
- 6.8 However to the present reserved matters application, having regard for the pattern and density of residential development in the wider locality and the siting of the proposed dwellings has taken appropriate account of the position and orientation of the adjoining properties. The separation distances between existing and proposed dwellings is considered to be acceptable with the distance between the closest part of any of the proposed properties and the site boundary varying between 8 and 30 metres.
- 6.9 More specifically, having consideration to the letters of representation received, plot 8 is not considered to give rise to any demonstrable harm to the nearest adjoining existing dwelling in St Ethelbert Close, as it is sited opposite a blank elevation and the first floor gable end of the proposed dwelling omits any windows on its southern elevation. Plot 10 has been orientated in such a way as its eastern elevation does not directly face onto the rear elevation of the nearest adjoining property in Churchway and therefore, although that property is a bungalow, it is not considered that the proposal will result in an unacceptable level of overlooking or overbearing impact.
- 6.10 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, a proposed landscape buffer along the southern and eastern boundaries helps to reinforce the existing mature hedgerow. This will minimise the visual impact of the proposed development within the wider locality as well as screening views between the existing and proposed dwellings. However, notwithstanding the submitted plans, in order to safeguard and enhance the amenity of the adjoining dwellings it is considered expedient to recommend conditions requiring the submission of a detailed schedule of planting for approval as well as protecting the existing hedgerows and trees from being removed or wilfully damaged.
- 6.11 Furthermore in the interests of protecting the amenity of the wider locality during the construction phase it is considered expedient in this case to condition the hours of operation.

Access and Highways Issues

- 6.12 Both pedestrian and vehicular access into the housing development will be achieved as part of a shared access with the school campus and the details of the intersection of that access onto the public highway have been approved as part of the reserved matters planning permission for the school. Therefore there are no highway safety issues associated with this reserved matters application.

- 6.13 However to ensure that the footpaths and road within the proposed development are completed to a satisfactory standard the Traffic Manager has suggested the imposition of appropriate conditions, which are duly recommended.

Drainage and Flooding

- 6.14 Appropriate conditions requiring the submission of foul and surface water drainage schemes were attached to the outline planning permission. Therefore the comments of Welsh Water have already been satisfactorily addressed and do not require further attention in relation to this particular application.
- 6.15 Similarly, whilst the comments regarding the flooding of part of the site are acknowledged, these cannot form part of the consideration of this reserved matters application. In this respect it is not considered that the water logging of the south-eastern corner of the application site in itself would justify the either refusal or the inclusion of any conditions requiring specific measures to protect the development from future flood events. However it is considered expedient to bring this potential issue of localised flooding to the attention of any future developer by the use of an informative note.

Planning Obligation

- 6.16 The applicant has agreed to a range of Section 106 contributions, which are those envisaged within the Development Brief produced for the site.
- 6.17 These include a contribution of £7500 towards the enhancement of open space within Sutton St. Nicholas has been agreed with the Parks, Countryside and Leisure Development Manager; a sum of £20,500 for off site sustainable transport initiatives and the provision of 5 affordable homes, which equates to 35% of the total number of dwellings proposed.

Conclusion

- 6.18 Overall the appearance, scale and layout of the 15 dwellings, together with the proposed Section 106 contributions is considered to be acceptable in accordance with the relevant development plan policies, and subject to a requirement to enhance the landscaping of the site, approval is recommended.

RECOMMENDATION

- 1. The Head of Legal and Democratic Services be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 covering the matters detailed in the Heads of Terms appended to this report and any additional matters that he considers necessary and appropriate.**
- 2. Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
 - 1. A07 (Development in accordance with approved plans).**

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

2. B01 (Samples of external materials).

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

3. G01 (Details of boundary treatments).

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

4. No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscaping design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. The plans must include accurate details of all existing trees and hedgerows with their location, species, size and condition.

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

5. The landscaping scheme approved under condition 4 above, shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of five years. During this time any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with other of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five year maintenance period.

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

6. The hedgerows (or any parts thereof including any mature or semi-mature trees) forming the boundaries of the application site shall not be wilfully damaged, destroyed, uprooted, removed, felled, lopped and/or topped without the prior written consent of the local planning authority. Any parts of the hedgerows removed without such consent or dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with hedging of such size and species as is agreed in writing by the local planning authority. Any hedging plants that fail more than once shall continue to be replaced.

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

7. 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.

Reason: To safeguard residential amenity.

8. H18 (On site roads - submission of details).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

9. H19 (On site roads – phasing).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

Informatives:

1. N02 - Section 106 Obligation.

2. N01 - Access for all.

3. N10 - Council contract.

4. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites.'

5. HN01 - Mud on highway.

6. HN05 - Works within the highway.

7. HN08 - Section 38 Agreement details.

8. HN09 - Drainage details for Section 38.

9. The applicant/developer is advised that the southeast corner of the application site may be prone to water logging or localized flooding and it is therefore advised the measures for floodproofing properties in this part of the site should be carefully considered.

10. N19 - Avoidance of doubt.

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

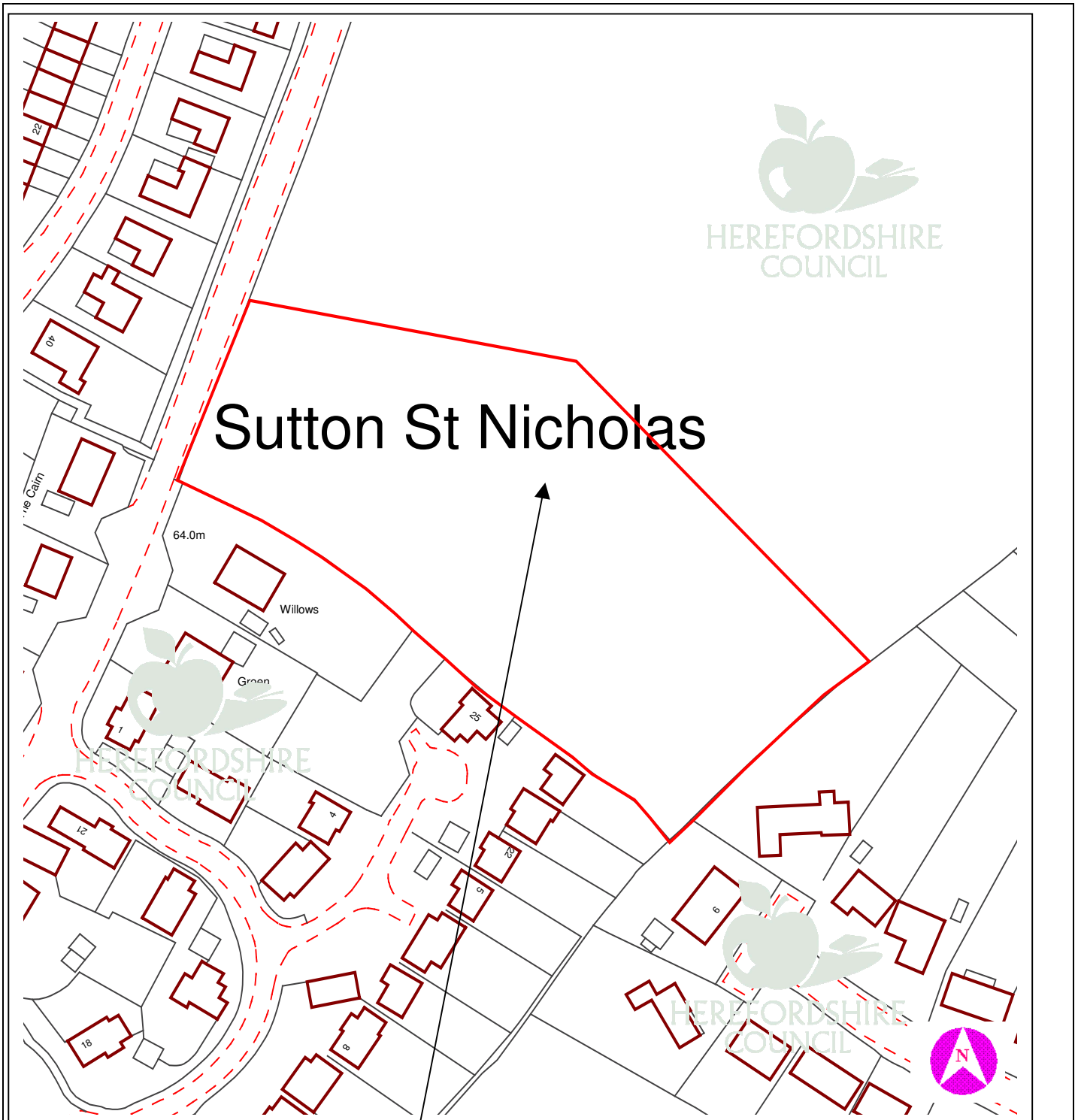
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3725/RM

