

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 4th April, 2007**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

*Ben Baugh, Democratic Services,  
Tel: 01432 261882*

***e-mail: [bbaugh@herefordshire.gov.uk](mailto:bbaugh@herefordshire.gov.uk)***

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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

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 16
To approve and sign the Minutes of the meeting held on 4th April, 2007.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	17 - 18
To note the Council's current position in respect of planning appeals for the central area.	
<b>APPLICATIONS RECEIVED</b>	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda items 5, 6 and 7 are applications that were deferred for site inspections at the last meeting and the remainder are new applications.	
<b>5. DCCE2007/0313/F - LAND TO THE REAR OF STOKES STORES, HOLME LACY ROAD, HEREFORD</b>	19 - 24
Erection of 3 houses & formation of parking area.	
Ward: <b>St. Martins &amp; Hinton</b>	

6.	<b>DCCE2007/0199/F - RIDGE VIEW, GRAFTON LANE, HEREFORD, HR2 8BS</b>	25 - 28
	Proposed two storey extension.	
	Ward: <b>Hollington</b>	
7.	<b>DCCE2007/0196/A - CALLOW MARSH, CALLOW, ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 8BT</b>	29 - 34
	Fascia sign, entrance feature, directional and parking signs. Replacement pylon.	
	Ward: <b>Hollington</b>	
8.	<b>DCCW2006/3963/F - SHETTON COURT FARM, MANSEL LACY, HEREFORD, HEREFORDSHIRE, HR4 7HP</b>	35 - 40
	Proposed agricultural building for general stock housing and grain store.	
	Ward: <b>Wormsley Ridge</b>	
9.	<b>DCCW2007/0187/F - HOLMER PARK SPA AND HEALTH CLUB, CLEEVE ORCHARD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LL</b>	41 - 44
	External fire escape staircase from ground floor to first floor (retrospective).	
	Ward: <b>Burghill, Holmer &amp; Lyde</b>	
10.	<b>DCCE2007/0317/F - 50 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY</b>	45 - 50
	Conversion of office to two houses and erection of three terraced houses with parking.	
	Ward: <b>Tupsley</b>	
11.	<b>DCCE2007/0337/F - 115-117 ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2JW</b>	51 - 58
	Amendment to planning permission DCCE2004/2293/F (conversion of existing building to four self contained flats) with new housing to the rear to form a further five residential dwellings.	
	Ward: <b>Central</b>	
12.	<b>[A] DCCE2007/0493/F AND [B] DCCE2007/0495/C - PUBLIC CONVENIENCE AND REFERRAL UNIT, UNION STREET, HEREFORD, HR1 2BT</b>	59 - 68
	Proposed demolition of existing buildings and construction of new building to provide commercial (A3) unit and six residential units above.	
	Ward: <b>Central</b>	
13.	<b>DCCE2007/0283/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HEREFORDSHIRE, HR1 4LP</b>	69 - 76
	Retention of existing pontoon, steps and storage area for max. 30 canoes.	
	Ward: <b>Backbury</b>	

14.	<b>DCCE2007/0286/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HR1 4LP</b>	77 - 84
	Improvement to existing vehicular access and re-use of existing reception building and store for office, sales and cafe.	
	Ward: <b>Backbury</b>	
15.	<b>DCCE2007/0443/F - RILEYS SNOOKER &amp; POOL CLUB (FORMER) JOB CENTRE, BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2LG</b>	85 - 90
	Variation to condition 3 of DCCE2006/2739/F - to extend opening hours from 11pm to midnight.	
	Ward: <b>Central</b>	
16.	<b>DCCE2007/0508/F - 1 AND 2 MARSH COTTAGES, WITHINGTON, HEREFORD, HR1 3QE</b>	91 - 96
	Construct detached house (2 storey and basement level) with detached double garage. To replace two existing cottages.	
	Ward: <b>Hagley</b>	
17.	<b>DCCE2007/0565/T - HEREFORD MOTOR SERVICES, UNIT 14B, ROCKFIELD ROAD, HEREFORD, HEREFORDSHIRE, HR1 2UA</b>	97 - 102
	Installation of a 15m monopole, 6 no. radio antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto.	
	Ward: <b>Aylestone</b>	
18.	<b>DCCE2007/0553/F - LAND TO REAR OF THE SQUIRRELS, FOWNHOPE, HEREFORD, HEREFORDSHIRE, HR1 4PB</b>	103 - 110
	Erection of a detached three bedroom bungalow.	
	Ward: <b>Backbury</b>	
19.	<b>DCCE2007/0619/F - 24 HOLME LACY ROAD, HEREFORD, HR2 6BY</b>	111 - 114
	Change of use of 1 no. house to 2 no. flats and single storey rear extension.	
	Ward: <b>St. Martins &amp; Hinton</b>	
20.	<b>DATE OF NEXT MEETING</b>	
	25th April, 2007	



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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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## COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Central Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 7th March, 2007 at 2.00 p.m.**

**Present:** Councillor D.J. Fleet (Chairman)

**Councillors:** Mrs. P.A. Andrews, P.J. Edwards, J.G.S. Guthrie, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Mrs. E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

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

**162. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, Mrs. M.D. Lloyd-Hayes, R. Preece and Miss F. Short.

**163. DECLARATIONS OF INTEREST**

The following declarations of interest were made:-

Councillor	Item	Interest
R.M. Wilson	Minute 166, Agenda Item 5 DCCE2006/3982/F <b>Plot Adjacent to 'Stoneleigh', Formerly 'Rowberry', Lugwardine, Hereford, HR1 4DS</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
D.J. Fleet and Ms. A.M. Toon	Minute 168, Agenda Item 7 DCCE2007/0195/F <b>Access from U72011 Road to Field Known as Warwickshire, OSM 9071, HR2 6PG</b>	Declared personal interests during the meeting.
J.C. Mayson	Minute 170, Agenda Item 9 DCCE2007/0151/F <b>Broadmeadow Flying Club, Broadmeadow Farm, Haywood Lane, Hereford</b>	Declared a personal interest during the meeting.
S.J. Robertson	Minute 171, Agenda Item 10 DCCE2007/0206/F <b>38 Folly Lane, Hereford, Herefordshire, HR1 1LX</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
S.J. Robertson	Minute 173, Agenda Item 12 DCCE2007/0313/F <b>Land to the Rear of Stokes Stores, Holme Lacy Road, Hereford</b>	Declared a prejudicial interest and left the meeting for the duration of the item.

