

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 7th March, 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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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

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<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the agenda.</p>	
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<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the Council's current position in respect of planning appeals for the central area.</p> <p>Applications Received</p> <p>To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p> <p>Agenda item 5 was deferred for a site inspection at the last meeting, the other items relate to new applications.</p>	17 - 18
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| <p>15. DCCW2007/0081/F - BANK HOUSE, 27 HOLMER ROAD, HEREFORD, HR4 9RX</p> <p>Retrospective change of use to taxi call office and erection of 3.0 metre aerial to chimney (1 ground floor room only).</p> <p>Ward: Three Elms</p> | <p>81 - 86</p> |
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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, 7th February, 2007 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. S.P.A. Daniels, P.J. Edwards, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.W. Newman, Mrs. S.J. Robertson, Mrs E.A. Taylor, W.J.S. Thomas, W.J. Walling, D.B. Wilcox and R.M. Wilson

In attendance: Councillors T.W. Hunt (ex-officio)

148. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. E.M. Bew, A.C.R. Chappell, J.G.S. Guthrie, J.C. Mayson, Mrs. J.E. Pemberton, Ms. G.A. Powell, Miss F. Short, Ms. A.M. Toon and A.L. Williams.

149. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
R.M. Wilson	Minute 156, Agenda Item 9 DCCE2006/3982/F Plot Adjacent to 'Stoneleigh', Formerly 'Rowberry', Lugwardine, Hereford, HR1 4DS	Declared a prejudicial interest and left the meeting for the duration of the item.
Mrs. P.A. Andrews	Minute 158, Agenda Item 11 DCCW2006/4011/F 9-11 Tower Road, Hereford, HR4 0LF	Declared a prejudicial interest and left the meeting for the duration of the item.

Mr. K. Bishop, Principal Planning Officer, declared a personal interest in Agenda Item 8, DCCE2006/3894/F - Hagley Cottage, Bartestree, Hereford, HR1 4BX.

150. MINUTES

The Minutes of the last meeting were received.

Councillor Mrs. E.A. Taylor asked for the following words (in italics) to be added to Minute 141, page 3, paragraph 2, sentence 2, as follows 'Councillor Mrs. E.A. Taylor questioned whether the operation had outgrown the site, *as she had seen the coffee carts parked outside the compound next to the site of the former hairdressers on many occasions*, and felt the disturbance to the neighbouring property in the early hours of the morning was unacceptable'.

RESOLVED: That, subject to the above, the Minutes of the meeting held on 17th January, 2007 be approved as a correct record and signed

by the Chairman.

151. ITEM FOR INFORMATION - APPEALS

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

RESOLVED: That the report be noted.

152. DCCW2006/3705/F - WEIR VIEW, BREINTON, HEREFORD, HR4 7PR [AGENDA ITEM 5]

New detached house with garage and vehicular access thereto.

The Senior Planning Officer reported the following:

- The applicant had submitted a revised dormer design, lowering the overall ridge height in line with that of Weir View.
- The scale of the proposed dwelling was now considered to be acceptable, overcoming the second reason for refusal detailed in the report. However, notwithstanding the acceptability of the design, the principle policy objection to the erection of dwelling within the open countryside remained.

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

The Chairman noted that the site was in the indicative flood plain maps but was significantly above the highest recorded flood level in that area.

Councillor R.I. Matthews, the Local Ward Member, commented on the value of the site inspection that had been undertaken.

Councillor R.M. Wilson noted the policy considerations but felt that, in this instance, the proposal was an acceptable form of infill development and proposed that the application be approved subject to conditions considered necessary by Officers.

A number of other Members spoke in support of the application and felt that, with the revised design, the development should not have a detrimental impact on the locality.

The Development Control Manager explained that, having regard to the comments of the Forward Planning Manager, Officers recommended refusal on the grounds that the site was located outside any identified settlement boundary, in an area of open countryside as defined by the Herefordshire Unitary Development Plan (Revised Deposit Draft). It was noted that no representations were made regarding Breinton or Breinton Common's lack of designation as either a main village or smaller settlement in the UDP and the relevant policies were not proposed for modification. It was also noted that the lapsed planning permission that had been referred to had been granted in 1973.

A number of Members felt that the development could be accommodated on this site. Councillor P.J. Edwards commented that the Local Development Framework would provide further opportunity to revisit planning policies.

RESOLVED:

- That (i) The Central Area Planning Sub-Committee is minded to approve the application, subject to conditions felt to be necessary by Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee:**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the application to the Head of Planning Services given that there were crucial policy issues at stake.]

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

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.

The Senior Planning Officer reported the following:

- Following the publication of the agenda it was noted that the format of the recommended condition did not follow that of the standard 24 hour clock. The details in the recommendation were amended accordingly.

The Licensing Officer circulated information relating to the terminal hour of nearby licensed premises and noted that a number were licensed until 03.00.

Councillor R.I. Matthews noted that some premises were licensed until 03.00 but most did not open every night. He felt that the premises should be properly monitored and the appropriate action taken if any public nuisance issues arose.

The Chairman, speaking in his capacity as Local Ward Member, noted the problems experienced by residents in the town centre but felt that, subject to controls through the relevant legislation, there were no material planning reasons to warrant refusal. A number of Members supported this view.

Councillor Mrs. S.J. Robertson said that she was aware that the premises sometimes had its doors open resulting in significant levels of noise outside the building. It was suggested that an additional condition be added to address this matter but the Legal Practice Manager advised that this would be better addressed through the licensing function of the Council. Some Members felt that, as the planning function was responsible for the built environment, a condition requiring automatic closure of doors would not be unreasonable. The Legal Practice Manager explained that planning conditions should not duplicate the effects of other controls.

In response to questions, the Senior Planning Officer clarified the hours that were sought by the applicant and the hours that Officers recommended to the Sub-Committee.

In response to a question about a contribution towards Closed Circuit Television (CCTV), the Chairman advised that a meeting was to be held with senior officers shortly in order to identify a way forward regarding CCTV coverage, operation and management.

Some Members commented on the impact of the Licensing Act 2003 on communities.

RESOLVED:

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 hours to Tuesday 02.00 hours, Tuesday 12.00 hours to Wednesday 02.00 hours, Wednesday 12.00 hours to Thursday 02.00 hours, Thursday 12.00 hours to Friday 02.30 hours, Friday 12.00 hours to Saturday 03.00 hours, Saturday 12.00 hours to Sunday 02.00 hours, Sunday 12.00 hours to Monday 01.30 hours.**

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.**

154. **DCCW2006/3725/RM - LAND OPPOSITE SUTTON PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORD, HR1 3AZ [AGENDA ITEM 7]**

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

Councillor Mrs. P.A. Andrews welcomed the inclusion of affordable housing but

stressed the need to avoid the ghettoization of such housing within developments and the urgent need for three-bedroom family houses rather than two-bedroom units. A number of Members supported these views.

The Central Team Leader, whilst acknowledging the valid points that had been made in general terms, advised that the layout was considered acceptable in this specific case given the prominent position of the affordable housing at the front of the site which related well to existing properties.

Councillor P.J. Edwards drew attention to condition 9 regarding on site roads and asked how this related to the creation of a 20mph speed limit home zone in the vicinity of the school. He also asked whether conditions regarding waste management considerations could be included in the planning permission. The Central Team Leader advised that the traffic regulation orders were being actively pursued by the Highways and Transportation. In terms of waste management, he advised that additional conditions may not be considered reasonable in this instance given the nature of the Reserved Matters application. He added that Officers recognised the need to identify waste management considerations in pre-application discussions for major schemes in the future. A number of Members commented on the need for proper allowances to be made for the collection of waste.

RESOLVED:

- 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.**
155. **DCCE2006/3894/F - HAGLEY COTTAGE, BARTESTREE, HEREFORD, HR1 4BX [AGENDA ITEM 8]**

Two new dwellings.

The Senior Planning Officer reported the following:

- Further correspondence had been received from Bartestree with Lugwardine Group Parish Council and was summarised; the Parish Council noted that the access drive had been improved but maintained objections to the proposal.
- The Traffic Manager had commented that, on the basis of the revised access arrangements, he had no objections subject to standard conditions and informatives. The details in the recommendation were amended accordingly.
- The agent acting on behalf of the applicant had confirmed that no new connections to the public sewer would be permitted post the upgrading of the system, planned for April 2008. Hence the private sewer option (Paragraph 6.6 of the report and condition 6 refers).

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

Councillor R.M. Wilson, the Local Ward Member, commented on the heavy level of traffic in the vicinity of the site and pedestrian movements to and from the Post Office, schools and housing estate. It was noted that the Traffic Manager considered the revised access arrangements to be satisfactory but Councillor Wilson maintained his concerns about additional traffic accessing the busy main road. Councillor Wilson also commented on the low water pressure in the area.

In order to address the Local Ward Member's concerns, the Senior Planning Officer suggested an additional condition in order to retain control of the access and parking arrangements.

The Senior Planning Officer clarified the phasing of the scheme of foul drainage disposal.

A number of Members spoke in support of the application.

In response to questions from Councillor P.J. Edwards, the Senior Planning Officer re-iterated that the Traffic Manager had no objections subject to conditions and clarified the proposed layout of the dwellings. Councillor Edwards suggested that the Local Ward Member be kept informed regarding the access and parking arrangements.

Councillor Wilson sympathised with local residents and also noted that the occupants of the new dwellings could suffer some noise disturbance from the adjacent school. However, it was not felt that there were any material planning reasons to warrant refusal of the application in this instance.

RESOLVED:

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.

9. Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety.

10. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety.

11. Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority at a gradient not steeper than 1 in 8.

Reason: In the interests of highway safety.

12. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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

13. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

14. Prior to the first occupation of any new dwellings to which this permission relates an area for car parking shall be laid out within the curtilage of the existing dwelling (Hagley Cottage), in accordance with plans to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

Informatives:

1. N01 - Access for all.
2. N03 - Adjoining property rights.

3. **N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.**
 4. **N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.**
 5. **The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
 6. **This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.**
 7. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
 8. **N19 - Avoidance of doubt.**
156. **DCCE2006/3982/F - PLOT ADJACENT TO 'STONELEIGH', FORMERLY 'ROWBERRY', LUGWARDINE, HEREFORD, HR1 4DS [AGENDA ITEM 9]**

Proposed new dwelling (retrospective). Revised siting from approval DCCE2005/3180/F.

The Senior Planning Officer reported the following:

- The Traffic Manager had commented that, on the basis of the confirmed access arrangements, he had no objections subject to standard conditions and informatives. The details in the recommendation were amended accordingly.
- A solicitor acting on behalf of the applicant had submitted documentation in support of the applicant's claims over access rights/ownership.
- The applicant had submitted a lengthy document in support of the application, the key points of were summarised.
- In response to the representations, it was stressed that the ownership of the access was not a matter for consideration in the context of the planning process.

In accordance with the criteria for public speaking, Mr. Wood spoke on behalf of Bartestree and Lugwardine Group Parish Council and Mr. Smith spoke in support of the application.

In response to a question, the Senior Planning Officer explained the proposed access arrangements and how this related to land ownership matters.

Councillor R.I. Matthews expressed concerns about the approved scheme (application DCCE2005/3180/F refers) and noted that Lugwardine Parish Council and a number of local residents had raised objections to the current application. He felt that the Sub-Committee would benefit from a site inspection.

RESOLVED:

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

following reason:

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

157. DCCE2006/3940/O - LAND ADJOINING BROOKFIELD, TARRINGTON, HEREFORD, HEREFORDSHIRE, HR1 4HZ [AGENDA ITEM 10]

Erection of one dwelling and construction of new vehicular access.

The Principal Planning Officer reported that the applicant was content to remove matters relating to the siting, layout and design from this outline application, with the principle of development and access arrangements remaining the essential matters for determination. All other matters would then be considered as part of a future reserved matters application.

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

Councillor D.B. Wilcox noted that Tarrington was classified as a 'main village' within the Unitary Development Plan (Revised Deposit Draft) and asked for clarification about this term. He felt that the development would be out of character with existing properties. He felt that the increasing use of private drainage arrangements was inappropriate and that greater emphasis should be given to contributions to upgrade existing public sewerage systems. Councillor Wilcox drew attention to the concerns of Tarrington Parish Council, particularly that the Parish Plan was not in favour of infill development that was out of proportion to or out of character with neighbouring properties. He also noted that the main road was very well used and felt that an additional access in this location would compromise highway safety.

The Principal Planning Officer explained that the rural settlements that had been termed main villages were those considered to have both the potential of providing a relatively good level of public transport and had a reasonable level of community facilities. He advised that national and local policies did not require connection to mains sewerage if an adequate private system could be accommodated and there was no legal means to prevent development until mains sewerage was available. It was reported that the Traffic Manager had visited the site and considered the access arrangements to be adequate. The Principal Planning Officer advised that Officers considered the design to be inappropriate and re-iterated that matters relating to siting, layout and design could be removed from the outline planning permission.

Councillor P.J. Edwards commented on the difficulties associated with the uniformity of the Unitary Development Plan, particularly in relation to smaller settlements, and the potential for changes as a consequence of the Local Development Framework.

In response to a question from Councillor Mrs. P.A. Andrews, the Principal Planning Officer advised that a track adjacent to the site, shown on the plan attached to the report, was an agricultural access and was outside of the applicant's control.

In response to a question from Councillor W.J. Walling, the Principal Planning Officer advised that a street scene plan that had been provided for illustrative purposes only and did not form part of the application.

Councillor Mrs. S.J. Robertson commented on the value of the Parish Plan and the views of the Parish Council and felt that the application should be refused.

Some Members commented on highway safety concerns.

Councillor Wilcox proposed that, given outstanding concerns about the access arrangements and design, a site inspection be held. This motion failed and the application was then approved, subject to the deletion of matters relating to siting, layout and design.

RESOLVED:

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.**

158. DCCW2006/4011/F - 9-11 TOWER ROAD, HEREFORD, HR4 0LF [AGENDA ITEM 11]

Sub division of existing Nursing Home to three dwellings.

The Principal Planning Officer reported the following:

- Following publication of agenda it was considered appropriate to include a requirement to agree the details of the boundary treatment between the site and the neighbouring property. The details in the recommendation were amended accordingly.

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

In response to a comment by the public speaker, the Principal Planning Officer

advised that the plans had not changed substantially and, noting concerns about the potential multiple occupation of the premises, emphasised that this proposal was specifically for three dwellings and had to be considered on its own merits.

Councillor Mrs. M.D. Lloyd-Hayes, whilst sympathising with the concerns of the speaker, felt that the proposal would enhance the character of the building and the area. She noted that many similar buildings were being sub-divided into much smaller units.

In response to questions, the Principal Planning Officer clarified the parking arrangements.

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. **Prior to any works commencing on site full details including structural details of the proposed driveway, parking area and boundary treatment 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.

4. **Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.**

Reason: In the interests of highway safety.

5. **Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority at a gradient not steeper than 1 in 8.**

Reason: In the interests of highway safety.

Informatives:

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

159. DCCW2006/3908/F - UPPER HOUSE FARM, WESTHOPE, HEREFORD, HEREFORDSHIRE, HR4 8BL [AGENDA ITEM 12]

Erection of 2m diameter wind turbine to provide electricity for site.

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

Councillor P.J. Edwards supported the application but felt that the wind turbine should be painted to blend in with the predominant background colour. The Legal Practice Manager noted that recommended condition 2 would address this issue. The Central Team Leader suggested an amendment to the condition to ensure that prior approval of the colour was required.

A number of Members supported the proposal.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. The turbine shall be coloured 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.****160. DCCW2007/0042/O - 4 WINDSOR STREET, HEREFORD, HR4 0HW [AGENDA ITEM 13]**

Proposed building plot.

The Principal Planning Officer reported the following:

- The receipt of the comments of Hereford City Council; no objections.

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

Councillor Mrs. P.A. Andrews supported the application but commented on the

compact dimensions of the proposal.

Councillor D.B. Wilcox drew attention to the Traffic Manager's concerns about parking and felt that the proposal would exacerbate problems associated with on street parking.

It was noted that Government advice sought to limit parking provision in such areas.

RESOLVED:

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.**

161. DATE OF NEXT MEETING

7th March, 2007.

The meeting ended at 3.55 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCW2006/2743/F**

- The appeal was received on 20th 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 C. & K. Wathen.
- The site is located at 3 Yarlington Mill, Belmont, Hereford, Herefordshire, HR2 7UA.
- The development proposed is Replace 3, 1 metre high fence panels with 3, 1.8 metre high panels at edge of property – retrospective.
- The appeal is to be heard by Written Representations.