SCALE : 1 : 1250

SITE ADDRESS : Land opposite Sutton Primary School, Sutton St. Nicholas, Hereford, Herefordshire, HR1 3AZ

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HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application – DCCW2006/3725/F

Erection of 15 dwellings comprising 10 open market houses and 5 affordable houses

Land opposite Sutton Primary School, Sutton St. Nicholas, Herefordshire, HR1 3AZ

1. The developer in lieu of the provision of open space on the land to serve the development covenants with Herefordshire Council, to pay Herefordshire Council the sum of £7,500 (ratio of £500 per dwelling) which sum shall be paid on or before the commencement of the development.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- To provide for an enhancement of public open space in Sutton St. Nicholas
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £22,500 to provide transportation facilities to serve the development, which sum shall be paid on or before the commencement of the development.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- Traffic calming in Sutton St. Nicholas
 - Contribution to improved bus services for Sutton St. Nicholas
 - Contribution to Safer Routes for Schools within Sutton St. Nicholas parish
3. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1 and 2 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.
 4. The sums referred to in Clauses 1 and 2 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

5. The developer shall provide 5 affordable housing units, which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. 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.
6. The developer shall complete the Agreement within 12 weeks and 5 days of the date that the application is registered as valid otherwise the application will be registered as deemed refused.

Peter Clasby - Senior Planning Officer
Peter Yates - Development Control Manager

9th January 2007

8 DCCE2006/3894/F - TWO NEW DWELLINGS HAGLEY COTTAGE, BARTESTREE, HEREFORD, HR1 4BX

For: Mrs J Cowell per Nick La Barre RIBA, Easters Court, Leominster, Herefordshire, HR6 0DE

Date Received: 11th December, 2006 Ward: Hagley Grid Ref: 55896, 41197

Expiry Date: 5th February, 2007

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of two dwellings on land to the rear of Hagley Cottage, Bartestree. The application site is located within the settlement boundary of Bartestree and is found immediately to the north of the main A438, forming the roadside frontage to this highway. Bartestree is designated as a 'Main Village' in the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 1.2 The proposal involves the erection of two dwellings on land to the rear of the existing property. The land is currently garden area associated with Hagley Cottage, an attractive two-storey brick detached dwelling house which has been divided into two units. The proposal involves the retention of the existing vehicular access point serving Hagley Cottage, and the creation of a new second access to serve the two new dwellings. The existing access is to the east of the site, with the proposed new access being to the west, whilst the associated access road runs along the western site boundary.

2. Policies

2.1 Planning Policy Guidance:

| | | |
|------|---|------------------------------------|
| PPS1 | - | Delivering sustainable development |
| PPS3 | - | Housing |

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

| | | |
|-----|---|---|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR4 | - | Environment |
| DR6 | - | Water resources |
| H4 | - | Main villages: settlement boundaries |
| H5 | - | Main villages: housing land allocations |
| H16 | - | Car parking |
| T11 | - | Parking provision |

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No comment but require re-consultation if a connection to the mains is later requested.

Internal Council Advice

4.2 Traffic Manager: Identified limitations in the access arrangements and requested revisions. This detail has been provided but the Traffic Manager has yet to provide final comment. These will be reported verbally to the Committee.

4.3 Land Drainage Engineer: Storm water is to be disposed to soakaways, the layout and suitability of which need to be approved by Building Control. The foul drainage is to be disposed to a private treatment plant, however a publicly maintained sewer is available and should be considered.

5. Representations

5.1 Lugwardine Parish Council: Objection on the grounds that the access is very close to the Post Office and exiting this can be difficult and dangerous. Also, the proposed houses are too large and too close to the school. Finally, there are problems with water pressure in this area.

5.2 Local residents: Two letters of objection have been received, the comments of which can be summarised as follows:

- Drainage problems and lack of capacity of mains sewerage;
- Increased traffic accessing a busy road;
- Inadequate access arrangements will remain for the existing property;
- Land to the rear of 2, 3, 4 Hagley Orchard was sold to these properties on the basis that no new access would be created;
- The land subject of this application will not be available to meet increased land requirements for the school to the rear;
- Loss of view and impact upon property values.

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

6. Officers Appraisal

6.1 It is considered that the following matters represent the salient areas for consideration in relation to this application:

- Principle of Development;
- Highway Issues;
- Design, Layout and Scale;
- Residential Amenities;

- Drainage.

Principle of Development

- 6.2 This application seeks permission for a residential development within the settlement boundary of Bartestree and as such the broad principle of this proposal is considered acceptable in the context of both the adopted and emerging local development plans.

Highway Issues

- 6.3 As submitted this application intended to stop up the existing access point and create a single point of access for the existing dwelling and the two new properties. The Traffic Manager expressed concern over this arrangement, as well as the precise siting of the access. On this basis a revised arrangement attempting to accommodate the requirements of the Traffic Manager was submitted. This has yet to be formally confirmed as acceptable and the recommendation attached to this report reflects this. It is recognised that this is a key issue and if the revisions cannot satisfactorily address the concerns of the Traffic Manager the recommendation may change.

Design, Layout and Scale

- 6.4 The proposed properties are relatively modest two storey dwellings with the first floor accommodation formed primarily within the roof space. Simple details and a conservative design utilising a brick and tiled finish is proposed. The design is unimposing and this is considered appropriate in the context of the siting of the properties. The properties will be located behind the existing dwelling and therefore will not be visible within the varied street scene. The subservient scale is considered appropriate having regard to the location of these properties in an area of 'backland'. Such an arrangement could, in some circumstances, be considered unacceptable. However, in this instance the mixed settlement pattern allows this proposal to integrate into the settlement pattern of the locality without appearing as an incongruous feature.

Residential Amenities

- 6.5 The proposed new dwellings have no habitable openings above ground floor level in the side elevations. The nearest neighbouring property to the south is in excess of 35 metres from the nearest new dwelling at the closest point and to the east there is a distance of some 30 metres. There are no neighbouring properties to the rear and the relationship to the front and side are acceptable and appropriate. It is not considered that the privacy of neighbouring properties will be adversely affected and a condition will ensure that no undesirable new openings will be introduced in the side elevations. No issues of overbearing impact exist with the dwellings being appropriate in scale and sited well away from the neighbouring properties. The relationship with the adjacent school is considered acceptable with no habitable windows above ground floor level facing north or west in the direction of the school and its associated playing fields. . Having regard to the constrained nature of this site it is proposed to remove the Permitted Development Rights of the proposed new dwellings. Finally, a condition controlling the hours of construction is proposed to ensure the amenities of neighbouring properties during this phase.

Drainage

- 6.6 Welsh Water have previously advised that the capacity of the existing drainage system in this area is limited. On this basis a private drainage arrangement is proposed with a condition requiring connection to the main when this becomes available is proposed.

Other Issues

- 6.7 The availability of this land for the neighbouring school has been raised. The land associated with this application is confirmed by the applicant as being in their own private ownership. The land is therefore not associated with the school and its loss is not a material planning consideration.

Conclusion

- 6.8 It is considered that this proposal represents an acceptable development of an appropriate design and scale. The impact upon residential amenities is within acceptable limits and subject to the resolution of the highway issues the application is recommended for approval.