S.J. Robertson	Minute 176, Agenda Item 15 DCCW2007/0081/F <b>Bank House, 27 Holmer Road, Hereford, HR4 9RX</b>	Declared a prejudicial interest and left the meeting for the duration of the item.
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Mr. S. Withers, Central Team Leader, declared a personal interest in respect of Agenda Item 16, DCCW2007/0247/RM - Land Adjacent 242 Kings Acre Road, Hereford, Herefordshire, HR4 0SD.

#### 164. MINUTES

The Minutes of the last meeting were received.

**RESOLVED: That the Minutes of the meeting held on 7th February, 2007 be approved as a correct record and signed by the Chairman.**

#### 165. 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.**

#### 166. DCCE2006/3982/F - PLOT ADJACENT TO 'STONELEIGH', FORMERLY 'ROWBERRY', LUGWARDINE, HEREFORD, HR1 4DS [AGENDA ITEM 5]

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

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

The Senior Planning Officer advised the Sub-Committee that the dwelling itself was unchanged from the approved scheme but the application block plan associated with application DCCE2005/3180/F was inaccurate, with the site narrower than was understood to be the case. Therefore, the distance to the boundary to the east and west were less than agreed. He outlined the enforcement investigation process and the advice given to the applicants. It was noted that a condition would require the access to be completed prior to occupation and that land ownership was a civil matter for the applicants to resolve. It was reported that a requirement for obscured glazing in the side elevation had not been complied with and would need to be addressed if the application was supported.

In response to questions about the enforcement process, the Senior Planning Officer explained that the building had been built in accordance with the approved plans, despite the siting errors, and the appropriate course of action was to invite this revised application. He emphasised that the principal matter for consideration was the impact of the reduced distance from the dwelling to the neighbouring properties.

Councillor R.I. Matthews expressed a number of concerns about the application and enforcement process, the continued construction at the site months after the mistakes had been identified, and questioned why conditions had been omitted from the recommendation compared to the previously approved application. He felt that

this proposal could set a negative precedent and felt that the application should be refused.

The Development Control Manager reiterated that the house had been built in accordance with the approved scheme and the discrepancy related to distances between boundaries. It was acknowledged that the building was closer to the adjacent property than had been expected and a judgement needed to be made on whether the impact remained within acceptable limits. He commented that the omission of obscured glazing could be corrected and advised that, whilst the short-term use of an original access for supervised deliveries during construction was not uncommon, the long-term access arrangements would need to be resolved prior to occupation. In response to comments that a stop notice should have been served, the Development Control Manager advised that a stop notice would be difficult to defend in this instance given that permission had been granted for the dwelling and, apart from the issues of siting and glazing, it had been built in accordance with that permission. He reiterated that the key issue was the impact of the reduced distances and Officers felt that this was not significant enough to warrant refusal.

In response to Councillor Matthews' question about conditions, the Senior Planning Officer explained that some conditions had been combined and others matters, such as drainage, had been addressed and no longer needed to be included as conditions.

Councillor Matthews expressed concerns about access arrangements, drew attention to the comments of the Parish Council and maintained that the appearance and setting of the building was unacceptable.

Councillor P.J. Edwards questioned whether the assertion in paragraph 5.4k that the new dwelling was 'in a half an acre site' was correct and expressed concern that there may still be inaccuracies in the report. He also questioned whether the slab levels of the building were correct and whether the removal of permitted development rights would prevent the garage from being used as habitable accommodation. In response, the Senior Planning Officer advised that the information in paragraph 5.4 had been submitted by the applicant, that the slab levels and dimensions were considered satisfactory and a condition could be added regarding use of the garage.

Councillor Mrs. S.J. Robertson felt that, due to the siting, the building had an overbearing impact on the adjacent properties and the application should be refused. A number of Members supported this view.

#### **RESOLVED:**

**That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**

- 1. The development, by virtue of its design, siting and scale, represents a cramped and overbearing form of development which is detrimental to residential and visual amenities. The development is therefore contrary to Herefordshire Unitary Development Plan Policies S2, S7, DR1 and DR2.**

**(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to**

**Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

**167. DCCE2007/0196/A - CALLOW MARSH, CALLOW, ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 8BT [AGENDA ITEM 6]**

*Fascia sign, entrance feature, directional and parking signs. Replacement pylon.*

The Senior Planning Officer reported the following:

- A letter of objection has been received from Mr. and Mrs. Layton, Karolek, Grafton Lane, Hereford and the comments raised were summarised.

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

Councillor W.J.S. Thomas, the Local Ward Member, proposed that a site inspection be held to enable Members to fully understand the nature of the site and the respective needs of the businesses and residents in the locality.

**RESOLVED:**

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

- **the character or appearance of the development itself is a fundamental planning consideration**
- **a judgement is required on visual impact**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered**

**168. DCCE2007/0195/F - ACCESS FROM U72011 ROAD TO FIELD KNOWN AS WARWICKSHIRE, OSM 9071, HR2 6PG [AGENDA ITEM 7]**

*Access track using plastic mesh, grassed paving system/scalplings, re-seeding with grass and re-instating verges and ditches.*

The Senior Planning Officer reported the following:

- Correspondence had been received from the Conservation Manager; no objections subject to conditions. A condition was recommended controlling species and timings of works and this was incorporated into the recommendation.
- A letter of objection has been received from D. L. and J.A. Seeney of Sunset, Dinedor Cross and the comments were summarised. It was noted that previous correspondence from the objectors had been received and considered but was not referenced in the report in error.
- It was noted that the ownership of this lane was in doubt but land ownership matters were not a material planning consideration in this instance.
- A condition regarding the introduction of a gate was recommended as a

precautionary measure. However, the applicant had made no suggestion that a gate was proposed.