Case Officer: Dave Dugdale on 01432 261566

Application No. DCCW2006/2613/F

- The appeal was received on 12th February, 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 PMW Lettings.
- The site is located at 7-8 Walkers Green, Marden, Hereford, Herefordshire, HR1 3DN.
- The development proposed is Conversion of vacant butchers shop into two dwellings.
- The appeal is to be heard by Written Representations.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCE2006/3424/F

- The appeal was received on 19th February, 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 Morbaine Ltd.
- The site is located at Land at rear of former Denco site, Holmer Road, Hereford.
- The development proposed is Variation of condition 6 of planning permission DCCE2005/1752/O to allow up to 2090.3 sq.m of the permitted retail floorspace to be used within one unit only for the sale of sports equipment, sports clothing and sports footwear and up 2090.3 sq.m of the floorspace within the development to be used for Class D2 and fitness uses.
- The appeal is to be heard by Hearing

Case Officer: Russell Pryce on 01432 261957

APPEALS DETERMINED**Application No. DCCW2006/2365/A**

- The appeal was received on 22nd November, 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 Clubsport (Kington) Ltd.
- The site is located at Unit 4, All Saints Court, Bewell Street, Hereford HR4 9AA.
- The application, dated 24th July, 2006, was refused on 13th September, 2006.
- The development proposed was Fascia sign.
- The main issue is the effect of the illumination on the amenity of the area.

Decision: The appeal was UPHELD on 6th February, 2007.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCW2006/2368/A

- The appeal was received on 22nd November, 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 Clubsport (Kington) Ltd.
- The site is located at Unit 1, All Saints Court, Bewell Street, Hereford, Herefordshire.
- The application, dated 24th July, 2006, was refused on 13th September, 2006.
- The development proposed was 2 x fascia signs.
- The main issue is the effect of the illumination on the amenity of the area.

Decision: The appeal was UPHELD on 6th February, 2007.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCE2005/4052/F

- The appeal was received on 24th August, 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 R.V. Stevens & J.C. Berry.
- The site is located at Penrose Cottage, Fownhope, Hereford, Herefordshire, HR1 4NN.
- The application, dated 4th December, 2005, was refused on 3rd February, 2006.
- The development proposed was Construction of dwelling and double garage on land at rear of Penrose Cottage and construction of new double garage to serve Penrose Cottage.
- The main issue is the effect on highway safety.

Decision: The appeal was DISMISSED on 20th February, 2007.

Case Officer: Adam Sheppard on 01432 261961

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

5 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

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 7th February, 2007 in order to carry out a Members' site visit. This site visit was carried out on the 20th February, 2007.

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: On the basis of the confirmed access arrangements, no objections subject to conditions.

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 A solicitor, acting on behalf of the applicant, has submitted documentation in support of the applicant's claims over access rights/ownership.
- 5.4 The applicant has submitted a lengthy document in support of the application, the key points of which are summarised as follows:
- a. The error in the original site plan (which necessitated this application) is regrettable. We believe that the change compared to the previous approved plans is minimal;
 - b. The comments on the scale of the proposal are not applicable as the actual dwelling is previously approved;
 - c. The finish is previously approved;
 - d. The access is previously approved;
 - e. 90% of the base work for the access drive is completed and works have only been stopped by the ongoing legal dispute;
 - f. There has been no attempt to mislead anyone with the scheme, all details were correct except the site plan and a new application was immediately submitted when this error was recognised;
 - g. The Parish Council raised no objection to the scheme previously;
 - h. There are several other large properties on small plots in the locality (photographs included);
 - i. The minimal differences between the site plans will not significantly impact upon the aspect from neighbouring properties or increase the overshadowing or privacy impact;
 - j. The plans of the new dwellings were available post determination and were available to the Estate Agents involved during the sales process;
 - k. The footprint of Stoneleigh (formerly Rowberry) is over 200 square metres in a 0.32 acre site, compared to 157 square metres for the new dwelling in a half an acre site;
 - l. The dwelling is a dormer property in accordance with the Collins definition of such properties;
 - m. The materials are appropriate for the location;
 - n. The access issue may be resolved through civil court proceedings if unresolved in the near future but we believe the area required for access arrangements is our property;
 - o. The access arrangements as currently provided are comparably to others in the locality;
 - p. The applicant also takes the opportunity to refute personal comments and allegations made in representations received, the details of which are not pertinent to this application but are available on file.

5.5 The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh 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 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. **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. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

12. H05 (Access gates).

Reason: In the interests of highway safety.

13. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

14. H08 (Access closure).

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

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

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

Informatives:

- 1. N01 - Access for all.
- 2. N03 - Adjoining property rights.
- 3. HN05 – Works within the highway
- 4. HN10 – No drainage to discharge onto highway
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC
- 6. N19 - Avoidance of doubt

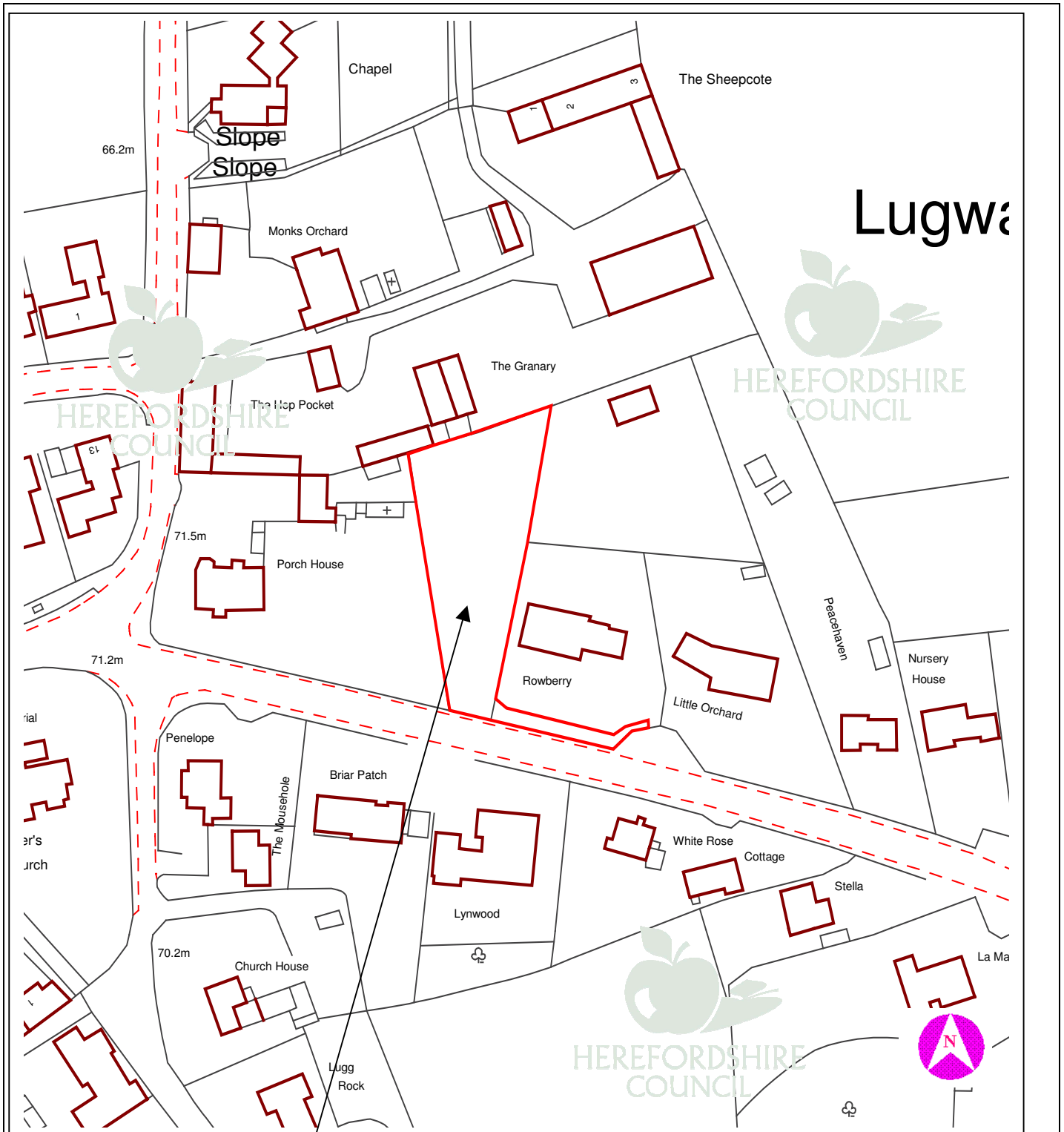
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/3982/F

SCALE : 1 : 1250

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

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6 DCCE2007/0196/A - FASCIA SIGN, ENTRANCE FEATURE, DIRECTIONAL AND PARKING SIGNS. REPLACEMENT PYLON. CALLOW MARSH, CALLOW, ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 8BT.

For: Callow Marsh, Tara Signs Ltd, St. Peters Place, Western Road, Lancing, BN15 8SB

Date Received: 19th January, 2007 Ward: Hollington Grid Ref: 49795, 35517

Expiry Date: 16th March, 2007

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 This application seeks Advertisement Consent for the display of signage at the Callow Marsh Ltd car dealership located to the west of the A49, south of Hereford. The application site is located in the open countryside with a further two car dealerships found to the south, and residential properties to the west and north. The application proposes the display of a non-illuminated totem sign and an entrance feature with an illuminated logo.
- 1.2 Previously, application DCCE2005/4146/A sought permission for one totem sign (illuminated), entrance feature (partially illuminated), directional sign, fascia signage (illuminated), sale entrance plaque, customer parking signage (x3), and 12 metre flags and poles (x3). This application was refused. The subsequent Appeal allowed the directional sign, fascia sign, sales entrance plaque and customer parking signage. The totem, flags, and entrance feature elements were dismissed. Subsequent to this, an application was submitted (DCCE2005/4146/A) for a totem, entrance feature, and welcome plate. This was also refused due to the level of proposed illumination and the scale and intrusive nature of the entrance feature. This application seeks to address these concerns.

2. Policies

2.1 National Policy Guidance:

PPG19 - Outdoor advertisement control

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S2 - Development requirements
 DR1 - Design
 HBA11 - Advertising

3. Planning History

- 3.1 DCCE2006/3318/A - New totem and entrance feature. Refused 27th November, 2006.

- 3.2 DCCE2005/4146/A - Various signage. Refused 10th February, 2006. Appeal Dismissed in part (in respect of flags, totem, and entrance feature). Express consent granted for fascia sign, directional sign, entrance plaque, and customer parking signs.
- 3.3 SW2003/0510/A - Various signage. Approved 28th March, 2003.
- 3.4 SW1999/1150/A - Various signage. Approved 10th September, 1999.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objection subject to conditions.

Internal Council Advice

- 4.2 Conservation Manager: No objection.
- 4.3 Traffic Manager: No response to date.

5. Representations

- 5.1 Local Residents: At the time of the report being written two letters of objection had been received from the following parties:

- i) Mr and Mrs Davies, Highfield, Grafton Lane, Grafton;
- ii) Mr and Mrs Barrett, Hatterall, The Old Angel Inn, Callow.

The comments can be summarised as follows:

- i) Road safety issues caused by signage on the junction of the A49;
 - ii) Highway safety issues caused by driver distraction/confusion;
 - iii) Highway safety issues caused by glare from illumination of signage;
 - iv) Adverse impact upon rural character and landscape.
- 5.2 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting. Any additional comments will be reported verbally.

6. Officers Appraisal

- 6.1 The directional sign, entrance plaque, fascia sign, and parking signs shown on the submitted drawings have all been given express consent following the Appeal against the refusal of application DCCE2005/4146/A. On this basis, the matters for consideration revolve around the entrance feature, welcome plate, and the totem sign.
- 6.2 Following the refusal of the 'first' application (DCCE2005/4146/A), the entrance feature was reduced in scale and split into two mini totem signs either side of the entrance door. This arrangement, proposed in application DCCE2006/3318/A, was still considered excessive and unacceptable due to its intrusive and incongruous nature. The entrance element has again been reduced in scale in this application and is now limited to a single totem feature with only the logo illuminated. The reduction in scale and illumination associated with this element of the proposal is welcomed and it is now

considered that this feature would integrate effectively into the site without appearing incongruous.

- 6.3 The totem is 4.5 metres in height and the 2 metre reduction in height over the totem proposed in application DCCE2005/4146/A is again welcomed. The illumination, previously proposed under application DCCE2006/3318/A, is also now removed. The totem is now similar in scale and nature to the previous Rover totem found in this broad location, and it is considered that this feature is now appropriate in scale and illumination for this site.
- 6.4 The proposed welcome plate is now a simple sign positioned above the main entrance doors. This is an unobtrusive sign which raises no concern in the context of visual amenities.
- 6.5 This site is located in a prominent position within a sensitive rural area and as such it is essential that signage, and importantly its illumination, on this site be restrained. The number of applications involved in securing the correct signage on this site is reflective of this. It is now considered that an appropriate scheme of signage has been achieved that will not adversely impact upon the visual amenities of the locality, or upon highway safety.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. I01 (Time limit on consent).**

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

- 2. I03 (Constant level of illumination).**

Reason: In the interest of the visual amenity of the area.

- 3. I06 (Non-illuminated sign only).**

Reason: In the interests of visual amenity.

Informatives:

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

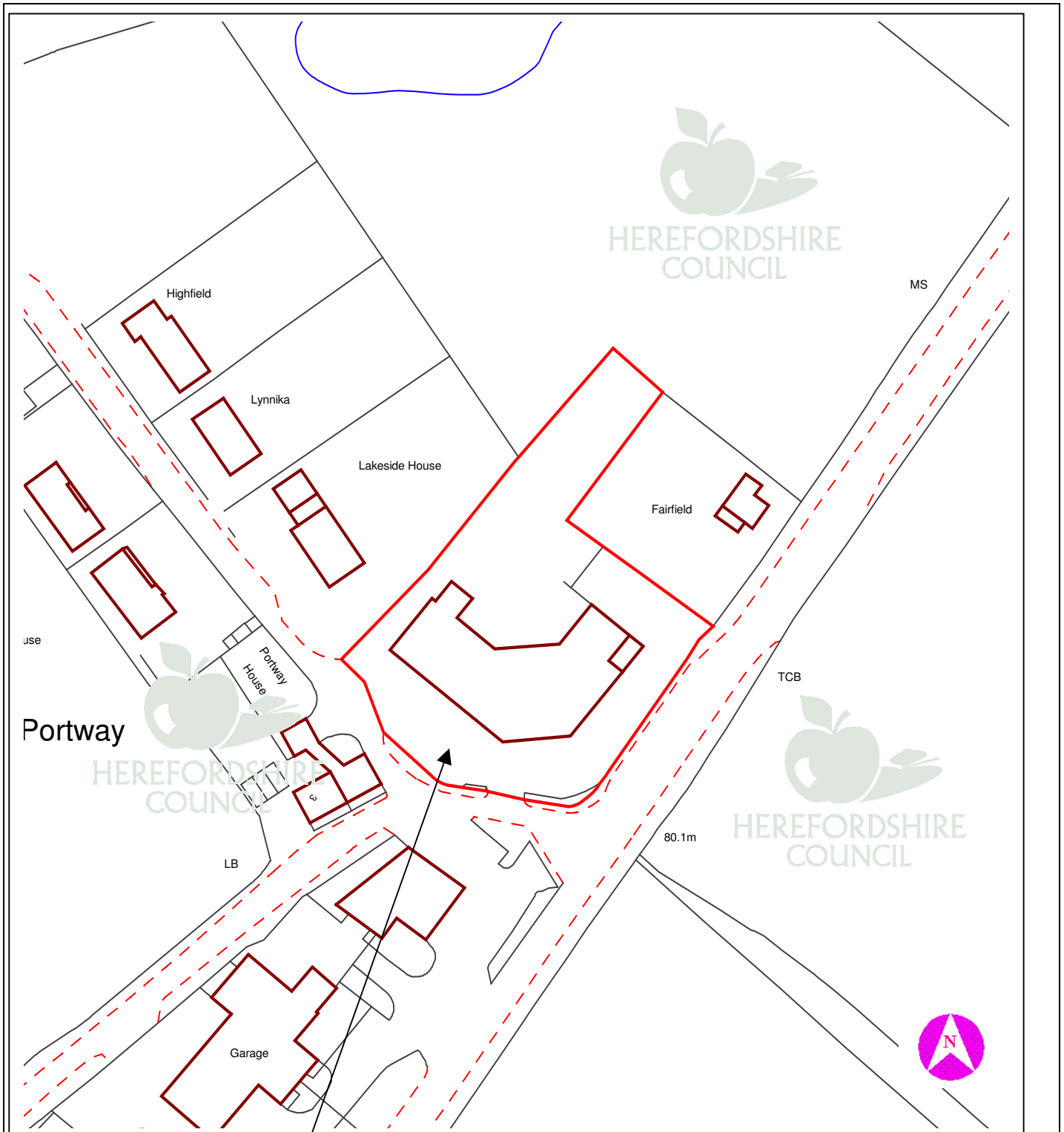
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0196/A

SCALE : 1 : 1250

SITE ADDRESS : Callow Marsh, Callow, Ross Road, Hereford, Herefordshire, HR2 8BT

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7 DCCE2007/0195/F - ACCESS TRACK USING PLASTIC MESH, GRASSED PAVING SYSTEM/SCALPINGS, RE-SEEDING WITH GRASS AND RE-INSTATING VERGES AND DITCHES. ACCESS FROM U72011 ROAD TO FIELD KNOWN AS WARWICKSHIRE, OSM 9071, HR2 6PG

For: Mr. M. Wilcox, The Design Partnership, 41 Millbrook Street, Hereford, HR4 9LF

Date Received: 19th January, 2007 Ward: Hollington Grid Ref: 51880, 35628

Expiry Date: 16th March, 2007

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

1.1 This application seeks permission for the resurfacing of a field access track with hardcore topped with a plastic mesh grass paving system. It is also intended to reinstate the verges and ditches along the side of the lane. The access track in question links the U72011 with field parcel OSM 9071. The access track runs down from the minor road U72011, northwards, between Upper Cross Cottage and Orchard Meadow, to a small meadow. The track is approximately 60 metres in length and 5 metres wide. The lane lies within an area characterised as 'Forest Smallholdings and Dwellings' in the Council's adopted Landscape Character Assessment.