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

7. G01 (Details of boundary treatments).

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

8. 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. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.**
- 4. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.**
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 6. N19 - Avoidance of doubt.**

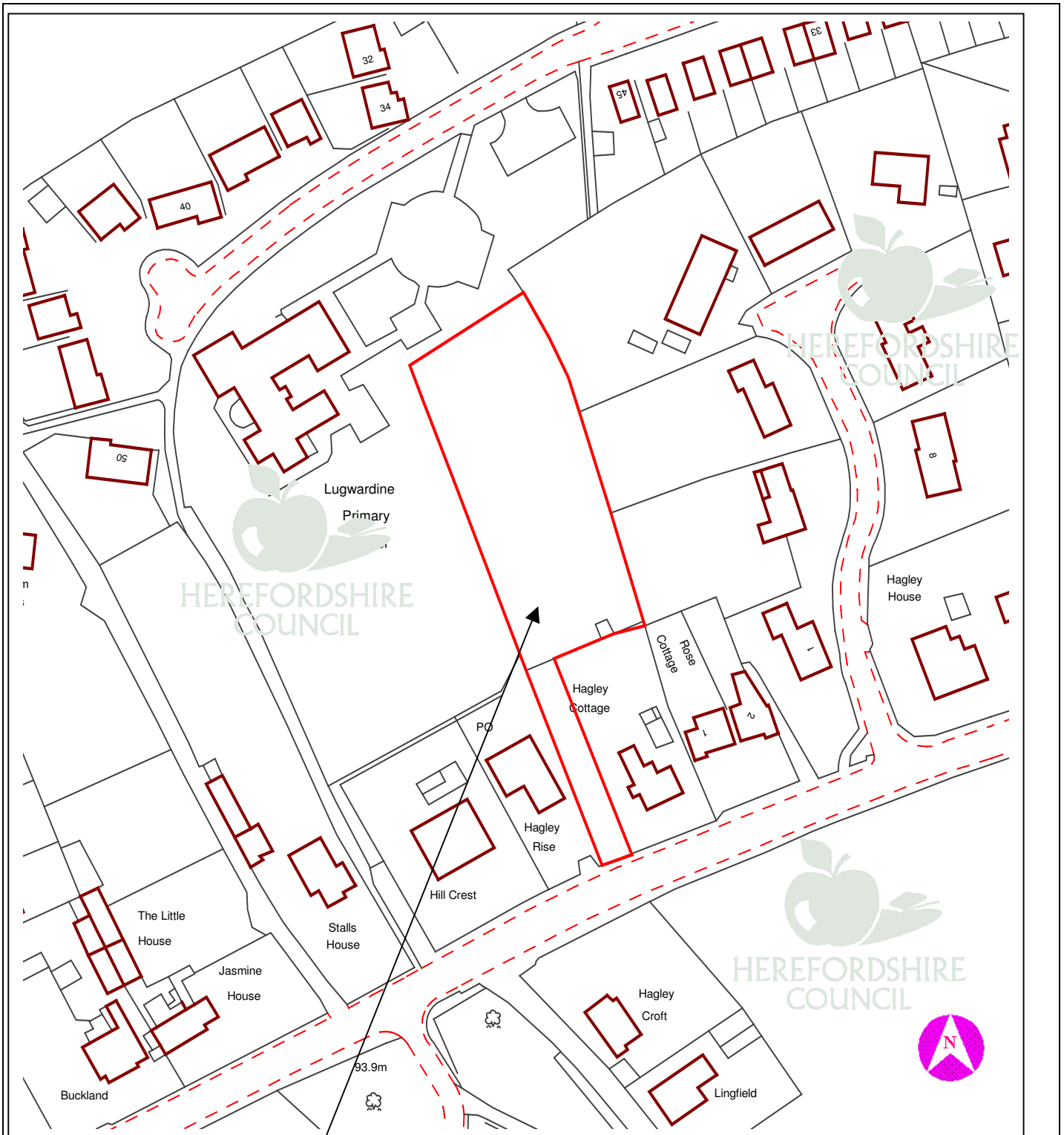
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3894/F

SCALE : 1 : 1250

SITE ADDRESS : Hagley Cottage, Bartestree, Hereford, Herefordshire, HR1 4BX

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9 DCCE2006/3982/F - PROPOSED NEW DWELLING (RETROSPECTIVE). REVISED SITING FROM APPROVAL DCCE2005/3180/F. PLOT ADJACENT TO 'STONELEIGH' FORMERLY 'ROWBERRY', LUGWARDINE, HEREFORD, HR1 4DS

For: Mr. & Mrs. T. & E. Smith, 3 Huskinson Drive, Hereford, HR1 1DB

Date Received: 20th December, 2006

Ward: Hagley

Grid Ref: 55209, 41080

Expiry Date: 14th February, 2007

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

1.1 The application seeks retrospective permission for the retention of a dwelling on land adjacent to Stoneleigh (formerly Rowberry), Lugwardine. A dwelling on this site was approved by virtue of application DCCE2005/3180/F, however, when development was commenced it was brought to the Council's attention that the proximity of the new dwelling to the boundary of the neighbour to the east was less than approved. Further investigations by the Council's Enforcement Officer determined that the application block plan associated with application DCCE2005/3180/F was inaccurate, with the site narrower than was understood to be the case. The result of this being the distance to the boundary to the east and west are less than agreed. The dwelling itself, as well as the associated access, is unchanged from the approved scheme. This application seeks the retention of the approved dwelling within the amended site area.

1.2 The application site is located within the settlement boundary of Lugwardine and is adjacent to a designated Conservation Area. Lugwardine is designated as a 'Main Village' in the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). The site is also adjacent to a Listed Building to the west (Porch House).

2. Policies

2.1 Planning Policy Guidance:

| | | |
|-------|---|---------------------------------------|
| PPS1 | - | Delivering sustainable development |
| PPS3 | - | Housing |
| PPG15 | - | Planning and the historic environment |

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

| | | |
|-----|---|-------------------------------|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| S7 | - | Natural and historic heritage |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR4 | - | Environment |

| | | |
|------|---|---|
| DR6 | - | Water resources |
| H4 | - | Main villages: settlement boundaries |
| H5 | - | Main villages: housing land allocations |
| H16 | - | Car parking |
| T11 | - | Parking provision |
| HBA4 | - | Setting of listed buildings |
| HBA6 | - | New development within conservation areas |

3. Planning History

- 3.1 DCCE2005/3180/F - Proposed new dwelling. Approved 29th November, 2005/

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection but will require reconsultation when connection to the mains becomes available.

Internal Council Advice

- 4.2 Conservation Manager: No objection to the scheme as now proposed.
- 4.3 Traffic Manager: No objection subject to confirmation of access arrangements as approved by virtue of application DCCE2005/3180/F.

5. Representations

- 5.1 Lugwardine Parish Council: Objection of the following grounds:

- The size of the dwelling, which has now become apparent, is too large for the plot;
- Dwelling is too close to Stoneleigh causing privacy and light loss issues;
- The property is not a dormer bungalow;
- The conditions attached to the previous application were not all discharged prior to the commencement of development.

- 5.2 Local Residents: Three letters of objection have been received from two sources raising the following points:

- The property is not a 'dormer bungalow';
- The position on the site is not as approved;
- The property is too large for the plot;
- The building is overpowering and claustrophobic in size and the closeness to the boundary is inadequate resulting in an adverse impact upon quality of life;
- The access proposed is not all in the ownership of the applicant;
- A site visit by Members is suggested;
- The paddock area to the rear of the building was not part of the approved property and domestic features have been introduced onto this area of land;
- Noise and pollution resulting from the construction process have resulted;
- The issues of loss of light and privacy previously raised under application DCCE2005/3180/F should be reconsidered as they are unacceptable;
- The dwelling is suggested as being required for Mrs Smith, already registered disabled, a more modest bungalow is more appropriate in this context;

- The property will cause shadow and resulting dropping of fruit;
- The design is inappropriate for this location;
- The pedestrian access is unacceptable.