- Attention was drawn to the need to correct Page 34, 5.2, 3., so that it read ‘...the reinstatement has *not* been done as specified.’

In accordance with the criteria for public speaking, Mr. Joynt and Mr. Seeney spoke in objection to the application.

Councillor W.J.S. Thomas, the Local Ward Member, noted that the proposal had to be considered on its own merits and as if there had been no changes to the green lane in question. On this basis, he felt that the application should be refused given the detrimental impact that it would have on the lane.

In response to a question from the Chairman, the Principal Lawyer (Corporate) advised that the lane was not regarded as a public right of way on the definitive map and civil disputes should not prejudice the determination of this planning application.

Councillor R.M. Wilson commented that the grass paving system could actually improve accessibility for users of the lane and supported the proposed reinstatement measures.

In response to concerns expressed by a number of Members about the reference made to the use of gates, the Senior Planning Officer advised that gates were not proposed as part of the application and condition 5 was recommended as a precaution to ensure that highways safety was not compromised in the event that gates were installed. He also explained the background to the application and drew attention to the comments of the Conservation Manager.

Councillor Mrs. S.J. Robertson felt that the proposed surface treatment would have a detrimental impact on the character of the green lane.

In response to a question from Councillor Ms. A.M. Toon, the Senior Planning Officer explained that the landscape and ecological enhancement plan and associated conditions would ensure that historic features were maintained.

Councillor P.J. Edwards emphasised the need for the rural character of the lane to be restored and suggested that condition 5 should prohibit the installation of any gates.

Councillor Mrs. P.A. Andrews supported the Local Ward Member’s views and felt that the proposed use of materials would have an adverse visual impact on the landscape.

Councillor Thomas commented on other means of vehicular access to the field in question and maintained that this proposal should be refused.

#### **RESOLVED:**

**That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**

- 1. The development already undertaken, together with the proposed outstanding works, are detrimental to the landscape of**

**the locality and harmful to the visual amenities of the area. The proposal is therefore contrary to Herefordshire Unitary Development Plan Policies S2, S7 and LA2.**

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

[Note: Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

**169. DCCE2007/0199/F - RIDGE VIEW, GRAFTON LANE, HEREFORD, HR2 8BS  
[AGENDA ITEM 8]**

*Proposed two storey extension.*

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

Councillor W.J.S. Thomas, the Local Ward Member, commented on the value of the public speaking procedure and, given the issues raised by the speakers, felt that a site inspection was warranted.

**RESOLVED:**

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

- **the character or appearance of the development itself is a fundamental planning consideration**
- **a judgement is required on visual impact**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered**

**170. DCCE2007/0151/F - BROADMEADOW FLYING CLUB, BROADMEADOW FARM,  
HAYWOOD LANE, HEREFORD [AGENDA ITEM 9]**

*Variation of condition 5, ref SW1999/2550/F.*

The Senior Planning Officer reported the following:

- Correspondence had been received from Belmont Rural Parish Council; objection on the grounds of detrimental effect on neighbouring properties.
- Further correspondence had been received from Haywood Parish Council; objection on the grounds of disturbance to residential amenities.

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

Councillor W.J.S. Thomas, the Local Ward Member, advised that local residents were very concerned about disturbance from activities from this site during the evenings and he could not support an extension of hours to 2100. However, he felt that an earlier start time was reasonable and proposed the variation of hours to 0800



to 2000. Councillor P.J. Edwards supported the Local Ward Member's views and noted local residents' fears about the potential for increased disturbance.

The Development Control Manager suggested that, if a variation to 0800 to 2000 could not be agreed with the applicant, then Officers be delegated to refuse the application given that Members had identified a greater amenity issue about take-offs during the evening.

In response to a question from Councillor R.M. Wilson, the Development Control Manager confirmed the respective responsibilities of the Council and the Civil Aviation Authority. He also outlined the general policy considerations but acknowledged the specific and unusual nature of this application.

Councillor D.B. Wilcox noted that, although the Environmental Health Department had confirmed that they were not in receipt of any noise complaints regarding the site, local residents had highlighted contraventions with the Flying Club directly and had now raised serious concerns as part of the application process. Therefore, he felt that the existing controls should be maintained and enforced as necessary. He added that an earlier start time would have a detrimental impact, particularly on Sundays and Bank Holidays.

Councillor Thomas commented that an earlier start time would allow some flexibility for the Flying Club without seriously compromising residential amenity.

**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. **Take-offs shall only occur between the hours of 0800 and 2000 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.**

[Note: Following the meeting, the proposed amendment to reduce the take-off time to 2000 was discussed and agreed with the applicant and the permission has therefore been granted.]

171. **DCCE2007/0206/F - 38 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LX [AGENDA ITEM 10]**

*Erection of 4 flats with parking under.*

The Senior Planning Officer reported the following:

- Correspondence had been received from a solicitor acting on behalf of the applicant and the contents were summarised; it was asserted that, contrary to letters of objection (paragraph 5.2, 13 refers), a right of access did exist.

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

Councillor W.J. Walling, a Local Ward Member, said that the application site was in a poor state at present and that development should be welcomed. However, he felt that the proposal might result in an over-dominant form of development. He also expressed concerns about access and parking arrangements.

The Senior Planning Officer advised that, as access would be from an existing car park rather than directly from the highway, the Traffic Manager had no objections subject to conditions.

Councillor Walling commented that the car park was often full and this could result in traffic congestion that would compromise highway safety.