1.2 This application is a third submission for the introduction of a hard surface to this lane. The first application (DCCE2006/0420/F) was withdrawn due to issues relating to land ownership. A second application (DCCE2006/1023/F) was refused at the Central Area Planning Sub-Committee on the 28th June, 2006. The reason for refusal was:

'The development already undertaken, together with the proposed outstanding works, are detrimental to the ecology and landscape of the locality and harmful to the visual amenities of the area...'

1.3 This third application has been submitted to attempt to address these concerns and varies from the previous two applications with the introduction of new surfacing above the hardcore to provide a grassed surface.

2. Policies

2.1 National Policy Guidance:

PPS1	-	Delivering sustainable development
PPS9	-	Biodiversity and geological conservation
PPG15	-	Planning and the historic environment

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
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S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
LA2	-	Landscape character
NC1	-	Biodiversity and development
NC7	-	Compensation for loss of diversity
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of landscape features of the landscape important for fauna and flora

3. Planning History

- 3.1 DCCE2006/0420/F - Resurface access track with hardcore and scalping (part retrospective). Withdrawn 21st February, 2006.
- 3.2 DCCE2006/1023/F - Resurface access track with hardcore and scalping (part retrospective). Refused 28th June, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 Conservation Manager: Response awaited.
- 4.3 Traffic Manager: No objection.
- 4.4 Public Rights of Way Manager: No objection.
- 4.5 Waste and Minerals Officer: No objection.

5. Representations

- 5.1 Dinedor Parish Council: No objection.
- 5.2 Local Residents: Five letters of objection have been received from the following sources:
- Mr M.A. Joynt, Orchard Meadow, Dinedor
 - Mr James Joynt, Little Acre, Dinedor
 - Mrs M.A. Joynt, Little Acre, Dinedor
 - Dr Dan Grzonka, High Orchard Lodge, Dinedor
 - Jo Holding, Corbar, Dinedor.

The comments raised can be summarised as follows:

1. This is a green lane used by the public to access Dinedor Common;
2. Unacceptable impact upon the visual amenities;
3. The works were previously refused and the reinstatement has been done as specified;

4. The alterations have restricted access to neighbouring properties;
 5. An alternative access exists for this field;
 6. The proposal involves plastic mesh and the use of man-made materials is unacceptable in the rural environment;
 7. The works have destroyed a green lane and it should be reinstated to its former condition;
 8. The lane is now an unattractive eyesore;
 9. The re-surfacing will allow the lane to be used by heavy vehicles, which is uncharacteristic and unacceptable in this location;
 10. The increased use of the access possible through its resurfacing will lead to noise and disturbance;
 11. The ownership and rights of access are challenged.
- 5.3 The full text of these letters can be inspected at the Hereford Centre, Garrick House, Widemarsh Street, Hereford prior to the Sub-Committee meeting. It should be noted that at the time of writing the comments of the Conservation Manager were not available and the recommendation reflects this. Subject to the advice received it is acknowledged that the recommendation and conditions may need to be updated verbally.

6. Officers Appraisal

- 6.1 The key issue for consideration in the determination of this revised submission is its acceptability with regard to the landscape, conservation, and ecological issues associated with the works already undertaken, and those now proposed.
- 6.2 The hardcore (crushed concrete and brick) has now been in situ for some time. It was originally laid as a sub-base to be surfaced with scalping across the full width and length of the track (DCCE2006/1023/F). The hardcore is undoubtedly unsightly because it contains quite large pieces of rubble (half bricks for example) and because of the mix of different colours of the building waste. However, the scheme as now proposed reflects the previous advice of the Council's Conservation Manager. The width of the lane is to be reduced, the verges and ditches reinstated, and a grassed surface would be re-introduced over the hardcore. This is to be formed through the introduction of a seeded soil central strip, flanked by two 'tracks' of 'Netpave', a plastic mesh system which allows grass to grow through the mesh but still provides a hardened surface for vehicles. The Conservation Manager advised at the time of the previous application (DCCE2006/1023/F) that, subject to the effective control of the lane, it was considered that the surfacing of this track would not have an adverse visual impact on the wider rural landscape.
- 6.3 At the time of the determination of the previous application (DCCE2006/1023/F) the Conservation Manager advised that it was appropriate for the width of the lane to be restricted to allow for the creation of grass verges on either side of the track. These would then be seeded with a grass/wildflower mix. In this way the rural character of the lane would be restored and the visual impact of the surfacing reduced. This revised scheme follows discussions with the Conservation Manager and will allow for the creation of these earth verges on either side of the track which can then be seeded. The change from the previously proposed scalping surfacing to a 'green finish' is welcomed having regard to the historic 'green lane' character of this access track.

- 6.4 On the basis of the above it is considered that, subject to conditions controlling the reinstatement of verges and the use of an appropriate surfacing material, this proposal is acceptable.

RECOMMENDATION

That, subject to the approval of the Conservation Manager, Officers named in the delegation agreement be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by Officers:

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

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

2. **Prior to the recommencement of works on site, or within 6 months of the date of this permission, a landscape and ecological enhancement plan shall be submitted to and approved in writing by the local planning authority. Development shall then be completed strictly in accordance with the agreed details and thereafter be retained.**

Reason: In the interests of the visual amenities and conservation of the locality.

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

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

4. **The hardstanding shall be properly consolidated and surfaced in accordance with further details to be submitted to and agreed in writing with the local planning authority prior to the recommendation of development. Development shall then be completed strictly in accordance with the agreed details.**

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

5. **H05 (Access gates).**

Reason: In the interests of highway safety.

Informatives:

1. **N03 - Adjoining property rights.**
2. **HN05 - Works within the highway.**
3. **In the interests of clarification the applicant is advised that the requirements of Condition 2 shall include the reinstatement of verges, the creation of a shallow ditch, and the reintroduction of appropriate landscaping features in accordance with the requirements of the Council's Landscape and Ecology Officers.**
4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
5. **N19 - Avoidance of doubt.**

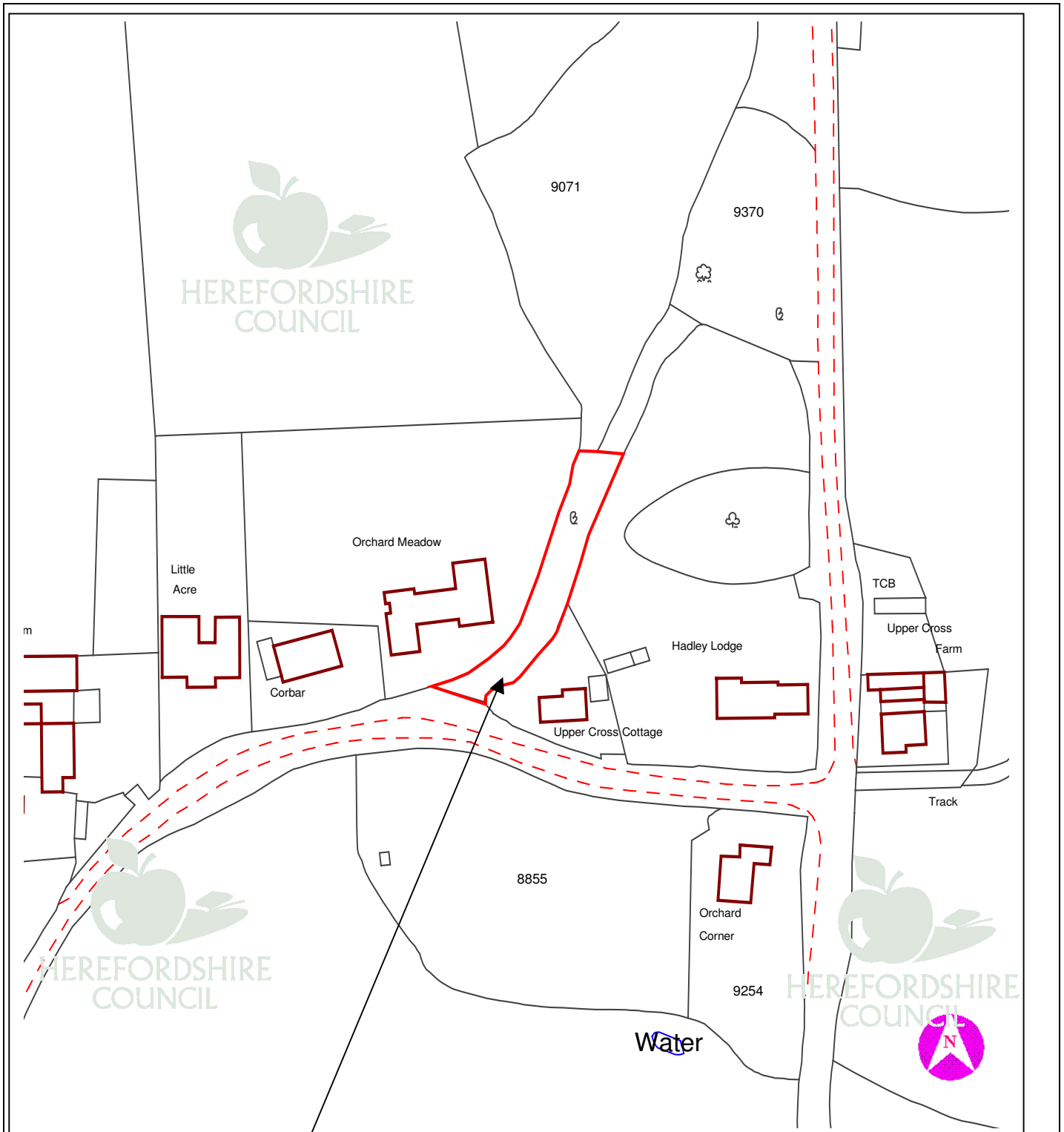
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0195/F

SCALE : 1 : 1250

SITE ADDRESS : Access from U72011 road to field known as Warwickshire. OSM 9071 HR2 6PG

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8 DCCE2007/0199/F - PROPOSED TWO STOREY EXTENSION. RIDGE VIEW, GRAFTON LANE, HEREFORD, HR2 8BS

For: Mr. P. Boyman, Ridge View, Grafton Lane, Grafton, Hereford, HR2 8BS

Date Received: 22nd January, 2007 Ward: Hollington Grid Ref: 49745, 35561

Expiry Date: 19th March, 2007

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 Ridge View is a dormer bungalow with a conservatory to the rear and a detached garage to the side situated on the eastern side of Grafton Lane just northwest of its junction with the A49. The site is located in an open countryside and occupies a relatively prominent position being readily visible from the A49.
- 1.2 The application seeks planning permission to demolish the existing conservatory and erect two extensions to the side and rear of the property. Materials are proposed to match the existing dwelling.

2. Policies

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

DR1	-	Design
DR2	-	Land use and activity
H18	-	Alterations and extensions

3. Planning History

- 3.1 DCCE2006/3835/F - Proposed two-storey extension. Withdrawn 4th January, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.

5. Representations

- 5.1 Grafton Parish Council: Objections - 'The proposed plan has had a piece added to the side of the existing building which the Parish Council feel is intrusive to the

neighbouring property. Highfields. The Parish Council feel that this application is still rather large for the area of ground that the property is in.'

- 5.2 Local Residents: Three letters has been received from Mr & Mrs Layton of Karolek; Mr & Mrs Davies of Highfield and G H Mussell of Lakeside House with regard to the design, scale, overlooking, loss of privacy and potential use of the proposed extension.
- 5.3 The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This is a re-submission following the withdrawal of a previous application earlier this year (DCCE2006/3835/F). The previous scheme involved the construction of a large one-and-a-half storey extension that projected out 8.3m to the rear of the property with three dormer windows in the south east elevation. This raised concerns in respect of the potential adverse impact upon the character and appearance of the existing property and the impact upon the amenities of the neighbouring properties. This scheme revises the design approach of the extension in an effort to address the problems associated with the previous scheme.
- 6.2 Whilst this proposal would have the same overall scale as the previous scheme, it would secure a subservient appearance through the setting down of the roof line and the setting back of the extension from the front elevation. Furthermore the splitting of the extension into two elements has significantly minimised its bulky appearance. In terms of design, scale and setting, it is considered that the proposal in its revised form would integrate effectively with the existing dwelling and is therefore considered acceptable.
- 6.3 With regard to residential amenity, the application dwelling is positioned at a higher level approximately one metre above the adjoining property, Highfield. The introduction of the rear extension would result in a level of overbearing. However in this instance it is recognised that there is a 4 metre gap between the proposed rear extension and the nearest habitable window. It is not considered that the distance is such that it would result in an unacceptable loss of light or overbearing impact on the neighbouring property. The adjoining property to the southeast, Lakeside House, is located approximately 28 metres away and whilst the dormer window may overlook the garden, the distance involved is such that there would be no serious loss of privacy. A revised scheme has been received to demonstrate that the change of the window design at first floor to a fan window and the extension of the existing fence along the northwest boundary would adequately protect the privacy of the neighbouring property. It is not considered that the occupier of Karolek, opposite the site will be materially affected by this proposal. For these reasons, it is considered that the effect on privacy and light would not be significant and sufficient enough to warrant refusal in this instance.

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

Reason: To ensure the satisfactory appearance of the development.