In addition to the above, a letter from a Solicitor has been received on behalf of Stoneleigh, challenging the land ownership of the access.

- 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 A number of issues relating to the building itself, the access, and land ownership issues have been raised, together with comments relating to personal circumstances, which in itself is not a material consideration in this case. The dwelling which is the subject of this application, as well as the associated access arrangements, have previously been approved by virtue of application DCCE2005/3180/F. On this basis the sole matter for consideration is the impact of the reduced distance from the dwelling to the east and west boundaries with neighbouring property.
- 6.2 The result of the plan inaccuracies is that the dwelling is now up to 0.5 metres closer to the boundary with Porch House, and 1.5 metres closer to the boundary with Stoneleigh. It is considered that these variations are such that no significant impact on the wider character and visual amenity of the area will result. The key issue for consideration is therefore the actual impact of these variations upon the neighbouring dwellings.
- 6.3 It is considered that the 0.5 metre variation to the west will not result in any tangible difference in the relationship between the new dwelling and Porch House. Turning to the east, Stoneleigh has no habitable openings in the side facing elevation affected by this new property and as such the key impact is in respect of the area to the rear. The gap between the boundary as approved was approximately 3 metres. As built the gap is 1.4 metres at the closest point. Habitable windows are found in the rear of Stoneleigh and the proposal projects 5 metres beyond the rear elevation of this neighbour. No openings are proposed in this projecting element and as such privacy will not be affected. The property is located to the west of Stoneleigh and as such there would be some increased shadowing in the afternoon/evening. Similarly, the overbearing impact upon the rear elevation will be increased to an extent. However, the remaining distance between these properties and their relative orientation is such that the impact will remain within acceptable limits and would not warrant the refusal of planning permission.

Other issues

- 6.4 Issues surrounding the ownership of the access have been raised. The applicant maintains that they have control over the land required for the access and it is not for the planning process to resolve such disputes. Ultimately the access must be provided as approved but this is for the applicant to secure. A revised plan has now been received confirming the access details in accordance with the Area Highway Engineers requirements. Details of the required conditions are to be confirmed but the completion of the access will be restricted by a time limit having regard to the retrospective nature of the application.

- 6.5 Comments relating to the description of the original proposal and the height and size of the dwellings as built are noted but ultimately with the exception of the proximity of the neighbouring boundaries, the house has been built in accordance with the approved plans and it is not therefore reasonable to challenge these aspects of the development.

RECOMMENDATION

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

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

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

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

Reason: To ensure the satisfactory appearance of the development.

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

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

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

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

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

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

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

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

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

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

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

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

9. **F48 (Details of slab levels).**

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

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

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

11. H08 (Access closure).

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

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.**

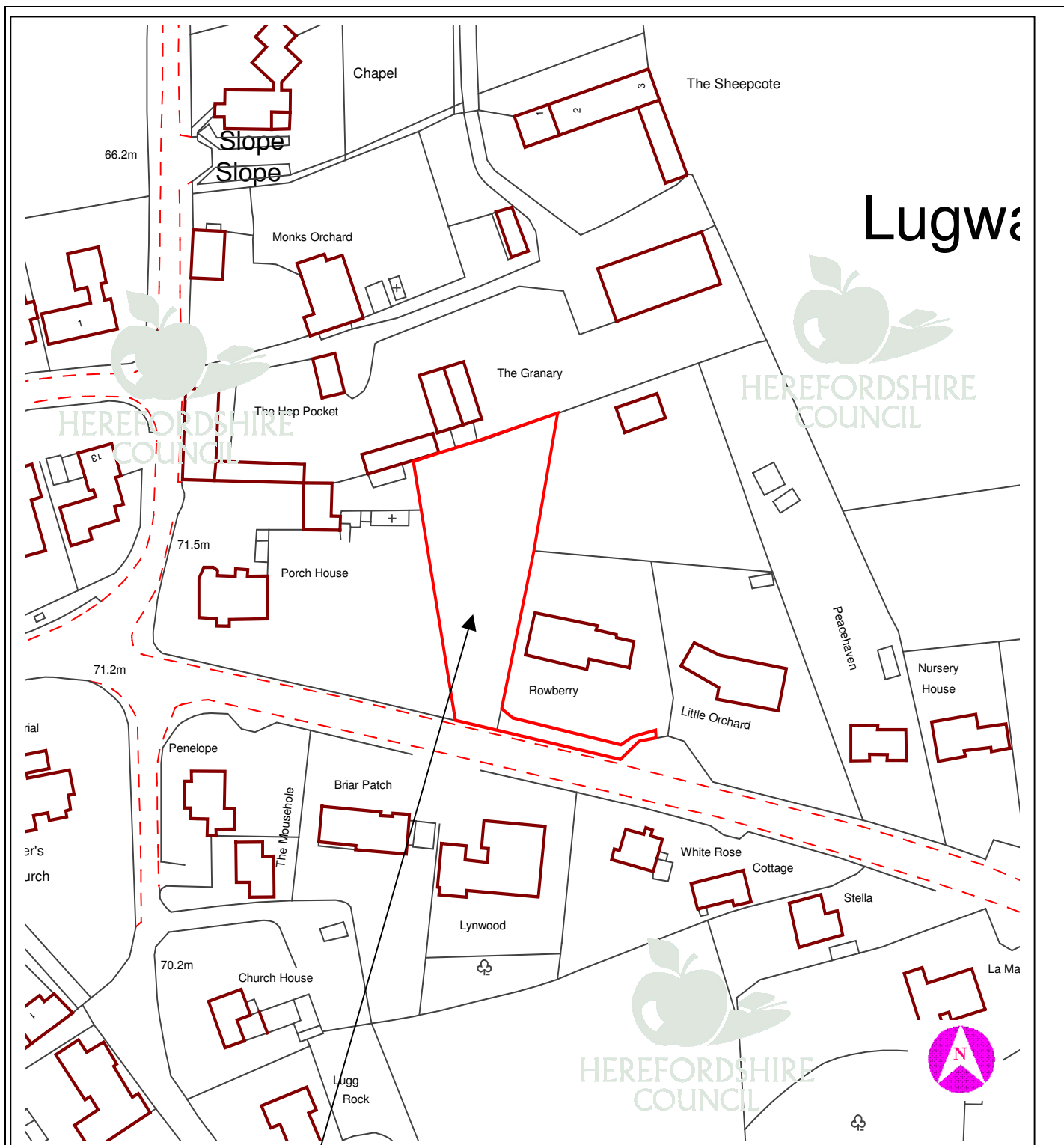
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3982/F

SCALE : 1 : 1250

SITE ADDRESS : Plot Adjacent to 'Stoneleigh' formerly 'Rowberry', Lugwardine, Hereford, HR1 4DS

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10 DCCE2006/3940/O - ERECTION OF ONE DWELLING AND CONSTRUCTION OF NEW VEHICULAR ACCESS LAND ADJOINING BROOKFIELD, TARRINGTON, HEREFORD, HEREFORDSHIRE, HR1 4HZ

For: Ms. F. Thomas, Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD

Date Received: 14th December, 2006 Ward: Backbury Grid Ref: 61942, 40905

Expiry Date: 8th February, 2007

Local Member: Councillor Mrs. J.E. Pemberton

1. Site Description and Proposal

- 1.1 The site is located on the northern side of the A438 on the north eastern edge of the Tarrington. The site currently forms part of the domestic curtilage associated with Brookfield, a detached red brick and hipped slated roof property. The existing vehicular access lies in the south eastern corner of the curtilage leading to a hardstanding to the front of the property and further hardstanding and parking area to the rear. Also to the rear of Brookfields is a detached single storey red brick building used as ancillary accommodation. Running along the western boundary of the site is a vehicular access track serving surrounding agricultural land. Ground levels fall northwards away from the main road into the site with the garden level being approximately half a metre lower than the adjoining road level. The site falls within the settlement boundary for Tarrington as identified in the Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 1.2 Outline planning permission is sought for the construction of a detached 4 bedroom dwelling within part of the domestic curtilage associated with Brookfields and a new vehicular access is proposed to serve the new dwelling and the existing vehicular access serving Brookfield is to be relocated. The layout and access for the development form part of this application with the appearance, scale and landscaping reserved for future consideration.