Councillor Mrs. E.A. Taylor, also a Local Ward Member, felt that the layout, access and parking arrangements were highly problematic.

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

Councillor D.B. Wilcox drew attention to the concerns of Hereford City Council, commented on potential manoeuvring difficulties, questioned whether Officers had taken into account a recent traffic order relating to restrictions along Whittern Way, and commented on potential additional traffic resulting from the Learning Village development.

The Central Team Leader reminded the Sub-Committee that there was an existing means of access from the car park to this site and that there was an extant planning permission for the redevelopment of the site to provide two dwellings.

Some Members expressed concerns about the design and access but noted that it might be difficult to defend a refusal of planning permission in this instance given the extant planning permission.

#### **RESOLVED:**

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

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

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

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

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

3. **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.**

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

**Reason: In the interests of amenity**

**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.**

**172. DCCE2006/4002/F - 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP [AGENDA ITEM 11]**

*Proposed single storey extension to provide additional bedrooms and day space. Erection 2 no. garden sheds.*

The Principal Planning Officer reported the following:

- An amended plan had been received from the applicants to demonstrate that 15 parking spaces could be provided within the forecourt area. It was noted that the arrangement satisfied the Traffic Manager's concerns.

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

Councillor A.L. Williams, a Local Ward Member, noted the planning history of this site and recognised the concerns of local residents about creeping development. He also commented on the level of additional traffic that could be generated through the provision of additional bedrooms, particularly from medical and other support services. In response, the Principal Planning Officer acknowledged that the existing parking layout was inadequate and that proper delineation of parking spaces would be required as part of the planning permission if granted.

Councillor D.B. Wilcox, also a Local Ward Member, noted the difficulties of balancing the requirements of the care home and the need to protect the Conservation Area and residential amenities. He noted that the primary concerns of the objectors related to loss of privacy and visual impact and asked for clarification about how these issues would be addressed. In response, the Principal Planning Officer considered that there would be no serious loss of residential amenities given the single storey nature of the extensions, the distances between the extensions and the adjacent property, the removal of windows to the side elevation of the north-west wing, and the height of the boundary wall.

Councillor Wilcox suggested that, in order to mitigate visual impact, a landscaping scheme should also be required as a condition. The Principal Planning Officer advised that the possibility of landscaping could be considered but noted that there was limited distance between the proposed extensions and the boundary wall. He also commented on proposed roof design elements which would minimise visual impact.

Councillor P.J. Edwards did not feel that the scheme would preserve or enhance the Conservation Area and drew attention to the comments of the Conservation Manager, particularly concerns about the scale of the proposed extensions.

A number of Members acknowledged the concerns raised by local residents and the Conservation Manager but did not feel that, given incremental development in recent years, the impact of the proposal was sufficient enough to warrant refusal of this application.

**RESOLVED:**

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

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

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

2. **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.**

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

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

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

**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.**

**173. DCCE2007/0313/F - LAND TO THE REAR OF STOKES STORES, HOLME LACY ROAD, HEREFORD [AGENDA ITEM 12]**

*Erection of 3 houses & formation of parking area.*

The Principal Planning Officer reported the following:

- Correspondence had been received from Hereford City Council; recommended refusal on the basis of over intensive development with inadequate access.
- A further letter of objection had been received and the contents were summarised.
- A further letter had been received from the applicant's agent clarifying the delivery and access arrangements. A further plan had also been provided illustrating the relative scale/height of the proposed development in relation to existing buildings and an increase in the height of the boundary fencing.
- Following the receipt of the additional information, the application was recommended for approval without the need for delegation to Officers.

In accordance with the criteria for public speaking, Mr. Hudson spoke in objection to the application and Mrs. Merret spoke in support of the application.

In response to a question from Councillor W.J. Walling, the Principal Planning Officer outlined the differences between this application and that previously refused (CE2006/1460/F refers), these included: reduced footprint, height and general massing; one bedroom rather than two bedroom units; the removal of windows overlooking the immediate neighbours; and the retention of, and siting away from, an existing tree on the site.

In response to questions from Councillor P.J. Edwards, the Principal Planning Officer clarified the distance between the principal objector's dwelling and the proposed

development. Councillor Edwards commented on the need for appropriate boundary treatments and slab levels in order to mitigate the impact of the development on neighbouring properties.

Councillor Mrs. P.A. Andrews commented that this proposal could be considered a cramped form of backland development and felt that the Sub-Committee would benefit from a site inspection in order to assess the level of impact on residential amenities. A number of Members supported this suggestion.

**RESOLVED:**

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

- **the character or appearance of the development itself is a fundamental planning consideration**
- **a judgement is required on visual impact**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered**

**174. DCCE2007/0125/F - FIELD FARM, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JP [AGENDA ITEM 13]**

*Conversion of redundant barn to office.*

Councillor Mrs. J.E. Pemberton, the Local Ward Member, commented that Hampton Bishop suffered greatly from the threat of flooding and that information that came to light before the strengthening of the Stank flood defences had heightened concerns further. Councillor Mrs. Pemberton emphasised that the threat was not just from the River Wye, as recent flooding of the River Lugg had clearly demonstrated. She commented that much good work had been undertaken on evacuation procedures but, nevertheless, the fears of the Parish Council and local residents were genuine and justified. It was noted that the site was within open countryside and was also designated as a flood plain. Given these considerations, Councillor Mrs. Pemberton felt unable to support the application. She also noted that another planning application at this site for the demolition of barns and the erection of offices and a swimming pool had recently been refused.

The Principal Planning Officer explained that the application that had been refused did not pass the sequential test when dealing with new developments in flood plains; i.e. it involved the introduction of a new footprint in the flood plain rather than utilising existing structures and it was likely that other sites were available outside the flood plain. Whereas, for the application under consideration, the Environment Agency had not objected to the proposed development as it involved the conversion of an existing building.