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

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

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

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

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

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

Informatives:

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

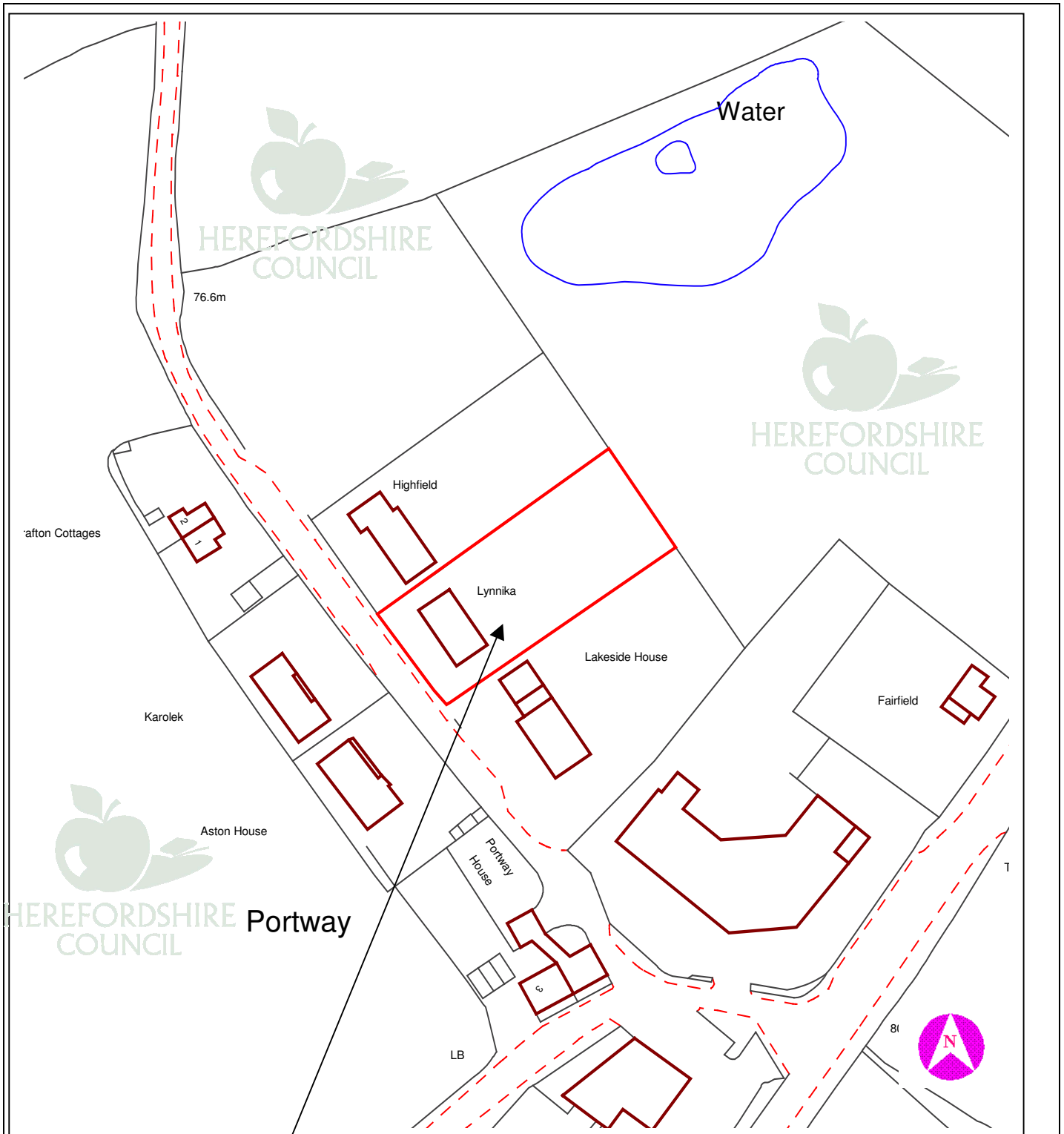
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0199/F

SCALE : 1 : 1250

SITE ADDRESS : Ridge View, Grafton Lane, Hereford, Herefordshire, HR2 8BS

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9 DCCE2007/0151/F - VARIATION OF CONDITION 5 REF SW1999/2550/F BROADMEADOW FLYING CLUB, BROADMEADOW FARM, HAYWOOD LANE, HEREFORD

For: Mr. R.J. Coppin, 70 Harold Street, Hereford, HR1 2QX

Date Received: 17th January, 2007 Ward: Hollington Grid Ref: 47777, 36638

Expiry Date: 14th March, 2007

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 This application seeks permission to vary Condition 5 attached to planning permission SW1999/2550/F, Condition 5 states:

Take-offs shall only occur between the hours of 0900 and 2000 local time.

Reason: To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents.

The application seeks permission to vary these hours to 0800 to 2100.

- 1.2 The application site is a microlight strip with an associated hangar converted from a building previously in agricultural use. The hangar is reached via a tree lined access road that leads westward just north of Haywood Lodge Cottages. This access road connects to the C1226. The grass strip is aligned roughly west to east and is located to the south of the hangar building. The strip was approved originally on Appeal following the refusal of application SH961068PF. The hangar was approved through the same Appeal following the refusal of application SH970457PF. Both approvals were for temporary permission for a two year period. Subsequent to this, permanent permission was secured for both the strip and the hangar through applications SW1999/2550/F and SW1999/2549/F.

2. Policies

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

S2	-	Development requirements
S8	-	Recreation, sport and tourism
DR2	-	Land use and activity
DR4	-	Environment
DR13	-	Noise
E6	-	Expansion of existing businesses
RST1	-	Criteria for recreation, sport and tourism development

3. Planning History

- 3.1 SH940110PF - Grass strip for use by light aircraft. Temporary planning approval granted on 23rd March, 1994 (expired 31st March, 1996).
- 3.2 SH960251PF - Continuation of use of grass strip. Refused 12th June, 1996.
- 3.3 SH961068PF - Grass strip for use by microlight aircraft also light aircraft. Refused 27th November, 1996. Allowed on Appeal, 2 year permission.
- 3.4 SH961115PF - Use of building to store microlight and light aircraft. Refused 27th November, 1996.
- 3.5 SH970457PF - Change of use from agricultural building into a hangar for 15 microlight aircraft. Refused 4th June, 1997. Allowed on Appeal, 2 year temporary permission.
- 3.6 SW1999/2550/F - Grass strip for use by microlight aircraft on a permanent basis Ref: SH961068/PF. Approved 15th March, 2000.
- 3.7 SW1999/2549/F - Renewal of use of agricultural building for use of storage of 15 microlight aircraft on a permanent basis Ref: SH970457PF. Approved 15th March, 2000.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Environmental Health Manager: No objection.
- 4.3 Traffic Manager: No objection.

5. Representations

- 5.1 Much Dewchurch Parish Council: No objection.
- 5.2 Haywood Parish Council: No objection.
- 5.3 Local Residents: A single letter of objection has been received from Mr. and Mrs. Priddle of Haywood Lodge, Haywood. The comments raised can be summarised as follows:
 - There is not an excellent relationship between the club and residents of the area as is suggested by the applicant. There has previously been considerable and widespread disharmony but the view has subsequently been taken to avoid complaints to the Council, but instead we have endeavoured to advise the club when we are not happy with flying behaviour;
 - Since the permission in 1999 we have approached the club in writing on several occasions identifying anti-social flying behaviour and contraventions of planning conditions;

- The controls include no fly areas, one of which is our house and land, as we are the most materially affected by the flying;
 - Some of the contraventions involve flying beyond the conditioned hours, so we would be most concerned if these hours were extended;
 - We intend to continue to try and deal with the problems directly with the club but if this proves unsuccessful we will have to resort to the Environmental Health Department;
 - We are opposed to any increase in the flying hours at this site.
- 5.4 The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This application seeks the extension in hours of take-offs only. No change is proposed to the number of flights or the aircraft proposed to use the field. The strip and hangar have the benefit of permanent permission for the activities on site. On this basis, the sole matter for consideration is the impact of an extra hour at each end of the day.
- 6.2 The variation in hours is intended to allow greater flexibility in the use of the field. As noted above, no additional flights are proposed. It is considered that the variation in hours will not impact upon the visual amenities of the locality, or upon highway safety having regard to the potential for vehicle movement to be varied with the altered hours. The implications of the alteration will be the impact upon the residential amenities of the nearby residential properties.
- 6.3 The original approval for this activity, secured through an Appeal, was on a temporary basis to allow for the assessment and review of the use. Subsequent to this, permanent permission was secured with the Environmental Health Department advising that no noise nuisance issues had arisen from the use of the field as a microlight airfield under the then current conditions. Therefore no objection to the application was made. The Environmental Health Manager has assessed the proposal and considered the requirement for a noise survey. It was advised that such a survey could be requested. However, if noise complaints were received they would not be dealt with by the Council, rather the Civil Aviation Authority (CAA) would have the responsibility as the enforcing authority. As such a survey is not considered necessary or appropriate at this time. The CAA are also the responsible authority for the assessment of aircraft and the associated issuing of worthiness certificates. The Environmental Health Department have confirmed that they are not in receipt of any noise complaints regarding the site.
- 6.4 The Environmental Health Manager advises that he has no objection to the extension of hours and on this basis it is considered the application can be supported.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. Take-offs shall only occur between the hours of 0800 and 2100 local time.

Reason: To enable the local planning authority to retain control over the development in the interests of the residential amenity of local residents.

- 3. The permission hereby granted is an amendment to planning permission SW1999/2550/F and, otherwise than is expressly altered by this permission, the conditions and informatives attached thereto remain.

Reason: For the avoidance of doubt.

Informatives:

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

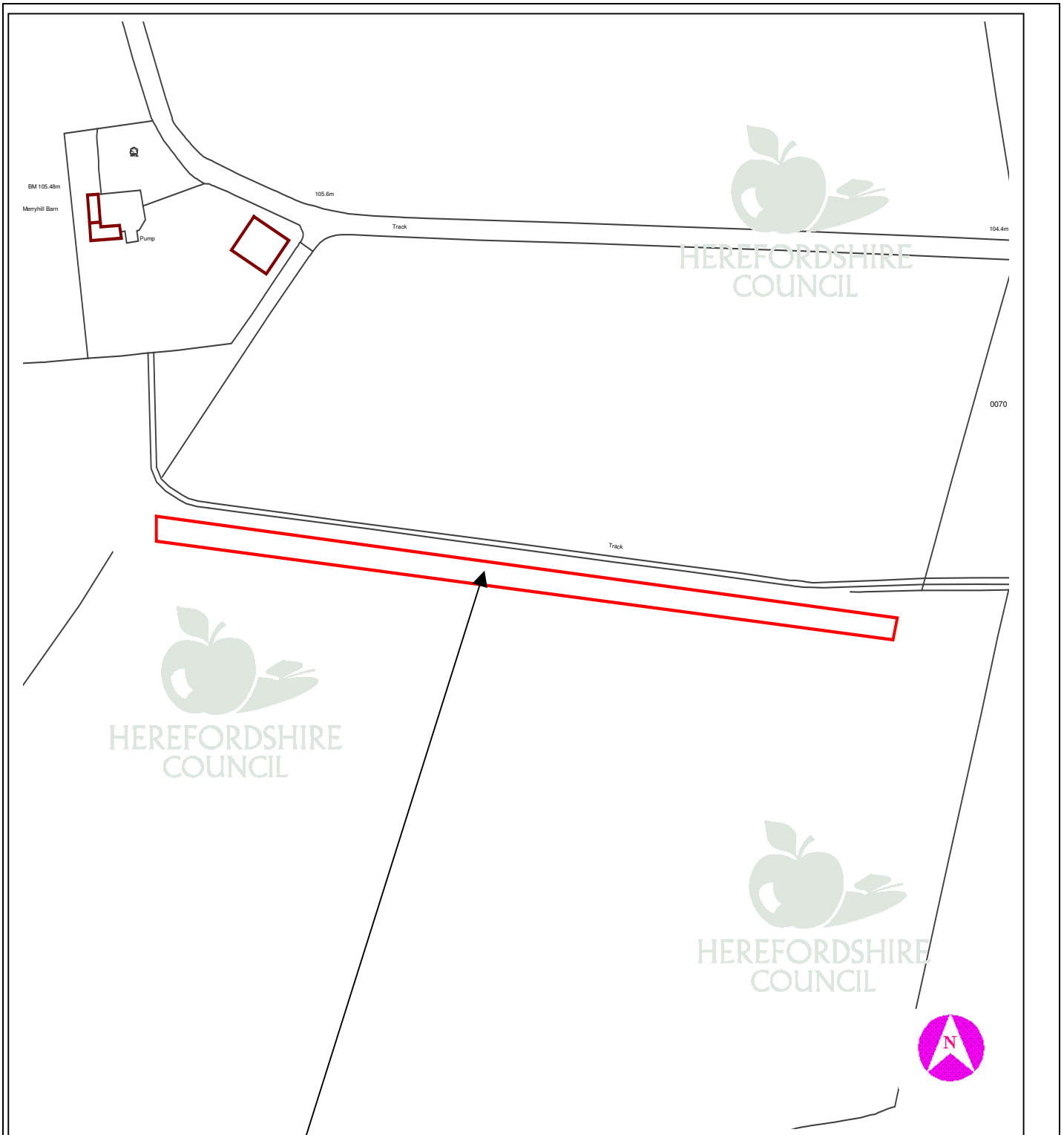
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0151/F

SCALE : 1 : 2500

SITE ADDRESS : Broadmeadow Flying Club, Broadmeadow Farm, Haywood Lane, Hereford

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10 DCCE2007/0206/F - ERECTION OF 4 FLATS WITH PARKING UNDER. 38 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LX

For: Berekdar Enterprises, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 17th January, 2007 Ward: Tupsley Grid Ref: 52353, 40405

Expiry Date: 14th March, 2007

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

1. Site Description and Proposal

- 1.1 This application seeks planning permission for the erection of four flats with parking under on the site of 38 Folly Lane, Hereford. The application site was first cleared subsequent to permission being secured for the erection of a two storey semi-detached dwelling (DCCE2001/2609/F). This application now seeks permission for a more intensive use of the site with the construction of a three storey building essentially covering the entire site area with parking at the ground floor level to serve the residential units above. The site is located adjacent to a local shopping centre with associated parking, together with a recently completed apartment complex to the south east. The proposal provides pedestrian access to the elevation facing Folly Lane with vehicular access via the adjacent car park to the north west. The application site is located in a prominent position at the ridge of Folly Lane with the land banking down to the south east.
- 1.2 This is the second application for the more intensive redevelopment of this site, the previous application for five units (DCCE2006/1670/F) being refused due to the unacceptability of its design, scale, prominent location, and relationship to neighbouring properties and the associated adverse impact upon the residential and visual amenities of the locality. This application has been revised to address these concerns.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land use and activity
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H15	-	Density
H16	-	Car parking

3. Planning History

- 3.1 DCCE2001/1670/F - Demolition of existing dwelling and redevelopment of site to provide two dwellings. Approved 28th January, 2002.
- 3.2 DCCE2006/1670/F - Erection of five flats with parking under. Refused 14th July, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.
- 4.3 Environmental Health Manager: No objection.

5. Representations

- 5.1 Hereford City Council: Recommends that '...the application be refused as it is over intensive development of the site, that there is no on street parking available and there is inadequate access to the site for vehicles'.
- 5.2 Local Residents: Four letters of objection have been received from the following sources:
- Mrs C.S. Skillen, 64 Southbank Road, Hereford
 - P. & D. Griffiths, Green Gables, Sutton St Nicholas
 - Mrs D. Griffiths, Scorpio, 40 Folly Lane, Hereford
 - Occupier, Manor Brow, 66 Southbank Road, Hereford

The comments raised can be summarised as follows:

1. Access to the parking will be impeded through the use of the adjacent car park, through which access is required, during the day;
2. The development is over development;
3. The proposal is out of keeping with the character of the locality;
4. Adverse impact upon the visual amenities of the locality;
5. Inadequate parking provision will lead to unacceptable parking in the car park and surrounding roads;
6. The maintenance costs for the car park, paid for neighbouring properties, will be increased due to increased use;
7. Congestion in the already busy car park will be compounded and will spill onto the neighbouring road network, which is already very busy;
8. The previous scheme was refused;
9. A scheme above 40/42 was refused;
10. The scheme is now larger than the scheme which was refused;
11. The original approval is for only a semi-detached pair, this is more than double;
12. Loss of light and overbearing impact;
13. No right of access over the private car park exists.

- 5.3 The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 From a planning policy perspective this application seeks permission for a residential development within an established residential area. No objections are therefore raised to the principle of development and in view of the current condition of the site it is generally welcomed. The key issues are considered to be:
- a) Design, Scale and Visual Amenities;
 - b) Residential Amenities;
 - c) Highway Issues.

Design, Scale and Visual Amenities

- 6.2 The design of this proposal has been significantly revised since the previous application (DCCE2006/1670/F) having regard to the site constraints. The site is particularly prominent and it relates awkwardly to the neighbouring land uses. The development of this site is therefore highly problematic in design terms.
- 6.3 The proposed design has attempted to address the concerns associated with the previous application and it is considered, on balance, that this has generally been achieved. The scheme remains significant in scale and occupies the majority of the site, however, the design approach taken has now improved the appearance and reduced the impact of the development. The west facing elevation will only be visible in part but the element projecting forward, which was a key failing in the previous scheme, has now been varied to provide visual interest through the introduction of a glazed stairwell. The south elevation now succeeds in providing a genuine 'face' to the building and will provide a frontage onto Folly Lane. The appearance is a mix of traditional and contemporary, the relationship between which is considered to be effective. The east elevation is more conservative than the south and reflects the adjacent flats.
- 6.4 Overall, the design remains something of a compromise, being limited by the site size and neighbour constraints. However, the context is informed by the adjacent shop units which of limited merit and it is now considered that the revisions secured have produced a scheme which is acceptable in design and which will not detract from the character and appearance of the locality.