2. Policies

2.1 Planning Policy Guidance:

PPS3 - Housing

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
 H4 - Main villages: settlement boundaries

| | | |
|-----|---|--|
| H13 | - | Sustainable residential design |
| H14 | - | Re-using previously developed land and buildings |
| H16 | - | Car parking |
| T8 | - | Road hierarchy |

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: The proposed development will 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 98-101 of the Water Industry Act 1991.

Internal Council Advice

4.2 Traffic Manager: No objection subject to conditions concerning design and construction of the access, parking provision and closure of the existing access.

5. Representations

5.1 Tarrington Parish Council: Although the garden area of Brookfields is quite spacious, the proposed dwelling has been sited fairly close to the front of the area to keep it within the settlement boundary and it is much too large in relation to the adjoining properties (ie larger than both). Our Parish Plan is not in favour of infill development that is out of proportion to or out of character with neighbouring properties. The proposal involves an extra vehicular access off a bend in the main road at its narrowest and most dangerous point, in spite of the recent reduction of the speed limit, the volume of traffic remains the same. We recommend refusal.

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

1. The proposed development would dominate and adversely affect the setting of Brookfield.
2. The development would destroy the openness and the visual quality of the locality and the harmony of the local street scene.
3. The construction of a new access will entail the removal of most if not all of the existing roadside screening thus exposing Brookfield and the development site.
4. A further access on this busy and fast section of road would be detrimental to the safety and flow of vehicular traffic notwithstanding the reduction in speed limit.
5. The creeping development and infilling of existing gardens is unacceptable as confirmed by the Tarrington Parish Plan.
6. A further new connection to the public sewer will overload the drains.
7. A new development close to an historic lane will detract from its natural beauty.
8. The scale of the development being larger than Brookfield is excessively large and more like an executive style home.
9. The development will block out light from rooms within the adjoining property.

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 Tarrington is classified as a main village within the Unitary Development Plan (Revised Deposit Draft). Policy H4 of the Unitary Development Plan permits new residential development within the identified settlement boundaries of main villages. As such the principle of the development is acceptable.

6.2 The curtilage associated with Brookfield is very large and sufficient land exists to enable the curtilage to be sub-divided to create a building plot without adversely affecting the general character of the area. Whilst the footprint of the dwelling is larger than the immediately adjoining properties, it is not considered excessively large for the land available and a reasonable separation distance will be retained between the proposed dwelling and Brookfield to the east and The Elms to the west. The siting has been positioned slightly rearward of the front elevation of The Elms and Brookfield which will assist in reducing the visual impact of the dwelling whilst also safeguarding the amenity and particularly light for the existing windows in the western elevation of Brookfield. The scale and appearance of the proposed dwelling is reserved for future consideration although an illustrative street scene plan has been provided. The theme of the design is to replicate features, which exist within Brookfield although it should be noted that the illustrative design is considered too grand and would need to be simplified if outline permission were approved.

6.3 A new vehicular access is proposed to serve the proposed dwelling along with a further new access to serve Brookfield with the existing access closed off. The Traffic Manager has confirmed that in light of the recent reduction of the speed limits within Tarrington, a safe access can be provided. The new access point will inevitably require the removal of some roadside vegetation although in light of the reduced visibility requirements, much of the vegetation can be retained which will assist in further screening the new property. The visual impact of the development can be further reduced through requiring the slab level of the new dwelling to be at the existing garden level, this being approximately half a metre below the road level.

6.4 An objection has been received from Welsh Water as the applicants had hoped to connect to the main sewer. A private drainage system is now proposed and adequate land exists to provide the necessary soakaway arrangements. This matter can be dealt with by condition requiring that no development take place until the foul drainage arrangements are in place and securing a connection to the mains when this is available.

6.5 The concerns of the local community regarding further infill development is acknowledged as expressed in the Parish Plan. However, both the Development Plan and National Guidance permit such development within designated settlements and the Parish Plan has not yet been adopted as a Supplementary Planning Document. In this instance the principle, siting and means of access are considered acceptable.

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

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

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

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

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

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

7. **F18 (Scheme of foul drainage disposal) (connection to mains when available).**

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

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

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

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

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

10. **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.

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

Reason: In the interests of highway safety.

12. **H09 (Driveway gradient).**

Reason: In the interests of highway safety.

13. 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.

14. H05 (Access gates).

Reason: In the interests of highway safety.

15. H02 (Single access - footway).

Reason: In the interests of highway safety.

16. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

Informatives:

- 1. HN01 - Mud on highway.
- 2. HN05 - Works within the highway.
- 3. HN10 - No drainage to discharge to highway.
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 5. N19 - Avoidance of doubt.

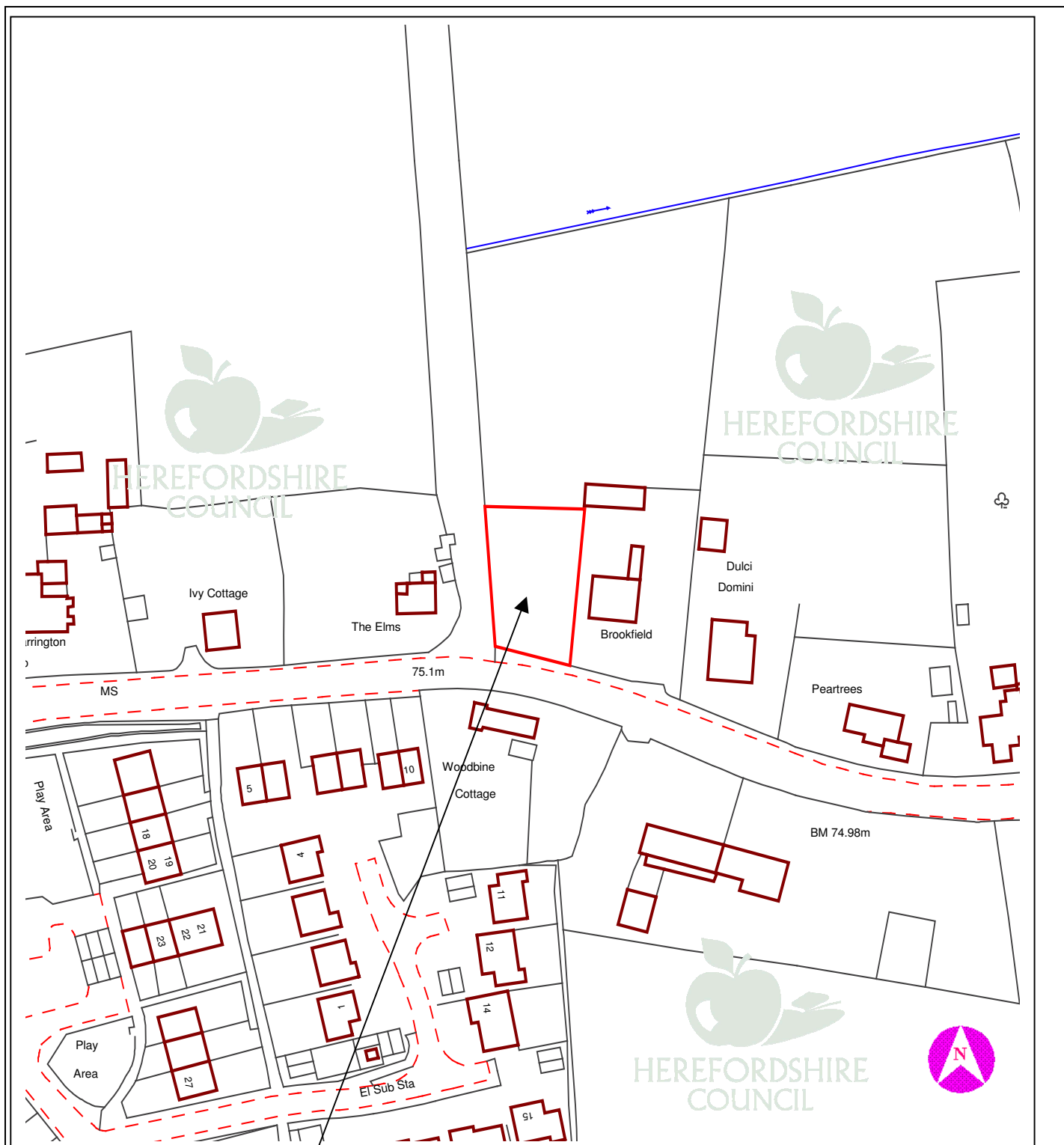
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3940/O