Councillor Mrs. Pemberton commented that the Environment Agency had previously indicated that development in the flood plain was unlikely to be supported in Hampton Bishop in the foreseeable future and she maintained that this development would introduce unnecessary additional risks into the flood plain.

Councillor W.J.S. Thomas noted the important work that had been undertaken at the Stank adjacent to the Bunch of Carrots Public House but suggested that the location of the application site meant that it would not be protected by the improved stretch of the defences. He felt unable to support the proposal as it was not free of risk and was not the only site available.

Councillor P.J. Edwards noted that recommended condition 7 would require measures to protect the building from flooding in the event of extreme flood and supported the application. In response to a question from Councillor W.J. Walling, the Principal Planning Officer advised that the precautions sought by the Environment Agency would be addressed through condition 7.

A number of Members expressed concerns about the flood risks, both from the Wye and the Lugg, and felt that the application should be refused.

**RESOLVED:**

**That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**

- 1. The application site lies within an area at risk of flooding and in the absence of a Flood Risk Assessment it is not considered that the potential flood risk arising from the development is acceptable or can be satisfactorily mitigated. Accordingly the development is contrary to Policy DR.7 of the Herefordshire Unitary Development Plan 2007 and the advice contained within PPS.25.**

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

[Note: Following the vote on this application, the Development Control Manager advised that he was minded to refer the matter to the Head of Planning Services as the Sub-Committee's view might not be defensible if challenged. However, following further discussions with the Environment Agency it was considered that in the absence of a Flood Risk Assessment and in view of the potential risk of flooding on the site, that a reason for refusal could be substantiated.]

**175. DCCW2007/0229/F - THE ROODS, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EW [AGENDA ITEM 14]**

*Demolition of existing cottage and erection of 3 two bedroom houses and 2 three bedroom houses with parking facilities.*

The Senior Planning Officer reported the following:

- A letter of objection had been received from the occupier of 23 Springfield Close and the contents were summarised.
- Attention was drawn to a typographical error in Paragraph 6.5 of the report.

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

The Senior Planning Officer explained the policy considerations in relation to density, particularly with regard to developments in designated settlement boundaries.

Councillor J.G.S. Guthrie, the Local Ward Member, noted that the Parish Council

and local residents were very concerned about the potential loss of the existing cottage and, whilst recognising the need for appropriate development, felt that the proposal represented an over intensive form of development. He said that he understood the applicant to be willing to examine other options and felt that this should be explored further. He also commented on the concerns about the access arrangements and related highway safety considerations.

The Central Team Leader commented that, given the siting of the existing dwelling, development of the site could be difficult if the cottage was retained, as it may not result in the optimum use of available land and may not result in a satisfactory relationship between buildings.

Councillor R.I. Matthews supported the Local Ward Member's views and felt that the rural appearance of the village should be protected and the cottage retained.

Councillor P.J. Edwards commented that impact on local character and the design of the development were material planning considerations.

Councillor W.J.S. Thomas felt that the proposal would have a detrimental impact on the street scene and supported the views of the Parish Council.

#### **RESOLVED:**

**That (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**

- 1. The redevelopment of the site in the manner proposed would necessitate the demolition of the existing cottage, which is considered to be a locally important building in terms of its vernacular architecture and contribution to the streetscene. Accordingly the proposal would be contrary to Policy HBA8 of the Herefordshire Unitary Development Plan 2007.**
- 2. The redevelopment as proposed, by reason of its design and layout would represent an uncharacteristic overdevelopment of the site that would be detrimental to the distinctive semi-rural character of the site and the surrounding locality. Accordingly the proposal would be contrary to Policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan 2007.**

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

[Note: Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the Officer's recommendation, he was not minded to refer the matter to the Head of Planning Services given the grounds for refusal put forward by the Sub-Committee.]

**176. DCCW2007/0081/F - BANK HOUSE, 27 HOLMER ROAD, HEREFORD, HR4 9RX  
[AGENDA ITEM 15]**

*Retrospective change of use to taxi call office and erection of 3.0 metre aerial to*



*chimney (1 ground floor room only).*

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

Councillor Mrs. P.A. Andrews, a Local Ward Member, commented on parking problems associated with other uses in the vicinity of the site and noted the need for strict adherence to condition 2 and, if necessary, for appropriate enforcement to be considered.

**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. **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.**

**177. DCCW2007/0247/RM - LAND ADJACENT 242 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0SD [AGENDA ITEM 16]**

*Proposed detached two storey four bedroom dwelling and detached garage.*

The Principal Planning Officer reported the following:

- Correspondence had been received from Hereford City Council; no objections.

In accordance with the criteria for public speaking, Mr. Mace (on behalf of Mr. Essenhigh) and Mrs. Lake spoke against the application.

In response to comments made by the speakers, the Senior Planning Officer drew attention to the fact that the means of vehicular access were assessed and subsequently approved as part of the outline planning permission (DCCW2006/1623/O refers).

Councillor Mrs. P.A. Andrews, a Local Ward Member, noted that the principle of residential development and means of access had been established by the outline planning permission and felt that the development would not be incongruous with the street scene.

Councillor Mrs. S.J. Robertson drew attention to the comments of Breinton Parish Council, particularly concerns about the scale of the development and highway safety considerations.

Councillor R.M. Wilson noted that there were more entrances on the south side of Kings Acre Road than on the north side and supported the Local Ward Member's views.

**RESOLVED:**

**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.**

**178. NEXT MEETING DATES**

4th April, 2007  
25th April, 2007

The meeting ended at 5.25 p.m.

**CHAIRMAN**

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCE2006/2553/F**

- The appeal was received on 19th March 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 George Wimpey South Wales.
- The site is located at Plot 130, Saxon Court Development at Land off Bullingham Lane, Hereford.
- The development proposed is Retrospective application for windows to north facing elevation within bedroom and obscured window to en-suite.
- The appeal is to be heard by Written Representations.