Residential Amenities

- 6.5 The neighbouring property to the north is a retail unit and the window opening found in the affected elevation serves a toilet. It is therefore considered that residential amenities are not an issue in relation to this property. To the north it is considered that adequate distance exists between the new development and residential properties. The relationship with the adjacent apartment building is of some concern from the perspective of the overbearing impact but having regard to the orientation of these properties it is considered that the impact will be within acceptable limits. No habitable openings are proposed in this elevation and conditions will ensure that this arrangement is protected.

Highway Issues

- 6.6 The proposal does not involve access directly onto the highway, but rather onto an existing car park currently serving the local shopping centre. The proposal involves adequate parking provision when considered against the requirements of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft), however, the parking arrangement is problematic and would lead to vehicles carrying out difficult manoeuvres and reversing into the adjacent parking area. This is not a desirable situation. However this manoeuvring will not interfere with the Council's highway infrastructure and no highway safety issues are associated with this scheme. It is therefore considered that the parking issues are not of concern such that they could substantiate a reason for refusal.

Conclusion

- 6.7 This proposal has considered the concerns associated with the previous scheme and has achieved a design solution which will not unacceptably compromise the visual amenities of the locality.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: To protect the amenity of local residents.

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

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

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

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

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

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

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

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

- 8. **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.

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

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

Informatives:

- 1. **N01 - Access for all.**
- 2. **N03 - Adjoining property rights.**
- 3. **HN01 - Mud on highway.**
- 4. **HN05 - Works within the highway.**
- 5. **N16 - Welsh Water Informative.**
- 6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 7. **N19 - Avoidance of doubt.**

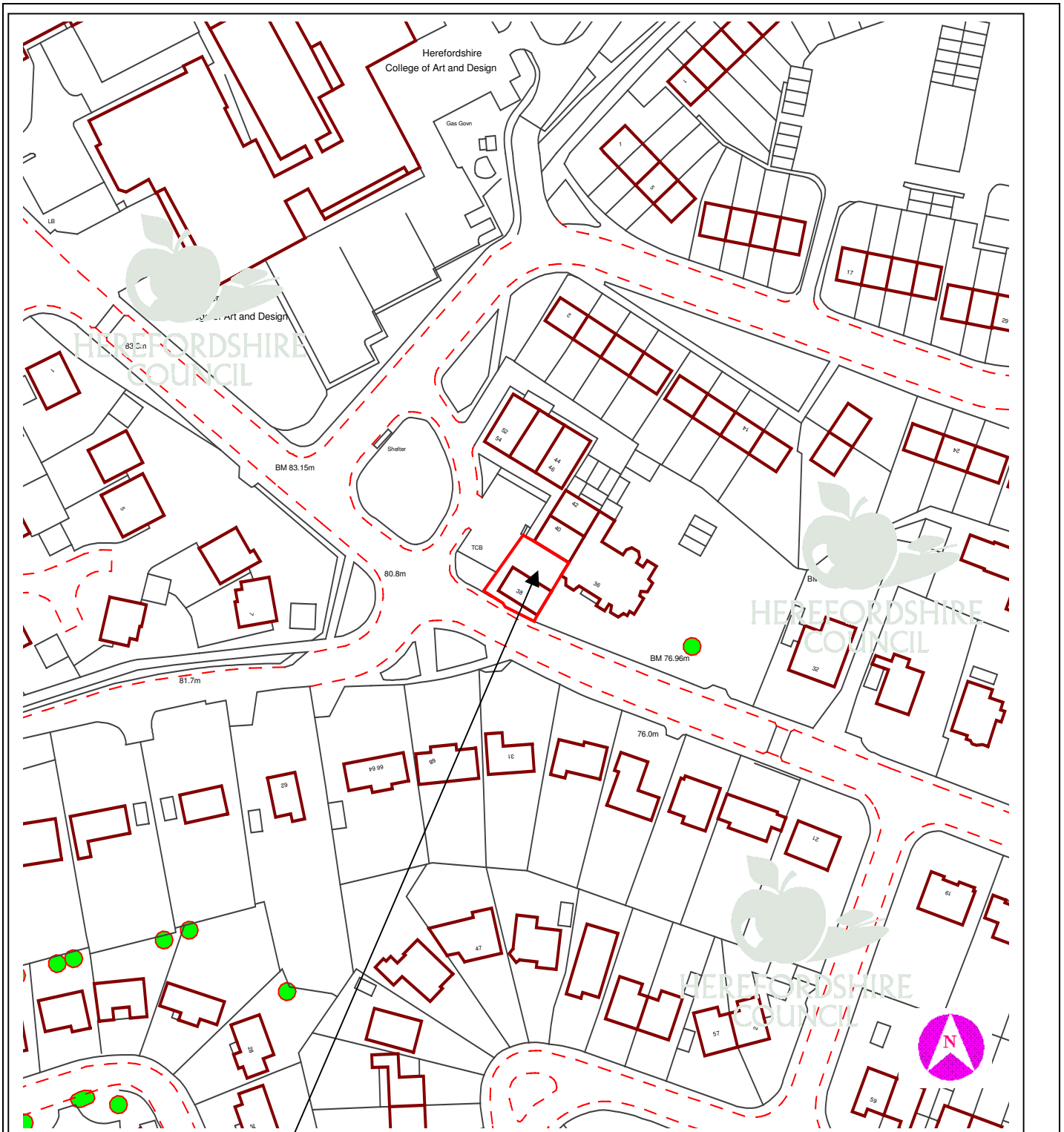
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0206/F

SCALE : 1 : 1250

SITE ADDRESS : 38 Folly Lane, Hereford, Herefordshire, HR1 1LX

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11 DCCE2006/4002/F - PROPOSED SINGLE STOREY EXTENSION TO PROVIDE ADDITIONAL BEDROOMS AND DAY SPACE. ERECTION 2 NO. GARDEN SHEDS AT 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP

For: Ms. R. Mawji per Hook Mason, 11 Castle Street, Hereford, HR1 2NL

Date Received: 21st December, 2006 Ward: Aylestone Grid Ref: 52214, 40159

Expiry Date: 15th February, 2007

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

1. Site Description and Proposal

- 1.1 43 Bodenham Road is a three storey Victorian Villa operating as the Oaklands Care Home. This property is located on the northeast side of Bodenham Road and set in a substantial mature curtilage with a large rear garden. The property was originally a dwelling and was subsequently converted to a hotel in 1966 and a residential nursing home in 1982. The building has been subject to numerous alterations and extensions, including a two storey extension at the side of the building and further two single storey flat roofed extensions along both side boundaries at the rear. There is also a derelict outbuilding situated at the end of the existing flat roofed extension along the northwest boundary wall. The site falls within the designated Established Residential Area and Conservation Area of Hereford.
- 1.2 This application seeks planning permission to demolish the existing outbuilding and erect two new single storey rear extensions on both side boundaries with longer wings incorporating a link between these two extensions. Both extensions would have pitched roofs so that the roofline would be approximately 1.6 metres higher than the existing flat roofed extensions. A courtyard would be formed within the inner part of these extensions. It is also proposed to erect two sheds at the bottom of the garden adjacent to the existing shed and a group of protected trees.
- 1.3 The property currently provides 14 single rooms and 8 double rooms catering for 30 occupants. This proposal will increase the accommodation to 23 single rooms and 6 double rooms for a total of 35 occupants.

2. Policies

- 2.1 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 DR4	-	Environment
Policy H16	-	Car Parking

Policy HBA6	-	New Development Within Conservation Areas
Policy CF6	-	Retention of Existing Facilities
Policy CF7	-	Residential Nursing and Care Homes

3. Planning History

- 3.1 H/P/24784 Change of use from hotel to nursing home. Approved 1st February, 1982.
- 3.2 HC890703PF Extension to nursing home. Refused 25th January, 1990.
- 3.3 HC910381PF Extension to nursing home. Refused 17th October, 1991.
- 3.4 HC920451PF Extension, alterations and refurbishment of existing nursing home. Refused 17th December, 1992.
- 3.5 HC940035PF Sun lounge for use by existing nursing home. Approved 9th March, 1994.
- 3.6 HC940467PF Demolition of existing office extension. Alterations and extensions to facilitate internal rationalisation. Approved 11th January, 1995.
- 3.7 DCCE2006/1591/F Proposed temporary mobile home for five years. Withdrawn 5th July, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Recommends the provision of cycle parking and the delineation of the existing parking area for 15 spaces.
- 4.3 Conservation Manager: "We believe that whilst there may be room for some form of extension we are not convinced about the scale of the proposed extension. It may be possible to develop the garden room/day space area with a reasonable design as proposed. However we are concerned that the additional single bedrooms would extend the development further into the garden. This would not be acceptable as we believe it would overdevelop the existing plot and this would also be detrimental to the adjacent plots. We would therefore recommend that this element be reviewed perhaps re-orientated along the line of the day space. This may result in further remodelling but we believe that the building should not extend further into the garden than the proposed day space. This is because there is a natural break in the landscape at this point and there is also the concern that the site is becoming over developed. We would recommend that the application be reviewed and the additional 4 bedrooms be removed or re-orientated so that the building does not extend beyond the natural break of the day space. This is so that the open space within the site is retained."

- 4.4 Director of Adult and Community Services: "I'm pleased to support the application, its consistent with both the government's drive to reduce the number of shared rooms in care homes and the National Minimum Standards for Care Homes, which form the basis for the inspection of care homes undertaken by the "Commission for Social Care Inspection". Finally, the application is consistent with the Directorate's intention of significantly reducing the number of care home places in double/shared rooms it purchases for older people."

5. Representations

- 5.1 Hereford City Council: The Council should monitor any consequential parking pressure.
- 5.2 Local residents: Two objection letters have been received from Mr. Halpern, 41 Bodenham Road and Mr. & Mrs. Martyn, 41a Bodenham Road.

The concerns raised can be summarised as follows:

1. Visual impact.
2. Loss of light.
3. Loss of privacy.

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key considerations in the determination of this application are as follows:
- (a) Impact on the Character of Conservation Area
 - (b) Impact Upon the Amenities of Adjacent Properties
 - (c) Access and Parking Issues
- 6.2 The essential character of Bodenham Road derives from the predominance of large scale detached dwellings set well back from the road behind a tree lined frontage with large well maintained rear gardens which provide an attractive setting for the buildings and a pleasant residential environment. It is acknowledged that the character of the area has changed as a result of incremental development in recent years and it is recognised that only two buildings (Nos. 45 and 49) still maintain their original characteristics. The concerns regarding the extended footprint and orientation of the proposed extensions from the Conservation Manager are acknowledged but in the wider context of the character of Bodenham Road and having regard to the very limited visual impact of this single storey development at the rear and the setting of the adjacent properties in the surrounding area, it is considered that this proposal would preserve the character and appearance of the Conservation Area.
- 6.3 With regard to residential amenities, the concerns regarding the potential loss of privacy and loss of light are acknowledged. The proposed north-western wing would have a roofline higher than the existing flat roofed rear extension. However it is set back further away from the boundary wall than the present structure. In view of the single storey nature and the distance between the extensions and the adjacent property, it is not considered that there would be a serious loss of privacy or loss of light resulting from the proposal. A revised plan has been received that removes the

windows to the side elevation of the north-west wing in order to minimise the impact on the amenity of No. 41a. There would be roof lights in the roof but these windows would not afford any overlooking of the adjoining properties. The other adjoining properties, No. 41 and No. 45 are both situated some distance away from the proposed extensions and it is not considered that this proposal will have any material affect on the amenities of these properties such that refusal of planning permission would be warranted.

- 6.4 Turning to the issue of parking, the comment from the Traffic Manager is acknowledged. The new parking scheme as submitted shows that there would be 12 parking spaces plus provision for 3 cycle racks on site. At the time of writing further consideration is being given to an increase in parking provision to 15 spaces and the outcome of these ongoing discussions will be reported verbally. In general however it is not considered that this proposal would cause a significant intensification of use such that highway safety would be detrimentally affected.
- 6.5 The proposed two wooden sheds are both modest in scale and would be well screened by the existing mature trees and as such are acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. H13 (Access, turning area and parking).**

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

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. N13 - Control of demolition - Building Act 1984.**
- 3. N19 - Avoidance of doubt.**
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

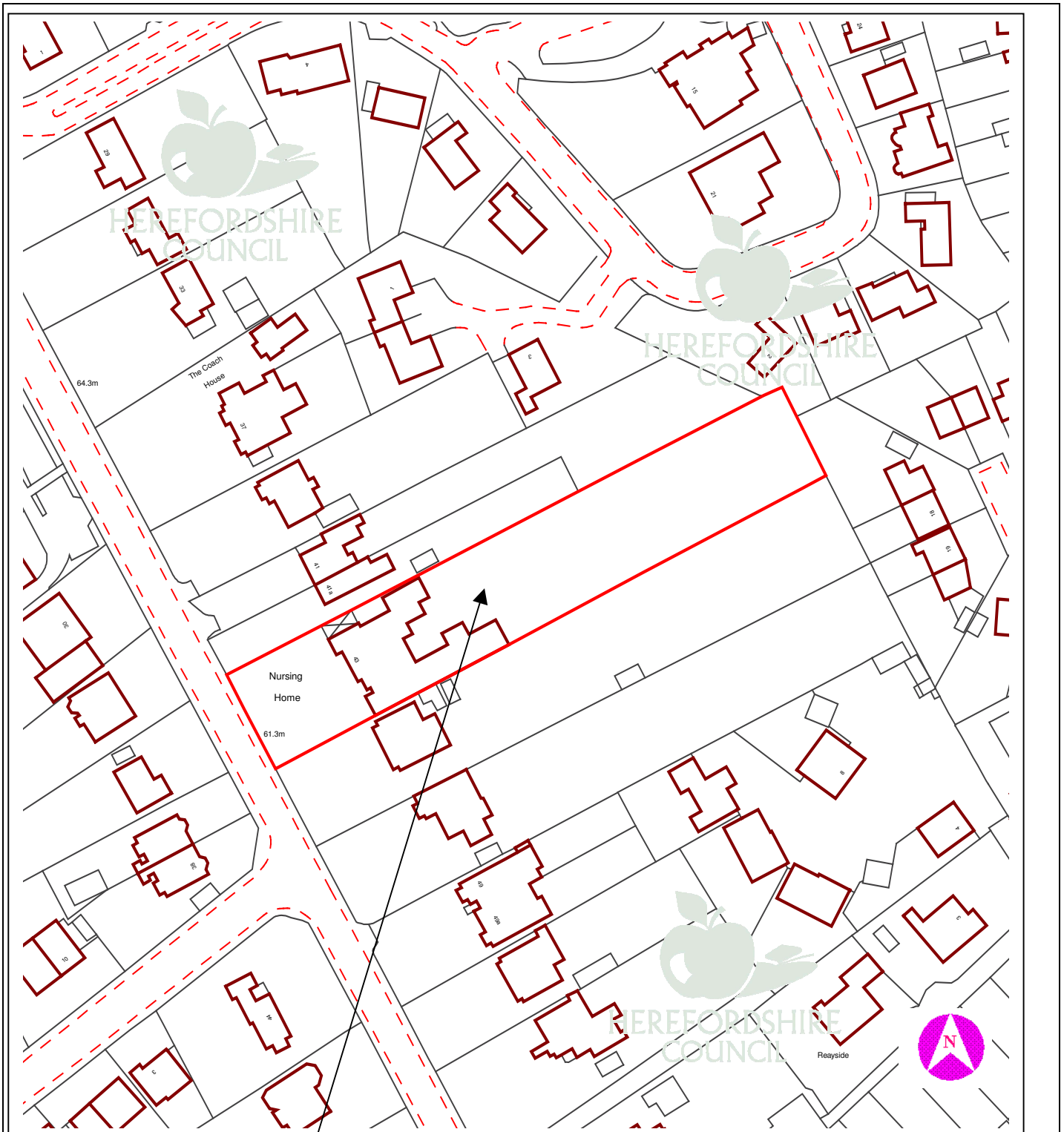
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/4002/F

SCALE : 1 : 1250

SITE ADDRESS : 43 Bodenham Road, Hereford, Herefordshire, HR1 2TP

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12 DCCE2007/0313/F - ERECTION OF 3 HOUSES & FORMATION OF PARKING AREA LAND TO THE REAR OF STOKES STORES, HOLME LACY ROAD, HEREFORD

For: Mrs. C. Merret, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 30th January, 2007 Ward: St. Martins & Hinton Grid Ref: 51026, 38453

Expiry Date: 27th March, 2007

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

1. Site Description and Proposal

1.1 The site is located to the rear of Stokes Stores which fronts the junction between Holme Lacy Road and Hoarwithy Road. Vehicular access is obtained off Hoarwithy Road leading to a parking area in front of the store with direct access to the site from this parking area. A single storey detached building presently occupies a relatively central position within the site which is used for the storage of stock in connection with the shop. The remainder of the site is undeveloped and is largely overgrown with scrub and weeds. In the south western corner is a semi-mature Beech tree and the boundaries of the site are largely enclosed by an existing 1.5 metre close boarded fence. Private residences and their gardens enclose the site to the north, east and west and to the south lies Putson Baptist Church and associated Church Hall, part of which is also used as a children's nursery. The site lies within an Established Residential Area as identified in the Herefordshire Unitary Development Plan (Revised Deposit Draft).