SCALE : 1 : 1250

SITE ADDRESS : Land adjoining Brookfield, Tarrington, Hereford, Herefordshire, HR1 4HZ

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11 DCCW2006/4011/F - SUB DIVISION OF EXISTING NURSING HOME TO THREE DWELLINGS AT 9-11 TOWER ROAD, HEREFORD, HR4 0LF

For: Ms. K. Apperley per Mr. D.R. Davies, Consulting & Architectural Engineer, 23 Charlton Rise, Ludlow, Shropshire, SY8 1ND

Date Received: 21st December, 2006 Ward: St. Nicholas Grid Ref: 49925, 39683
Expiry Date: 15th February, 2007

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

1. Site Description and Proposal

- 1.1 Planning permission is sought to convert 9-11 Tower Road, Hereford into three self-contained residential properties.
- 1.2 The proposal in detail seeks to provide two semi-detached dwellings with a basement apartment. The proposed dwellings will have the potential to provide a total of eight bedrooms each on three floors whilst the basement apartment would have two bedrooms. Off road parking is proposed on either side of the property and would be served by an existing access and a proposed new access between the application property and 7 Tower Road.
- 1.3 The property was formerly used as a Nursing Home but is now vacant.

2. Policies

2.1 Government Guidance:

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1 - Sustainable Development
 Policy S3 - Housing
 Policy DR1 - Design
 Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
 Policy H14 - Re-using Previously Developed Land and Buildings
 Policy H15 - Density
 Policy HBA4 - Setting of Listed Building

3. Planning History

- 3.1 HC940504PF Proposed extension to rear to form staff utility room, office and store. Approved 11th January, 1995.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: Raise no objection.

Internal Council Advice

4.2 Traffic Manager: No objection subject to cycle parking provision for the basement flat.

4.3 Conservation Manager: Will not adversely affect character and appearance of adjacent Conservation Area or setting of Listed Building.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Three letters of objection have been received from David Howes, 5 Tower Road, Hereford; R.A. Davies, 7 Tower Road, Hereford and R. Jarvis, 15 Tower Road, Hereford. The main points raised are:

1. The application forms are at variance with the plans in that two 3 to 4 bedroom units are proposed whereas the plans identify a 5+ bedroom dwelling.
2. The sub-division of the premises would be detrimental to the amenity and privacy of neighbouring property and therefore impact negatively contrary to Policies H17 and H18 of the Hereford Local Plan.
3. The ability to divide each of the two dwellings into 8 bedrooms each suggest multiple occupation and not a family residence is proposed. This would be contrary to the character of the area.
4. The new access will be a danger to pedestrians.
5. The parking area will be too small to allow safe parking of more than four vehicles. This would mean further traffic problems on Tower Road.
6. There will be no amenity space for the occupants of the dwellings.
7. The removal of the ramp to the side of the dwelling and provision of a driveway will cause structural damage to the boundary wall which is up to 2 metres higher.
8. The parking area would be 2 metres above the adjoining garden and could be a safety issue.
9. Concerns over the demolition of the front wall to create the access and impact on adjoining property.

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

6. Officers Appraisal

- 6.1 The proposal seeks to convert the former Nursing Home into two large dwellings potentially containing eight bedrooms each and a 2-bed basement apartment.
- 6.2 The impact on the setting of the Conservation Area and Listed Building have been considered and having regard to the very limited external alterations proposed to the property and the prevailing residential character of the area, it is considered that there will be no impact in relation to these works. Members will note that the Conservation Manager has raised no objections.
- 6.3 Whilst limited information in relation to the internal layouts is provided, the property can easily be divided into two dwellings together with the basement apartment. The proposals could provide a total of eight bedrooms in the two large units but ultimately the internal arrangements are not material considerations in relation to this application.
- 6.4 In response to a number of concerns raised about the potential for multiple occupation of the premises, this would require separate planning permission and does not represent grounds for objecting to this specific proposal.
- 6.5 The character of the area is one of large dwellings and in this context this proposal is considered acceptable.
- 6.6 The neighbours' concerns regarding the driveway are noted and separate conditions requiring structural details of the construction of the new driveway are recommended. The proposal is considered to comply with the Herefordshire Unitary Development Plan (Revised Deposit Draft) and provides an appropriate re-use of an otherwise vacant property.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **Prior to any works commencing on site full details including structural details of the proposed driveway and parking area shall be submitted for approval in writing of the local planning authority and the driveway constructed in accordance with the approved details.**

Reason: To ensure the driveway is constructed without detriment to the adjoining property.

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

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

Informatives:

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

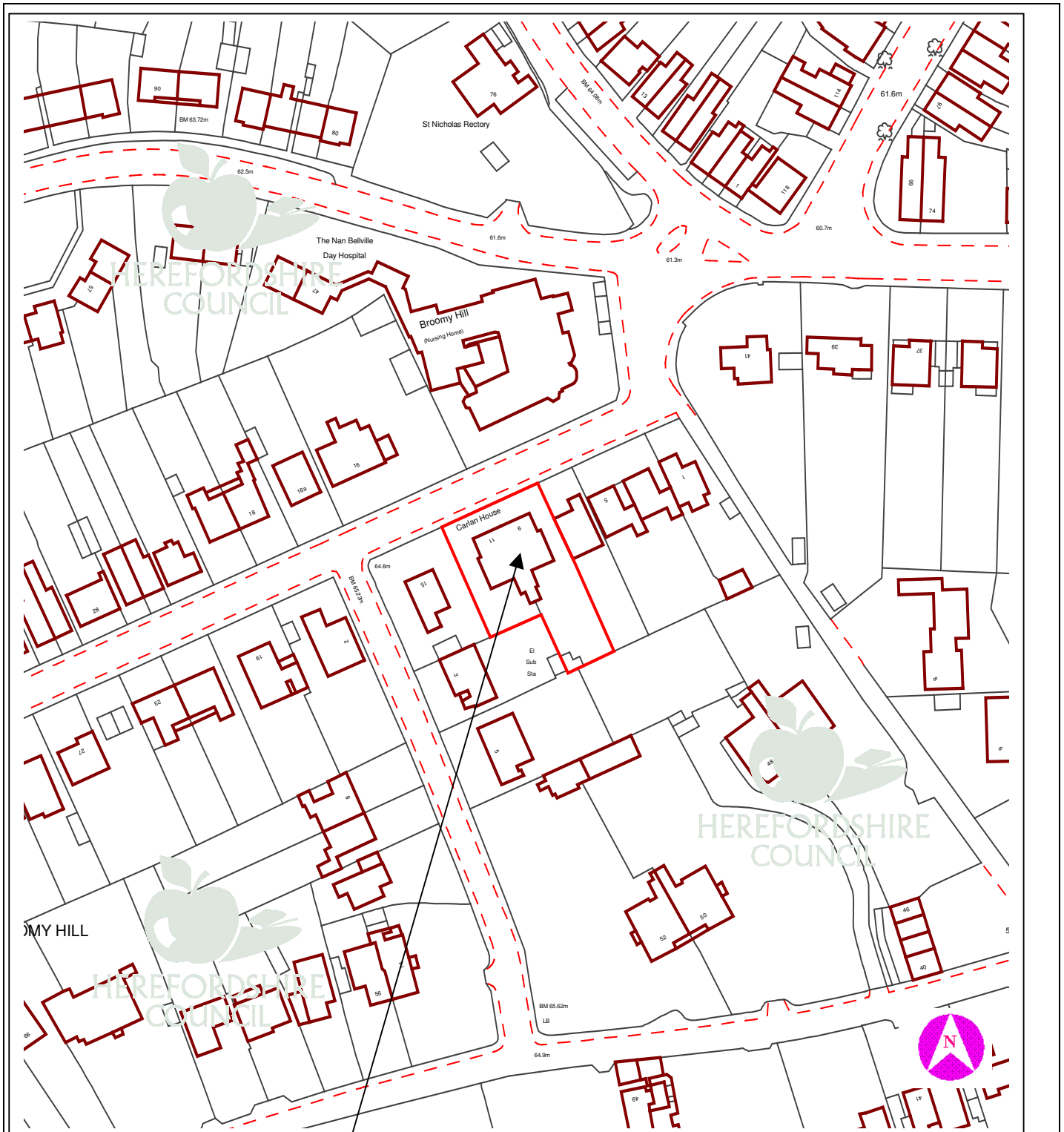
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/40/1/F