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

**APPEALS DETERMINED****Application No. DCCE2006/0989/F**

- The appeal was received on 6th 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 PEP Developments Ltd.
- The site is located at Land adjacent to Co-op Store, Holme Lacy Road, Hereford, Herefordshire HR2 6DF.
- The application, dated 22nd March 2006, was refused on 31st May, 2006.
- The development proposed was Erection of two storey block of 4 flats.
- The main issues are the impact of the proposal on the character and appearance of the area and whether it would have an adverse impact on highway safety.

**Decision:** The appeal was UPHeld on 26th February, 2007.

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

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

- The appeal was received on 10th 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 Mr. J. Rudge.
- The site is located at 1-3, Peregrine Close, Hereford, Herefordshire, HR2 6BS.
- The application, dated 14th April, 2006, was refused on 26th July, 2006.
- The development proposed was Conversion of 4 flats to 3 no. 2-storey mews houses and 1 first floor flat; demolition of outbuildings and development of 2 no. cottages; and extension to existing take away.
- The main issue is over-development of the site resulting in harm to the character and appearance of the surrounding area.

**Decision:** The appeal was DISMISSED on 2nd March, 2007.

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

**Application No. DCCE2006/1306/F**

- The appeal was received on 13th December, 2006.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. I.R. Barratt.
- The site is located at 35 Hinton Avenue, Hereford, Herefordshire, HR2 6AW.
- The application, dated 13th April, 2006, was refused on 9th June, 2006.
- The development proposed was 1.83 metre high fence to front boundary - retrospective.
- The main issue is the effect of the fence on the character and appearance of the area.

**Decision:** The appeal was DISMISSED on 19th March, 2007.

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

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

**5 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

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 7th March, 2007 in order to carry out a Members site visit. The site visit was carried out on the 20th March, 2007. The report has been updated.

**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 Six 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.
9. Loss of privacy and generally adverse impact on residential amenity.

- 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 has 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 with the exception of a newspaper drop off. The loss of the existing building where stock is stored is a concern as is the proposed delivery process if the development is permitted. Therefore, a condition is recommended requiring a methodology for the deliveries and location of any stock storage area to be provided.
- 6.4 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. The applicants have also agreed to rationalise the parking area in front of the store to demark parking spaces and a delivery bay with the appropriate white lining.
- 6.5 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**

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 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.**

**16 H17 – Off site highway works.**

**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: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**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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**6 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

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

**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.

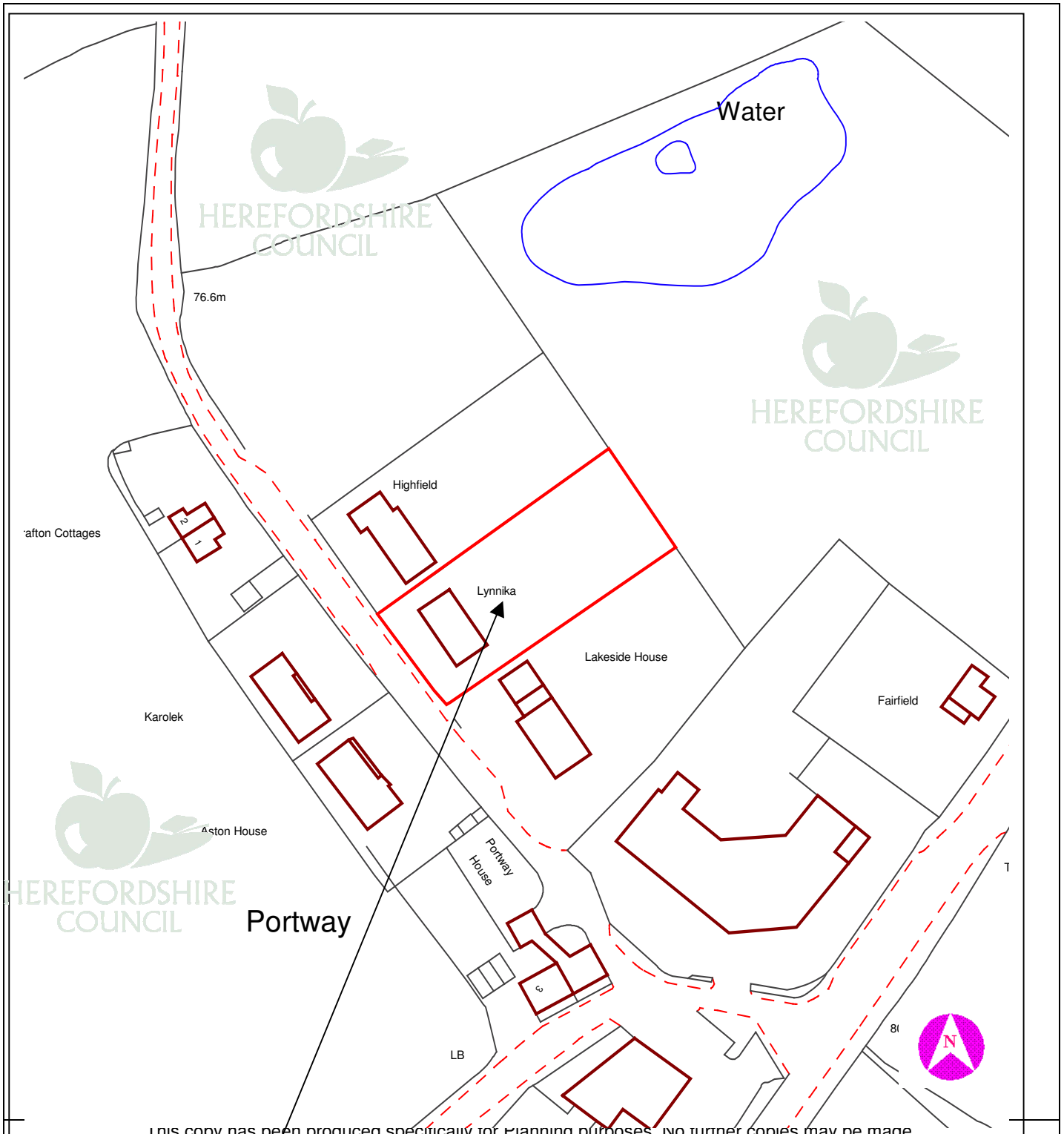
Decision: .....