1.2 Planning permission is sought for the construction of a terrace of 3 one bedroom properties comprising a kitchen, living room and toilet at ground floor with a single bedroom and bathroom at first floor largely contained within the roof space. Each property will have a small area of private garden along with a total of four parking spaces with the appropriate vehicle turning area.

2. Policies

2.1 National Planning 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
 H13 - Sustainable residential design

- H14 - Re-using previously developed land and buildings
- H16 - Car parking

3. Planning History

- 3.1 CE2006/1460/F - Erection of three houses and formation of parking area. Planning permission refused 12th July, 2006. Reason for refusal are as follows:

'The proposal would result in a cramped form of backland development creating an unacceptable environment for the occupants of the proposed properties; the loss of garden for existing dwellings and an adverse impact on the amenity of surrounding properties. As such the development is contrary to Policies ENV14, H3, H12, H13, H14 of the Hereford Local Plan and Policies S2, DR1, DR2 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).'

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager: No objection subject to conditions.

5. Representations

- 5.1 Hereford City Council: Comments awaited.

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

1. The proposed development would be nearer to our land than the previously approved scheme resulting in overlooking and blocking of sunlight to our lounge window.
2. The applicant does not live on site and there would therefore be no impact on their amenity.
3. The outlook from our lounge window would be onto a blank wall.
4. We are concerned that the currently vacant house next door to Stokes Stores will be used for the storage of stock with consequent additional impact upon amenity
5. A 1.8 metre wide footpath should be provided into the site
6. The development will result in the loss of the only storage facility for the shop
7. The development will lead to increased traffic in an already congested area
8. The proposed parking area will impact upon our amenity as a result of noise and fumes from general vehicle movements.

- 5.3 The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting and any further comments will be verbally updated and the recommendation recognises that the consultation period had not expired at the time of writing.

6. Officers Appraisal

- 6.1 The proposed development has been revised following the refusal of a similar proposal in July last year. The site is large enough to accommodate a development of the size proposed with the necessary private garden and vehicle parking area. The existing vehicular access can be used to serve the site which the Traffic Manager confirms is of

a satisfactory standard. The principle issues are therefore considered to be the impact of the development on the character and amenity of the area.

- 6.2 The site is clearly a backland form of development, however the Development Plan and guidance contained within Planning Policy Statement 3 do not preclude such forms of development in an urban environment. The footprint, mass and height of development have been reduced from the scheme previously refused in order to minimise the overall impact within the locality. The design has also been revised to ensure there are no first floor windows or roof lights overlooking the immediate neighbours or their gardens to the north and west where the potential for the greatest impact on their amenity exists. Notwithstanding the submitted plans, a condition can also be imposed requiring a new 1.8 metre close boarded fence to be erected around the boundary of the site which will ensure there is no loss of privacy from ground floor. Elsewhere, first floor windows are either serving bathrooms which will be obscure glazed or a satisfactory distance exists to prevent any unacceptable loss of privacy through overlooking. There will be no unacceptable loss of daylight or sunlight for properties to the west and south. Whilst it is acknowledged that there will be an additional impact on the property immediately to the north, the design and siting of the development is such that this impact is considered acceptable. The revised siting of the development also now ensures that the existing semi-mature Beech tree can be retained.
- 6.3 Concerns also existed previously with the potential conflict between the occupation of the new residential properties and the operation of the adjacent shop known as Stokes Stores. This issue has been addressed through ensuring that there is no commercial access to the rear of the site for deliveries, collections or storage of stock. However, the loss of the existing building where stock is stored is a concern as is the proposed delivery process if the development is permitted and further information has been requested on this matter. Four parking spaces have been proposed to serve three residential units, which are considered satisfactory and other matters such as waste storage and facilities for cycle storage can be required by condition.
- 6.4 The proposed development will undoubtedly change the character of the immediate area. On balance, however, it is considered that the impact on the area will not be significant given the enclosed nature of the site and more importantly, the impact on the amenity of properties and premises surrounding the site will be satisfactorily safeguarded with the design of the scheme and through the use of appropriate conditions. The development is therefore considered acceptable in accordance with the relevant Unitary Development Plan policies.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period and receipt of satisfactory additional information and plans requested in the letter dated 16th February 2007, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

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

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

2. B01 (Samples of external materials).

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

3. E05 (Restriction on hours of use (industrial)).

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

4. E16 (Removal of permitted development rights).

Reason: The local planning authority wish to maintain control over future development at the site in order to safeguard the character and amenities of the locality

5. E18 (No new windows in specified elevation).

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

6. E19 (Obscure glazing to windows).

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

7. F48 (Details of slab levels).

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

8. G01 (Details of boundary treatments).

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

9. G10 (Retention of trees).

Reason: In order to preserve the character and amenities of the area.

10. G18 (Protection of trees).

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

11. HO4 (Visibility over frontage).

Reason: In the interests of highway safety.

12. 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.

13. H29 (Secure cycle parking provision).

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

14. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

15. Prior to the commencement of the development hereby permitted a methodology for handling deliveries to the retail outlet known as Stokes Stores including the location for the storage of stock shall be submitted to and approved in writing by the local planning authority. The scheme shall restrict access to the application site by commercial vehicles and be carried out in accordance with the approved details.

Reason: In the interests of residential amenity and highway and pedestrian safety.

Informatives:

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

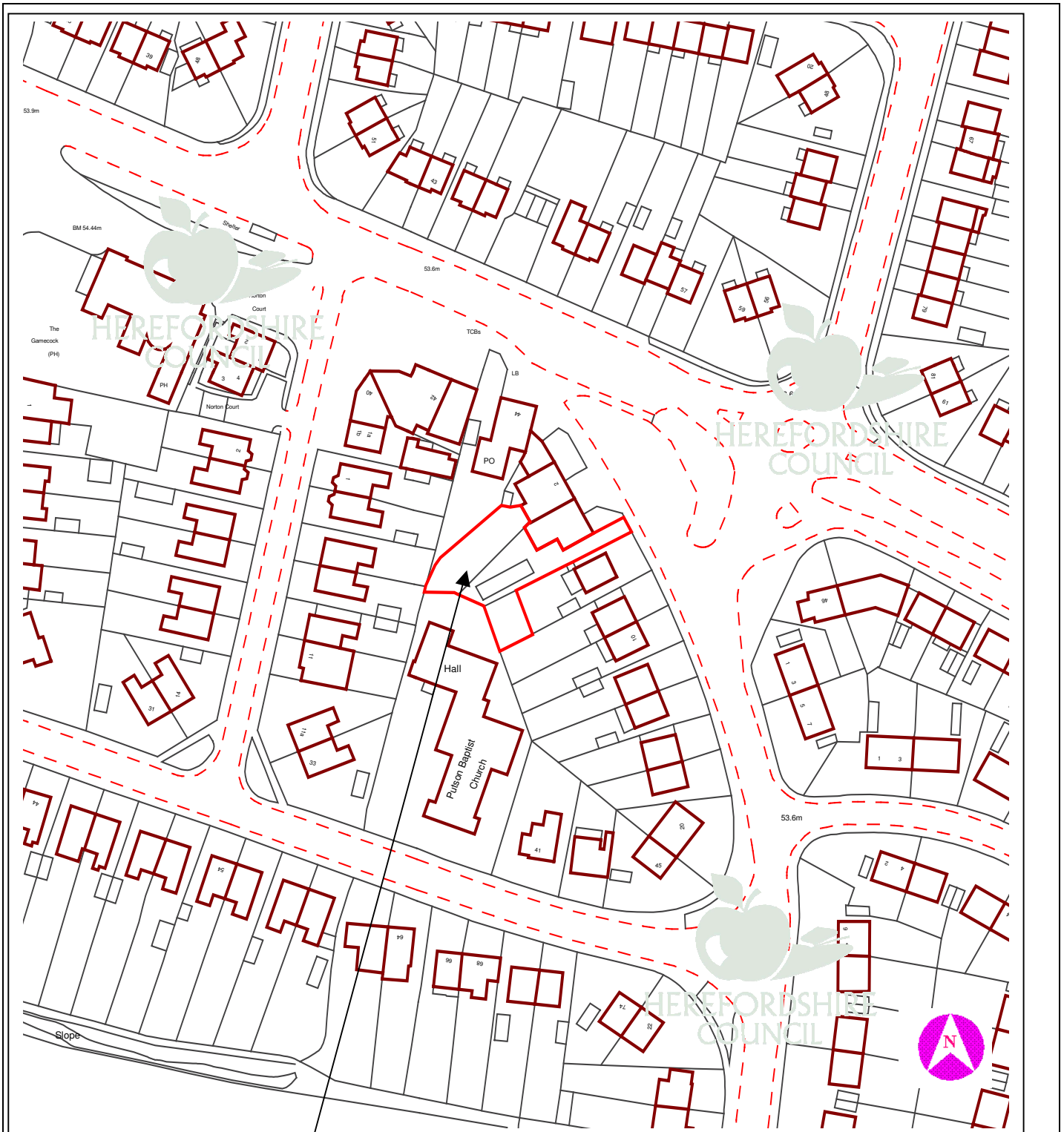
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0313/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of Stokes Stores, Holme Lacy Road, Hereford

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13 DCCE2007/0125/F - CONVERSION OF REDUNDANT BARN TO OFFICE FIELD FARM, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JP

**For: Ms. A.J. Powell, Broadheath Consulting Ltd,
Broadheath, Moreton-on-Lugg, Hereford, HR4 8DQ**

Date Received: 11th January, 2007 Ward: Backbury Grid Ref: 54466, 38606

Expiry Date: 8th March, 2007

Local Member: Councillor Mrs. J.E. Pemberton

1. Site Description and Proposal

- 1.1 The site lies south of Hereford and is accessed from the B4224 approximately half way between Hereford and Hampton Bishop. The site comprises a group of relatively modern agricultural buildings with the exception of the application building, historically forming part of Field Farm and presently being used for general storage. The building the subject of the application is a two storey stone building with part corrugated sheeted pitched roof and a partly constructed single storey side extension. Alongside the stone barn is a detached partially completed three bay garage with a pitched clay tile roof. The application site is generally surrounded by agricultural land with the exception of the former farmhouse and a range of attached outbuildings which are now in use as a nursing home. South of here is a raised earth embankment (Stank) which acts as a flood barrier to the River Wye to the south of the site. The site lies within the open countryside as defined in the Herefordshire Unitary Development Plan (Revised Deposit Draft) as is also designated as a Flood Plain (Flood Zone Category 2 and 3).
- 1.2 Planning permission is sought for the conversion of the redundant stone agricultural building to create four offices, two on each floor. The existing unauthorised single storey extension and front porch area would also be removed as part of the conversion along with the proposed cladding of the sides of the existing garage and the creation of parking and vehicular turning area for eight cars.

2. Policies

2.1 Planning Policy Guidance:

PPS7	-	Sustainable development in rural areas
PPS25	-	Development and flood risk

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood risk

DR13	-	Noise
E11	-	Employment in smaller settlements and open countryside
T8	-	Road hierarchy
HBA12	-	Use of rural buildings

2.3 Supplementary Planning Guidance:

Re-use and Adaptation of Rural Buildings

3. Planning History

- 3.1 CE2007/0113/F - Demolition of redundant Dutch barns and replacement with self-contained offices and proposed swimming pool. Application undertermined.
- 3.2 DCCE2006/3764/F - Proposed conversion of redundant building to self contained offices and workshop. Application withdrawn 29th January, 2007.
- 3.3 CE2006/2518/F - Conversion and extension of existing barn to residential. Planning permission refused 25th September, 2006.
- 3.4 CE2004/1206/F - Change of use from redundant agricultural barn to storage and distribution building for imported timber. Application withdrawn 28th September, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The Agency has no objection to the proposed development but wishes to make the following comments:

The site falls within Flood 3 and is therefore considered to be at flood risk during a 1 in 100 year flood event. The section of the defence adjacent to the Bunch of Carrots has recently been strengthened and is known to defend the immediate area to the 1 in 200 year flood standard. However, the level of protection the rest of Hampton Bishop defence affords to the whole area is currently unknown and therefore the site may still be at risk of flooding during an extreme flood event. To address the flood risk issue and given the scale and nature of the proposal we would recommend, if practicable, the local planning authority ensure the finished floor levels of the building are set at least 600mm above the 1% flood level plus climate change (20%) or flood proofing is incorporated into the design of the building to that level. These measures can include removeable barriers or a building aparture such as doors and air bricks and providing electrical services at a higher level so that plugs are located above possible flood levels.

Internal Council Advice

- 4.2 Traffic Manager: No objections subject to conditions.

5. Representations

- 5.1 Hampton Bishop Parish Council: The Parish Council remains strongly opposed to the application for the following reasons:
 - 1. Inappropriate development in rural setting;
 - 2. Inappropriate development in flood risk area;

3. Road safety concerns regarding the access/egress onto the very busy B4224 in accident prone area;

It is requested that the application be taken to Committee for a decision.

- 5.2 The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application proposes the conversion of a redundant agricultural building to a business use. Policy E11 alongside Policy HBA12 of the Unitary Development Plan support the re-use of rural buildings providing the proposals are small in scale, compatible with neighbouring uses, and the buildings can be converted without the need for a substantial alteration or extension. These policies are supported by the Supplementary Planning Guidance and Planning Policy Statement 7 where the employment generating use of rural buildings can assist in delivering employment opportunities in rural areas while providing beneficial uses for redundant buildings. As such the principle for the conversion of the building to B1 office use is considered acceptable.
- 6.2 The building to be converted is of some visual merit being of a stone construction. It is structurally sound and capable of accommodating the proposed new use without significant alteration. Various unauthorised works including extensions have been carried out to the building in recent years and this application proposes the removal of the unauthorised works and restoration of the building to its simple agricultural character and appearance. In general, existing openings are to be used to provide light and ventilation and internally, an open plan layout is proposed to retain the sense of space. Adequate land exists to provide necessary parking and manoeuvring area and the Traffic Manager confirms that given the scale of the development the existing access is of a satisfactory standard to accommodate additional traffic. The site does lie within the Flood Plain but the recently strengthened Flood Defence Works will protect the site from flooding as confirmed by the Environment Agency. Flood proofing works can be required by way of condition.
- 6.3 The proposal accords with the Development Plan policies and Government Guidance relating to the sensitive conversion of a redundant agricultural building to create an employment generating use. As such the development is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **E06 (Restriction on use).**

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

- 4. **H15 (Turning and parking: change of use - commercial).**

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

- 5. **H29 (Secure covered cycle parking provision).**

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

- 6. **H30 (Travel plans).**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

- 7. **Prior to commencement of development details shall be provided of the measures proposed to protect the building from flooding in the event of extreme flood. The approved measures shall be completed prior to first occupation of the development hereby permitted and thereafter retained in perpetuity.**

Reason: To protect the development from flooding.

- 8. **The building shall not be used in connection with the development hereby permitted until the external alterations to the building have been completed in accordance with the approved plans including the removal of all unauthorised works undertaken, the details of which shall first be agreed in writing by the local planning authority.**

Reason: To safeguard the agricultural character, appearance and setting of the building.