SCALE : 1 : 1250

SITE ADDRESS : 9-11 Tower Road, Hereford, HR4 0LF

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12 DCCW2006/3908/F - ERECTION OF 2M DIAMETER WIND TURBINE TO PROVIDE ELECTRICITY FOR SITE AT UPPER HOUSE FARM, WESTHOPE, HEREFORD, HEREFORDSHIRE, HR4 8BL

For: The Bulmer Foundation, The Cider Mills, Plough Lane, Hereford, HR4 0LE

Date Received: 13th December, 2006 Ward: Wormsley Ridge Grid Ref: 46292, 50680
Expiry Date: 7th February, 2007

Local Member: Councillor J.C. Mayson

1. Site Description and Proposal

- 1.1 Upper House Farm is located at the southern end of the small hamlet of Westhope, Hereford.
- 1.2 The proposal is to erect a 2 metre diameter wind turbine to generate electricity for the site. It would be located on the the eastern side of the existing farm building and will protrude approximately 3 metres above the top of the roof. The proposed siting has been amended from its original location on the western side in order to reduce the visual impact of the structure.
- 1.3 Residential property is located to the west (Wyfield); north, (The Briars) and east, (The Woodlands).

2. Policies

2.1 Government Guidance:

| | | |
|-------|---|--|
| PPS7 | - | Sustainable Development in Rural Areas |
| PPG22 | - | Renewable Energy |
| PPG24 | - | Noise |

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

| | | |
|-------------|---|-----------------------|
| Policy DR1 | - | Design |
| Policy DR2 | - | Land Use and Activity |
| Policy DR13 | - | Noise |
| Policy CF4 | - | Renewable Energy |

3. Planning History

- 3.1 DCCW2006/1246/F Erection of a 2 metre diameter wind turbine to provide electricity for site. Withdrawn 31st May, 2006.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Head of Environmental Health & Trading Standards: "I have had opportunity to consider the attached letter and would clarify that the information provided with the application states that the noise emitted from the wind turbine is 35dB(A) measured at 2m from the turbine, and that it falls within the guidelines given in the DTI/ETSU report Assessment of Noise from Wind Farms, i.e. 5 dB above background noise with a fixed limit of 45dB. 35dB is a low level of sound which will be further reduced due to distance correction at neighbouring properties. For example at a distance of 20m it can be expected to be 15dB. Even in rural locations with very low background noise levels this is unlikely to be a problem."

4.4 Public Rights of Way Manager: No objection.

5. Representations

5.1 Canon Pyon Parish Council: "The Group Parish Council, on behalf of the local residents, has the following observations:

- a) As before there is a preference for the turbine to be sited at the east end of the barn – where the closest house, Woodlands, is let on an annual basis; perhaps more weight could have been given to the views of permanent residents.
- b) The Group Council would ask that the Bulmer Foundation investigates whether individual screening trees might be introduced on the northern boundary."

5.2 Four letters of objection have been received from Mr. N. Jordan, The Briars, Westhope, Hereford; Mrs. L. Pugh, Deep Slade, Westhope; T. Vayle, The Gables, Westhope and Mr. & Mrs. K. Feist, Hyland, Westhope. The main points raised are:

1. The revised position will still be a visual intrusion into the skyline above the buildings and will be silhouetted in the skyline from adjacent dwellings.
2. A better visual position would be on the end of the pitched roof building.
3. The need for the turbine is questioned.
4. A noise generated by the turbine is of concern in an area which is very quiet at night with low background noise.

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 erect a modest 2 metre diameter wind turbine on the top of the Dutch barn at Upper House Farm, Westhope which will protrude approximately 3 metres above the top of the roof. The location of the turbine has moved to the south east end of the Dutch barn during the processing of the planning application in an attempt to overcome neighbours' concerns, but as Members will see from the report local residents still object.
- 6.2 The dwellings to the rear of the site are elevated and enjoy views over the agricultural building but are situated over 50 metres away. It is therefore considered that despite the wind turbine being situated on top of the Dutch barn and silhouetted in distance views, the proposal will not unduly affect the character and appearance of the wider landscape or have any overbearing impact on neighbouring property.
- 6.3 The noise issue has been assessed by the Council's Environmental Health & Trading Standards Officer who confirms that the wind turbine is not expected to be a source of unacceptable noise. In conclusion the principle of providing small-scale turbines to meet individual needs is supported by Government guidance and Herefordshire Unitary Development Plan (Revised Deposit Draft) policy and in this instance it is not considered that there will be any adverse impact on residential or visual amenity.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **The turbine shall be coloured dark green, or an appropriate alternative colour, in accordance with details to be submitted for approval in writing by the local planning authority. The turbine shall be installed in accordance with these details and the manufacturer's specifications and thereafter be kept in good decorative order.**

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

3. **Within six months of the wind turbine becoming redundant it shall be removed together with all associated equipment.**

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

Informatives:

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

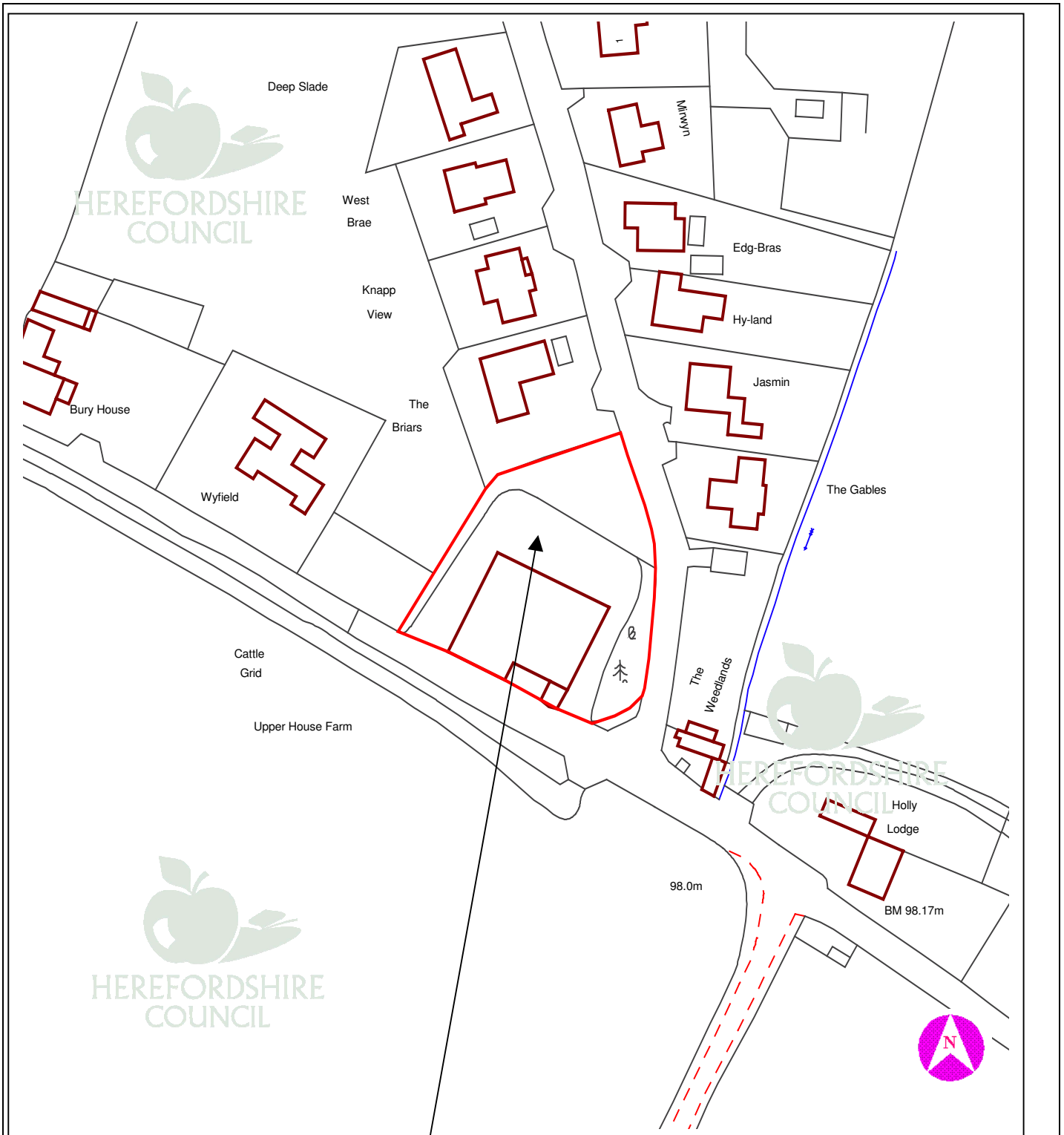
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/3908/F