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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**7 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

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

## **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 2007:**

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: Three 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.
  - iii) Mr. and Mrs. Layton, Karolek, Grafton Lane

The comments can be summarised as follows:

- i) Road safety issues caused by signage on the junction of hte 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.**

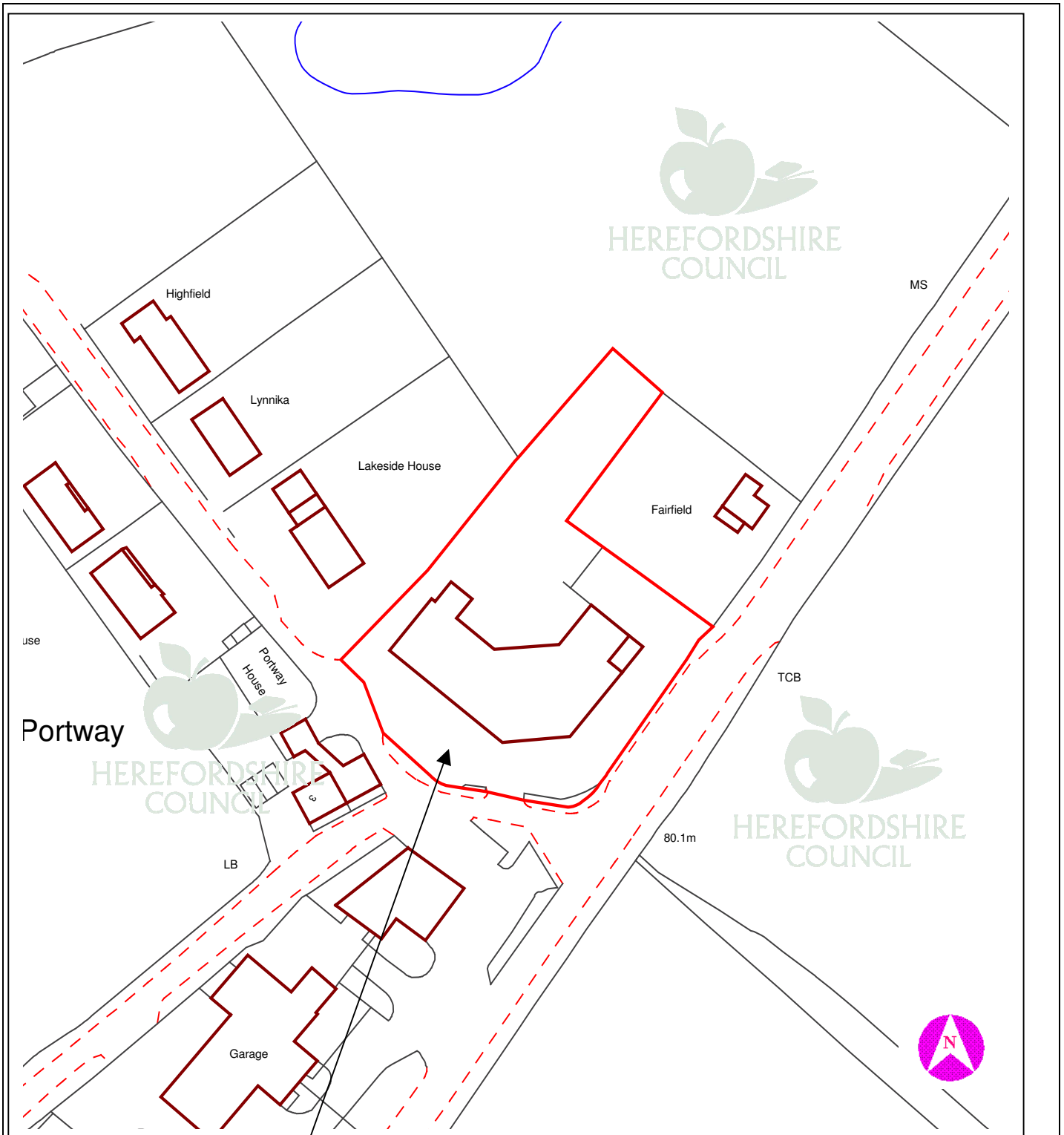
Decision: .....

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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**8 DCCW2006/3963/F - PROPOSED AGRICULTURAL BUILDING FOR GENERAL STOCK HOUSING AND GRAIN STORE AT SHETTON COURT FARM, MANSEL LACY, HEREFORD, HEREFORDSHIRE, HR4 7HP**

**For: G.H. Powell & Son per Mr. I. Savagar, 35 Caswell Crescent, Leominster, Herefordshire, HR6 8BE**

**Date Received: 18th December, 2006    Ward: Wormsley Ridge    Grid Ref: 40566, 45014  
Expiry Date: 19th March, 2007**

Local Member: Councillor J.C. Mayson

**1. Site Description and Proposal**

- 1.1 The application site is located in the corner of field no. 504045 to the west of Shetton Cottage, Mansel Lacy, Hereford.
- 1.2 The ground is presently pasture land and extensive tree lined hedges abut the south and northern boundaries. The land rises gently up to the west. Shetton Farm and its traditional outbuildings are located immediately to the south of Shetton Cottage. The former outbuildings are presently being converted into seven dwellings pursuant to Application No. DCCW2007/1515/F.
- 1.3 The proposal is to erect a 36.5m x 30.48m agricultural building for the purposes of general stock housing and grain store. The building would be 4.26m to the eaves and 8m to the ridge. External materials proposed are concrete walls and metal sheeting under a metal sheet roof. The sides of the building will be open.