Informatives:

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

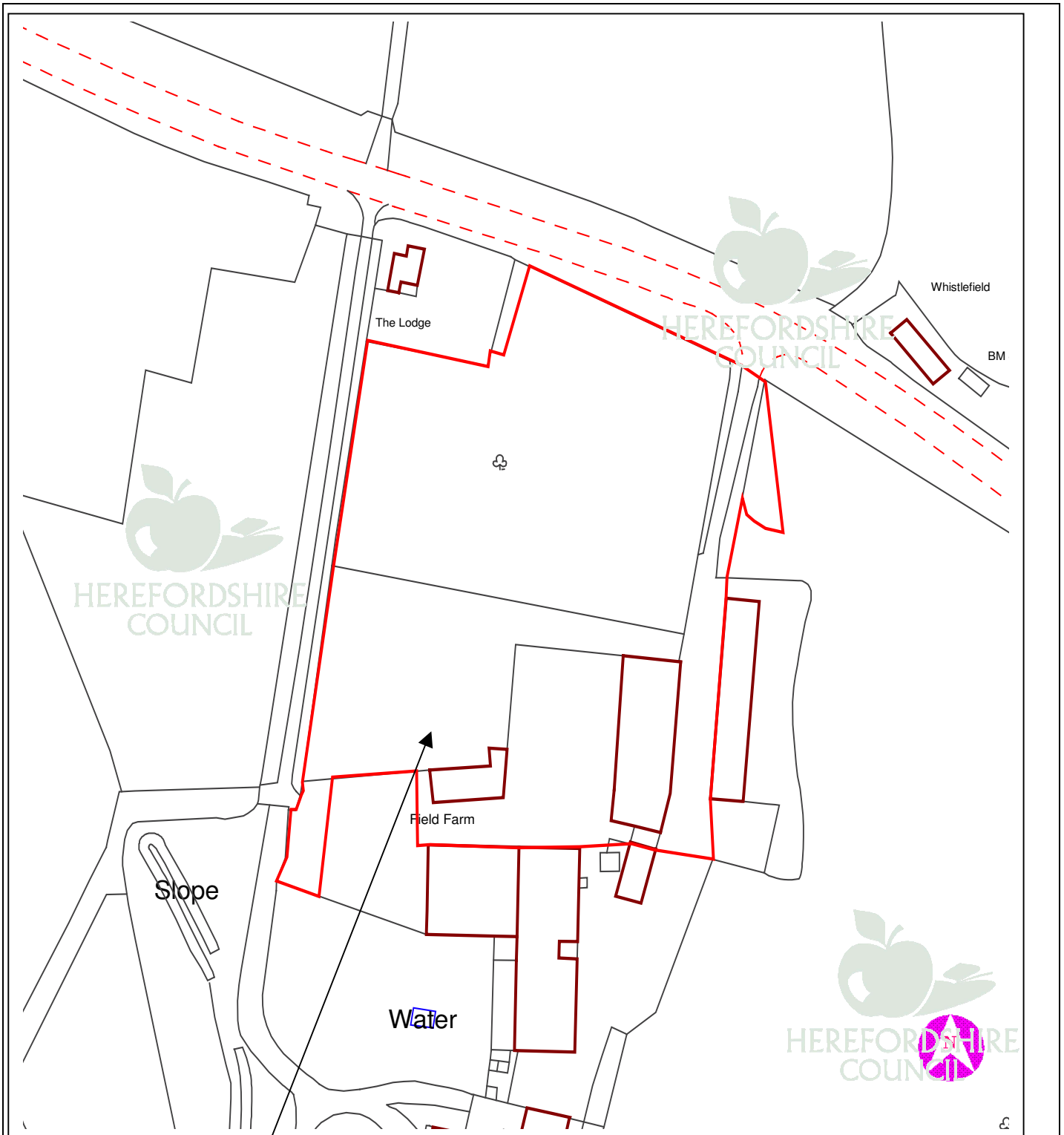
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0125/F

SCALE : 1 : 1250

SITE ADDRESS : Field Farm, Hampton Bishop, Hereford, Herefordshire, HR1 4JP

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14 DCCW2007/0229/F - DEMOLITION OF EXISTING COTTAGE AND ERECTION OF 3 TWO BEDROOM HOUSES AND 2 THREE BEDROOM HOUSES WITH PARKING FACILITIES AT THE ROODS, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EW

For: Mr. N.F. Cable per Andrew Last, Brookside Cottage, Knapton Green, Hereford, HR4 8ER

Date Received: 24th January, 2007 Ward: Sutton Walls Grid Ref: 52811, 47814

Expiry Date: 21st March, 2007

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The application site is comprised of a detached dwelling known as The Roods, set within a substantial curtilage. The site extends to 0.13 hectares and is located within the established residential area of Marden.
- 1.2 The application seeks permission to demolish the existing dwelling and erect five new dwellings, arranged in two blocks, a semi-detached pair at the front of the site, with a terrace of 3 units positioned to the rear. Between the two blocks would be a shared parking area, which would be served by a new access along the eastern boundary.
- 1.3 The existing hedgerows along the northern and eastern boundaries will be retained, and enhanced with additional planting, principally adjacent to the new parking area.

2. Policies

2.1 Planning Policy Guidance:

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1 - Sustainable development
 Policy S2 - Development requirements
 Policy S3 - Housing
 Policy S10 - Waste
 Policy DR1 - Design
 Policy DR4 - Environment
 Policy H5 - Main villages: Housing land allocations
 Policy H13 - Sustainable residential design
 Policy H15 - Density
 Policy HBA8 - Locally important buildings
 Policy T11 - Parking provision
 Policy LA3 - Setting of settlements
 Policy LA6 - Landscaping scheme

Policy CF1	-	Utility services and infrastructure
Policy CF2	-	Foul Drainage

3. Planning History

- 3.1 DCCW2006/3742/F Demolition of existing cottage and the erection of 6 no. 2 bedroom houses with parking facilities. Withdrawn 21st December, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to standard highways conditions.
- 4.3 Conservation Manager – No objection - The Roods is a small rural cottage and as such it has insufficient architectural or historical quality for it to be considered of national importance. In addition, it is not of an age when cottages of this type were exceptional or rare. There are many cottages similar to this throughout the District and, although it might be argued that if a large quantity continue to be demolished they will become scarce, at present The Roods does not represent a remarkable example of that type of dwelling whereby its retention can be justified. Therefore the house falls below the necessary standard for inclusion on the statutory list. Under Policy HBA8 of the Herefordshire UDP, buildings which contribute to the area's character or architectural development but are not of sufficient architectural merit to warrant for inclusion on the statutory list, may be considered for protection from demolition. However, it cannot be said that The Roods is a locally important building. Its use, materials of construction and quality of workmanship are not remarkable and its contribution to the local area is not outstanding. On balance, it is advised that the Roods falls short of the quality required to consider it of sufficient local importance to justify retention.

5. Representations

- 5.1 Marden Parish Council: Objection. The Parish Council is not opposed to the development of this site, but is opposed to the present application on the following grounds:
1. The Parish Council is opposed to the demolition of the existing cottage. The Parish Council would prefer to see the retention of the cottage, possibly with a new development on land behind the cottage. It would see no problem with any future extension to the cottage.
 2. If the development were to proceed as specified in the application, the arrangement of the two semi-detached houses should be changed. At present the front door of one house opens at the front and the other on to the drive to the communal parking area. It is felt these entrances would be used in preference to the patio doors at the rear, accessed via the rear gardens. There is insufficient space to park vehicles off the road at the front of the properties, and it is felt that the positions of the main entrance doors to the properties would lead to parking

on the roadside. This would cause traffic obstructions and cause difficulties for large vehicles entering and leaving New House Farm. The positioning of the entrance opening on to the driveway is considered to be dangerous to occupants of that house, bearing in mind that up to 10 vehicles would be using the driveway on a regular basis.

3. It was felt that the proposed houses were unlikely to be of a standard of construction reflecting the standard of construction of most houses in the village.

5.2 Letters of objection have been received from Mr. Sutton, 21 Springfield Close; Mr. Jones, 22 Springfield Close and Mr. Price, New House Farm.

The main points raised are:

- The existing cottage should not be demolished, but development allowed behind it.
- Overdevelopment.
- Loss of privacy,
- Risk of on-street parking.
- Noise and disturbance during the construction phase.
- Properties in Marden have lost value due to the presence of polytunnels, its pointless building more.

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 Marden is identified as a 'Main Village' within the Herefordshire Unitary Development Plan (Revised Deposit Draft) within which the principle of residential development is broadly acceptable. Therefore having regard to the relevant policies, the primary issues in determining this application are considered to be:

- Loss of the existing dwelling
- Design and Layout of the Development
- Density
- Residential Amenity
- Highways and Parking

Loss of the existing dwelling

6.2 Following an inspection of the property by the Conservation Officer, it is not considered that the existing dwelling meets the criteria whereby it could be considered for listing. Furthermore it is not considered to be of sufficient architectural merit or make a significant contribution to the character and appearance of the area whereby it is worthy of retention as a locally important building pursuant to Policy HBA8 of the Herefordshire Unitary Development Plan.

- 6.3 Therefore whilst the comments of the Parish Council and local residents are noted, it is not considered that the loss of the building would give rise to a defensible ground for refusal in this instance.

Density

- 6.4 The creation of sustainable residential environments generally requires the optimum use of available land though an increase in the overall density of development within designated settlement boundaries. However a decision about the appropriateness of increased density must be considered in relation to the character and context of the existing pattern of development within the surrounding area.
- 6.5 In this case the settlement pattern surrounding the application site is characterised by Springfield Close to the west, which is a relatively high density development of 33 dwellings, whilst to the east lies a row of detached dwellings orientated along the northern boundary of the public highway (the C1124). Having regard to the pattern and density of residential development in the wider locality the density of the application site is considered to represent an acceptable transition between Springfield Close and the lower density detached dwellings to the west.

Design and Layout of the Development

- 6.6 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 surrounding established residential area. The proposal offers a mix of 2 and 3 bedroom properties, which will be arranged in two parallel lines either side of the internal parking and turning area.
- 6.7 The pair of a semi-detached 3 bedroom dwellings will be sited adjacent to the highway in line with the existing building line of Springfield Close, thereby reflecting the character and appearance of the street scene in the locality of the site.
- 6.8 The remaining 3 units will be constructed in a terraced block towards the rear of the application site, their orientation echoing the layout of the units to the rear Springfield Close.

Residential Amenity

- 6.9 A number of dwellings in Springfield Close have gardens that back onto or abut the western boundary of the application site and it is acknowledged that the proposed development will inevitably alter their setting and outlook. However, the siting of the proposed dwellings has taken appropriate account of the position and orientation of the adjoining properties. Consequently it is not considered that the proposal will result in an unacceptable level of overlooking or overbearing impact.
- 6.10 More specifically the proposed western flank walls of plots 1 and 5 have been designed without windows. However to ensure a continued satisfactory relationship between the proposed development and its neighbours, it is considered expedient to remove the permitted development rights to insert windows in these elevations.
- 6.11 Submission of a detailed schedule of planting for approval as well as protecting the existing hedgerows and trees from being removed or wilfully damaged will ensure that the development is properly integrated into this edge of settlement site. Further conditions are also recommended to control the hours of operation during the

demolition and construction phase in the interests of protecting the amenity of the wider locality.

Highways and Parking

6.12 The Traffic Manager raises no objection to the proposed development, but has suggested the imposition of appropriate conditions, which are duly recommended.

6.13 It was noted that the Parish Council were concerned about the possibility of additional on-street parking arising from the layout of the two units at the front. Therefore following negotiations with the applicants agent, a revised plan was submitted which overcomes these concerns by the reorientation of the front doors to the north elevation.

Conclusion

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

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials).

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

3. E17 (No windows in side elevation of extension) (western elevation of plots 1 and 5).

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

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

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

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

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

6. G03 (Landscaping scheme (housing development) – implementation).

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

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

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

8. H03 (Visibility splays) (2 metres x 120 metres).

Reason: In the interests of highway safety.

- 9. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

- 10. H09 (Driveway gradient).

Reason: In the interests of highway safety.

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

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

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

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

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

Reason: To safeguard residential amenity.

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

Reason: To safeguard residential amenity and prevent pollution.

Informatives:

- 1. N01 - Access for all.
- 2. HN05 - Works within the highway.
- 3. HN10 - No drainage to discharge to highway.
- 4. N19 - Avoidance of doubt.
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.

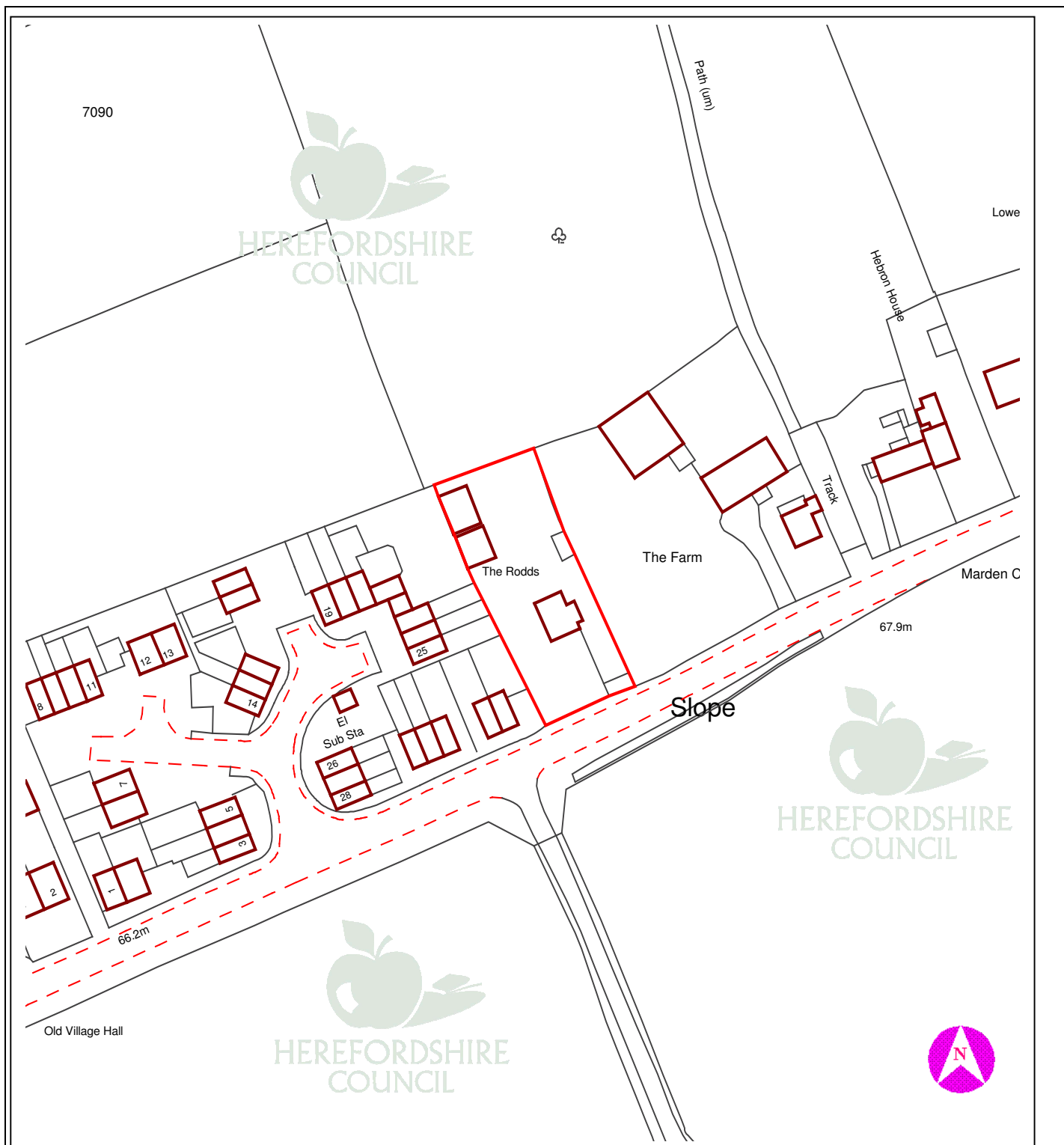
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/0229/F

SCALE : 1 : 1250

SITE ADDRESS : The Rodds, Marden, Hereford, Herefordshire, HR1 3EW

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15 DCCW2007/0081/F – RETROSPECTIVE CHANGE OF USE TO TAXI CALL OFFICE AND ERECTION OF 3.0 METRE AERIAL TO CHIMNEY (1 GROUND FLOOR ROOM ONLY) AT BANK HOUSE, 27 HOLMER ROAD, HEREFORD, HR4 9RX

For: Rank Taxi per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 11th January, 2007 Ward: Three Elms Grid Ref: 50585, 41183

Expiry Date: 8th March, 2007

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

1. Site Description and Proposal

- 1.1 The application site is comprised of a single storey wing on the southern flank of a large villa style property located on the western side of Holmer Road.
- 1.2 The application seeks permission to the use of the site as a non-operational taxi office, which will accommodate a controller for a local taxi business. For the majority of the time one controller will work from the property, apart from Friday and Saturday evenings when two controllers will be present to deal with the high level of calls received.
- 1.3 The actual taxis themselves will not be based at or operate from the property with contact between the office and the drivers being via radio messages, which will be transmitted via the new roof mounted antenna which this application seeks permission to regularise.