SCALE : 1 : 1250

SITE ADDRESS : Upper House Farm, Westhope, Hereford, Herefordshire, HR4 8BL

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5. Representations

- 5.1 Hereford City Council: Comments awaited.
- 5.2 Three letters of objection have been received from B. James, 15 Holmer Street, Whitecross, Hereford; H. Bateman, 15 Windsor Street, Whitecross, Hereford and R. Gillingan, 6 Windsor Street, Whitecross, Hereford. The main points raised are:
1. It will restrict early morning sun into 15 Holmer Street.
 2. Emergency exits are located at the rear of 11 and 13 Holmer Street requiring access to the public.
 3. There are sufficient houses in the street and parking is already an issue which has been increased with the Cotterell Arms Public House being given permission for a skittle alley.
 4. The site is presently used to park two cars for No. 2 Windsor Street, they will have to park on the street causing further traffic problems.

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 agree the principle of a building plot between Nos. 2-6 Windsor Street, Whitecross, Hereford.
- 6.2 The proposed plot size is similar to others in Windsor Street and adjoining streets and the area is identified in the Herefordshire Unitary Development Plan (Revised Deposit Draft) as an established residential area where appropriate infill proposals are broadly acceptable in principle.
- 6.3 The concerns of the Traffic Manager and local residents are noted, however a condition requiring one parking space for the new dwelling is proposed. Whilst the loss of off-street parking for the existing dwelling is acknowledged this has to be balanced against Government advice seeking to limit parking provision. It should also be noted that the roadside parking is not restricted in this street and the lack of off-street parking is a common feature of dwellings in this locality. Ultimately it is not considered that the associated uplift in on-street parking represents a sustainable ground for refusing this application.
- 6.4 Finally, the impact on residential amenity is not considered to be an issue in view of the relative size of the plot which compares favourably to existing properties in the locality. Clearly attention will need to be given to the design and appearance of the dwelling at the reserved matters stage in order to minimise the impact on neighbouring property but in light of the above, this outline application is recommended for approval.

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).**

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

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

- 6. **F22 (No surface water to public sewer).**

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

Informatives:

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

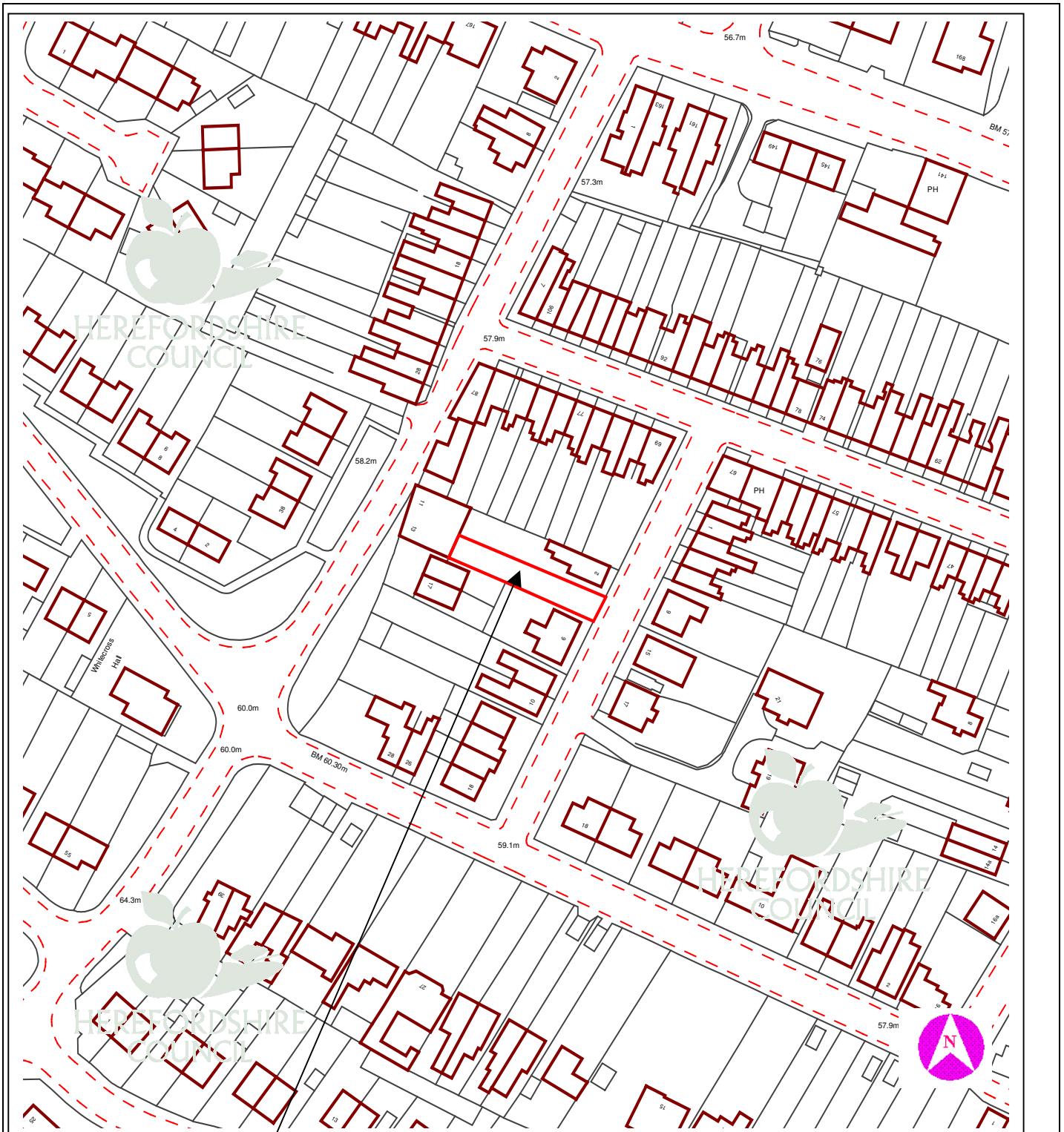
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/0042/O

SCALE : 1 : 1250

SITE ADDRESS : 4 Windsor Street, Hereford, HR4 0HW

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Further information on the subject of this report is available from Mr. K.J. Bishop on 01432 261946