2. Policies

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

Policy DR1	-	Design
Policy DR2	-	Land use and activity
Policy TCR10	-	Office development
Policy HBA6	-	New development within conservation areas

3. Planning History

- 3.1 HC960275PF Change of use of residential house to health and beauty salon, change of use of industrial building to aerobics hall with alterations to east elevation. Approved October, 1996.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objection, the proposed development will not result in a detrimental impact to the A49 trunk road.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: No objection.
- 4.4 Head of Environmental Health and Trading Standards: Comments awaited.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Letters of objection have been received from Mr. Huton, 14 Golden Lion Close; Mr. Preece, 24 Holmer Road and Hereford Christadelphian Ecclesia.

The main points raised are:

- Increase in traffic from taxi picking up and dropping off.
- The antenna may interfere with television signals and other domestic digital equipment.
- The antenna may interfere with the public address system used within the church.

The full text of these letters can be inspected at The Hereford Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Having regard for the relevant development plan policies, the primary issues in determining this application are considered to be:
- Residential and Visual Amenity
 - Highways Issues

Residential and visual amenity

- 6.2 The application site is already in commercial use, being occupied by a private health and beauty business which is open to visiting members of the public. Therefore the introduction of the non-operational taxi office is not considered to materially alter the relationship with the surrounding properties in terms of any significant additional activity. In essence the use will attract a maximum of two radio controllers and the associated modest level of vehicle movements. It is acknowledged that the premises may be in use up to 0400 hours on Fridays and Saturdays but since this proposal amounts to a relatively low key office use it is not considered necessary to restrict the operating hours of the property.
- 6.3 Visually the roof-mounted antenna is not considered to give rise to any harm to the character and appearance of the building, or the visual amenity the conservation area.

- 6.4 With regard to the concerns raised in the letters of representation about interference caused by the antenna, this is not a material planning consideration as the business will be using the radio equipment under the terms of a licence granted by the Office of Communications (OFCOM) who have a statutory obligation under the Wireless Telegraphy Act 2006 to manage the radio spectrum.

Highways issues

- 6.5 The proposed use does not involve the operation of taxis from the property, and both the Highways Agency and the Council's Traffic Manager have raised no objection to the application.
- 6.6 The applicant has stated that no taxis will be based at or operate from the property, however to ensure that this continues to be the case it is considered expedient to recommend appropriate conditions prohibiting the presence of taxis and or customers at the property.

Conclusion

- 6.7 Overall the proposal use complies with the relevant development plan policies and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. No taxis shall operate from collect, drop off or wait for customers and no customers shall be collected or dropped off at the property.**

Reason: In the interests of highway safety and to protect the amenity of the area.

- 3. Within one month of the date of this permission, a plan showing the designated parking spaces for the radio controllers shall be submitted to and approved in writing by the local planning authority. The parking area shall be made available and shall thereafter not be used for any other purpose than the parking of vehicles.**

Reason: In the interests of highway safety and to protect the amenity of the area.

Informatives:

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

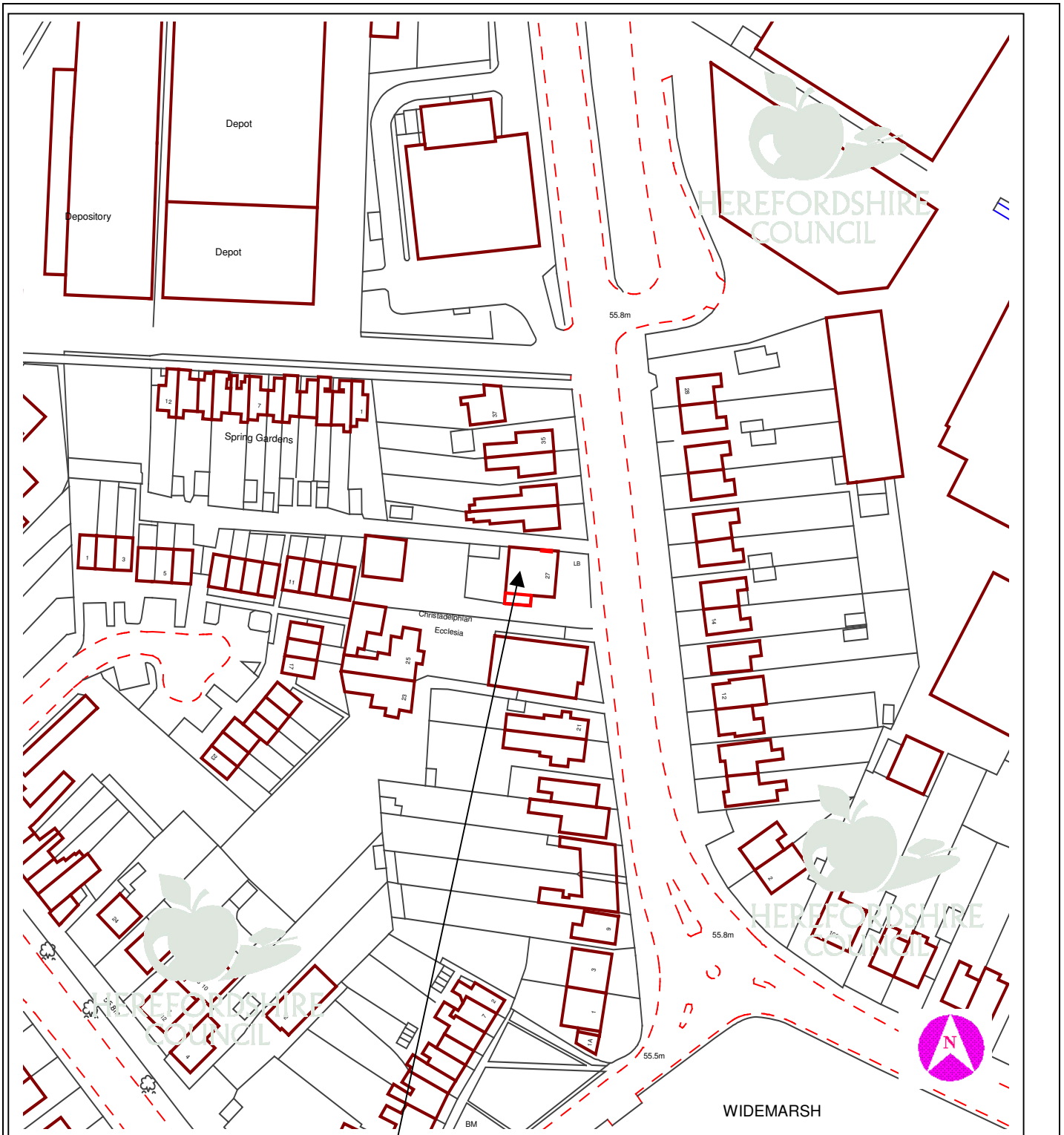
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/0081/F

SCALE : 1 : 1250

SITE ADDRESS : Bank House, 27 Holmer Road, Hereford, HR4 9RX

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16 DCCW2007/0247/RM - PROPOSED DETACHED TWO STOREY FOUR BEDROOM DWELLING AND DETACHED GARAGE AT LAND ADJ. 242 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0SD

For: Mr. & Mrs. A. Hirons, Redbrook Cottage, Lower Bullingham, Hereford, HR2 6EG

Date Received: 25th January, 2007 Ward: Three Elms Grid Ref: 47788, 41296
Expiry Date: 22nd March, 2007

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

1. Site Description and Proposal

- 1.1 The application site forms the western half of a large domestic curtilage, which prior to being severed served the dwelling known as 242 Kings Acre Road, which is located approximately 1.5 km. to the west of Whitecross roundabout on the northern side of the A438. The application site is enclosed to the north, east and west by residential development.
- 1.2 Outline planning permission (DCCW2006/1623/O) was granted in August 2006 for the erection of a dwelling.
- 1.3 The application seeks approval of the reserved matters of the appearance, layout, scale and landscaping of a two storey dwelling, comprising four bedrooms.

2. Policies

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

Policy DR1	-	Design
Policy H13	-	Sustainable Residential Design
Policy LA3	-	Setting of Settlements

3. Planning History

- 3.1 DCCW2006/1623/O Proposed dwelling. Approved 2nd August, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Forward Planning Manager: No objection.
- 4.3 Traffic Manager: No objection.

5. Representations

5.1 Parish of Hereford City Council – Comments awaited.

5.2 Breinton Parish Council (Adjoining Paish): Objection – The Parish Council has no reason to withdraw its concerns about the impact on the highway from this development. With increased traffic entering and leaving The Bay Horse Hotel as a result of its expansion, just adjacent to this property, there is yet another reason to be concerned about the number of unmarked accesses along this busy road. The Parish Council would ask that Highways take another look at this aspect of the application in the light of new development in the area. As regards the building itself, the Parish Council has no problem with the principle of a smaller dwelling on this site. However, what has been proposed is out of scale with surrounding properties. It is much bigger than any of them and also much larger in relation to its site than any property in the immediate neighbourhood. It is too close to its immediate neighbour, No 7 Bramley Court, which will be overshadowed and cramped by the new dwelling. Care has been taken to distance it from No. 242, the applicant's property, but the distance from No. 7 is around a quarter of this. With the driveway and garden on the 242 side, this difference will be even more apparent. The garage is at least third bigger than that of No. 7. It has not been possible to assess relative ridge heights from the plans but it could be assumed from the size of this proposed development it will be higher than its neighbours. Consistency is required in this neighbourhood, particularly with regard to the size of permitted development.

5.2 Letters of objection have been received from Mr. Boase, 6 Bramley Court; Mr. Lake, 7 Bramley Court and Mr. & Mrs. Essenhigh, 8 Bramley Court.

The main points raised are:

- House is too large resulting in an over dominant form of development.
- Position is too close to the eastern boundary.
- The garage is too large.
- Concern in relation to a new access onto the A438.

It should be noted that the means of access was deemed acceptable at the outline application stage and as such is not a material consideration in respect of this proposal.

The full text of these letters can be inspected at The Garrick Centre, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The principle of residential development and the means of access have already been established by the outline planning permission (DCCW2004/1004/O). Therefore the primary issues in determining this reserved matters application are considered to be:

- Design and Layout of the Development
- Residential Amenity

Design and layout of the development

- 6.2 Having consideration for the character and appearance of the wider locality the design scale and massing of the proposed dwelling are considered to be acceptable.
- 6.3 As submitted the application proposed a detached double garage sited to the front of the plot adjacent to the highway. However as this was significantly larger in height and footprint when measured against the scale of the existing garage serving 7 Bramley Court, it was considered to give rise to an unacceptable impact on the visual amenity of the locality. Furthermore it was noted that the neighbours have raised concern about the size of the garage and the siting of the dwelling so close to the western boundary. Therefore following negotiations with the applicant's agent, a revised plan was submitted, which overcomes these concerns by reducing the size of the garage, and relocating the dwelling further to the east.
- 6.4 Having regard for the pattern and density of residential development in the wider locality the revised layout is considered acceptable, and has taken appropriate account of the position and orientation of the adjoining properties.

Residential Amenity

- 6.5 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, the interrelationship between the existing properties already gives rise to a degree of overlooking. Having consideration for the design and revised siting of the dwelling, it is not considered that the proposal will result in an unacceptable level of overlooking or overbearing impact, when measured against that already experienced.
- 6.6 Furthermore the east and west elevations have been designed without windows at first floor level save for obscure glazed bathroom windows in the interests of protecting the amenity of the most immediate neighbours. However to ensure the continued satisfactory relationship between the proposed dwelling and its neighbours, it is considered expedient to recommend conditions requiring the retention of obscured glass in the bathroom window and the removal of the permitted development rights to insert new windows on either flank.
- 6.7 It is acknowledged that the proposed dwelling will alter the outlook and setting of those properties in the immediate vicinity but the siting, internal arrangements and relative orientation are such that the impact on residential amenity will be acceptable.

Highways

- 6.8 Although the comments of the Parish Council are noted, the means of vehicular access were assessed and subsequently approved as part of the outline planning permission, therefore there are no highway considerations associated with this reserved matters application.

Conclusion

- 6.9 Overall the appearance, scale and layout of the proposed dwelling is considered to be acceptable in accordance with the relevant development plan policies, and approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. B01 (Samples of external materials).

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

- 2. E18 (No windows in specified elevation).

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

- 3. E19 (Obscure glazing to windows).

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

Informatives:

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

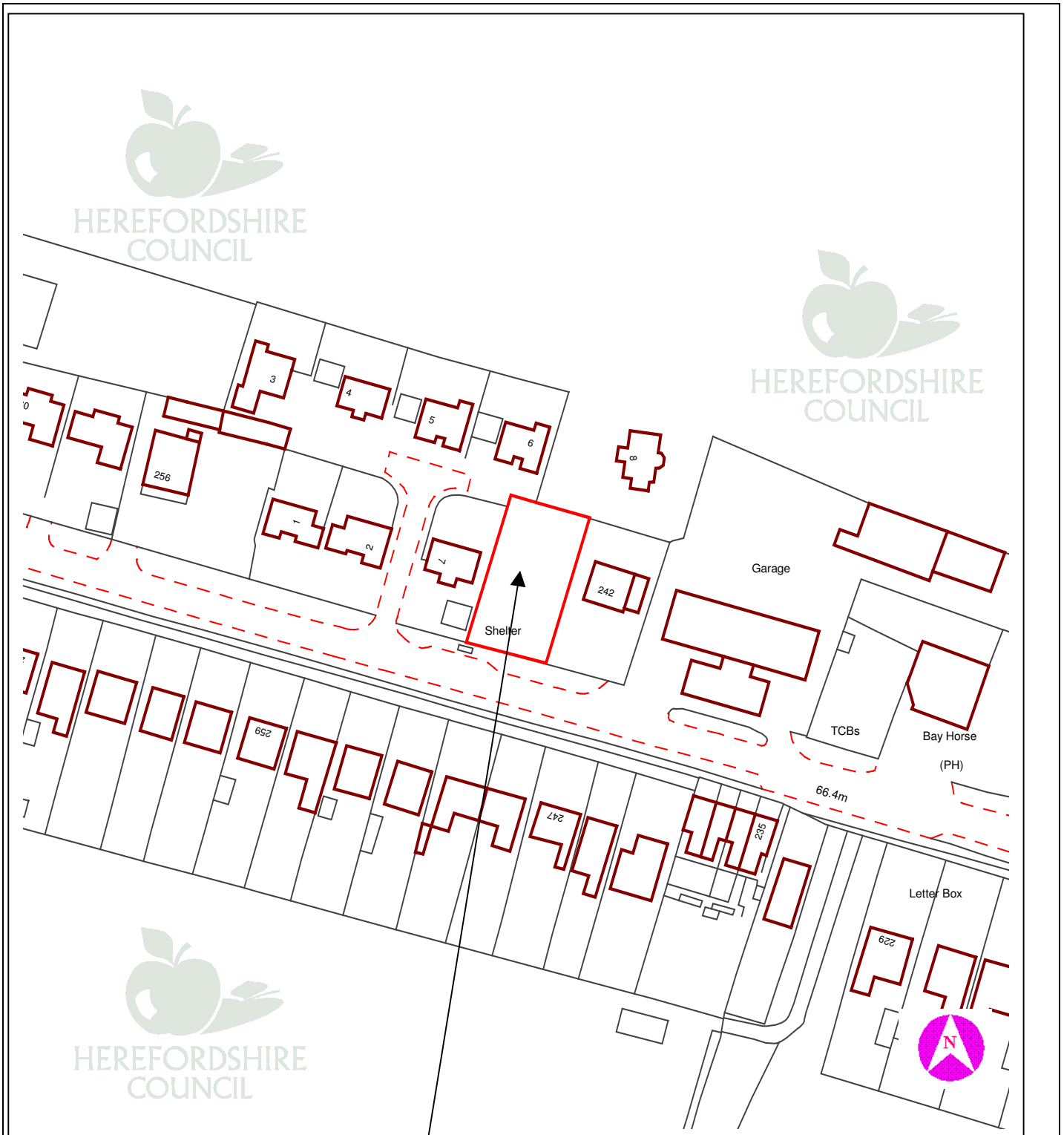
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/0247/RM

SCALE : 1 : 1250

SITE ADDRESS : Land adj 242 Kings Acre Road, Hereford, Herefordshire, HR4 0SD

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