**2. Policies**

2.1 National:

PPS7                    -            Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

Policy DR1           -            Design  
Policy DR2           -            Land Use and Activity  
Policy E13           -            Agricultural and Forestry Development  
Policy LA2           -            Landscape Character and Areas of Least Resilient to Change

**3. Planning History**

- 3.1 DCCW2006/2966/S    Hay, straw and implement building. Prior Approval Refused 29th September 2006. (Note this was in the western corner of the field).

#### 4. Consultation Summary

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 Head of Environmental Health & Trading Standards: Comments awaited.

4.3 Conservation Manager: "I have very grave concerns about the siting of the proposed building and the resultant impact on the quality and character of the landscape. I have considered a range of possibilities by which this impact could be reduced but conclude that the building is inappropriately located and recommend that the application be refused (Contrary to Policies E13, LA2 and DR1 of the emerging UDP).

The location of the proposed buildings in a landscape type identified as 'Wooded Estatelands' in the Herefordshire Landscape Character Assessment. This is a landscape of strong, well-defined elements often of a scale untypical of the central part of the county. Large, discrete blocks of woodland, linking hedges and framed views are typical features. Despite these strong elements, the landscape is susceptible to degradation through large or inappropriately located development. The LCA describes this landscape as '...dependent on a small number of strongly defined characteristics.'

The proposed building is a large, industrial scale building that would command an elevated position on the southern side of a wide valley. The main A480 road from Hereford to Kington runs on an identical contour on the north side of this valley and should be considered a major 'receptor' when assessing the potential impact of this building. Uninterrupted views of the site area gained travelling both east and west on the A480 for approximately 3 miles. It should be noted that the majority of buildings in the visual scope of this proposal are located below this contour. The proposed building will also be visible from a bridleway further up the southern valley side and will interrupt views from it.

The proposed building is arbitrarily located in the eastern corner of a field, immediately adjacent to a former trackway. This route would appear to have linked across the valley from the bridleway mentioned above, via Shetton Court Farm to Flag Farm and the main road beyond to the north. This route, now redundant, has resulted in a double-hedged field boundary instantly distinguishable from the other well trimmed, straight, post-enclosure hedges defining the remaining fields of the southern side of the valley. This feature is insufficiently large to screen the proposed building; rather its significance would be overshadowed by it.

The proposed building draws no reference from the existing buildings in the Shetton Farm complex and will be perceived as juxtaposed and dominant to it rather than part of it. No amount of landscaping would adequately disguise the presence of this building and due to the elevated position may even risk exaggerating its presence.

Whilst I recognise the importance of encouraging and maintaining livestock farming in this landscape, essential to the retention of the pastoral quality of the area, I believe that alternative sites should be investigated and more careful consideration given to the potential impact on the landscape. Identifying a site subordinate to the principal

elements in the landscape will be necessary to successfully accommodate a building of the proportions proposed."

## 5. Representations

5.1 Mansel Lacy Parish Council: "The Foxley Group Parish Council has no objection to this application for a general purpose farm building to replace the covered area of the now obsolete fine Victorian brick farm complex. This Council realizes the importance of farms being viable in order to survive in these difficult times. We feel that the proposed siting of the new building is probably in the last obtrusive position, adjacent to the original farmstead. In fact, the new buildings will be less obtrusive than the original because many of the existing buildings are due to be demolished."

5.2 Mansel Gamage Parish Council: "Unhappy with proposed site. The first site proposed more accessible as it was more discrete from surrounding area.

This site will impact on surrounding landscape.

This building will have impact on adjoining properties by size, lights and noise.

Does not meet Parish Plan guidelines."

5.3 Further response received 28th February, 2007. "At a planning sub-committee meeting held on Tuesday 27th February the above item was re-considered after we had received the attached letter from the applicant.

We believe that we gave an honest opinion when we first considered this application and found no reason to change our minds at this second consideration.

This building will be built in the wrong place should you give permission to this application."

5.4 One letter of objection has been received from Richard White, Chandos, Much Marcle, Nr. Ledbury, Herefordshire. The main planning points are:-

1. The building should be moved 200 yards to the west which would mean it would not be detrimental to Cork & Bottle Cottage and barn conversion to the north and the landscape in general.

2. Stock buildings are normally located 400 metres from dwellings.

5.5 Eight letters of support have been received.

The main points raised are:-

1. The positioning of this building in the proposed place would be the most advantageous as far as the workings of the farm, landscape and residential property nearby.

2. Other sites have been considered but are either too wet or would be exposed within the landscape.

3. The building will not impact in any way on the surrounding landscape.

5.6 The applicant and agent have submitted letters, the main points are:-

1. The site was chosen after a great deal of thought given the requirements of this mixed arable and livestock farm.
2. This site leads directly to the grasslands much of which is now down to permanent pastures.
3. There would be no bio-security problems with stock having to cross the lane.
4. The building has been designed to cater for the storage of straw, hay, corn and implements which would make the farm tidier and conform to present day rules and regulations regarding farm management.
5. The sheep will only be housed whilst lambing therefore there will be no slurry or problems with manure.
6. The chosen site will be seen as part of the group of buildings at Shetton Court Farm and Cottage.
7. Additional planting will be undertaken.
8. Hard surfacing will be laid around the building which will help keep the road clean and tidy.
9. Services are at hand.
10. The alternative site advocated by the Landscape Officer is remote from the farmstead and would require a new roadway. It is the wettest area of the farm and in an exposed position and surrounded by arable land. No services are to hand.
11. The site nearer the farmhouse is in a more exposed position and away from the residence of the principal stockman who lives at The Cottage. It lies adjacent to arable land.

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.

## **6. Officers Appraisal**

- 6.1 The need for this new building has arisen following the conversion of the traditional buildings at Shetton Court Farm into seven dwellings. These buildings were not suitable for modern farming practices.
- 6.2 It is clear from the wide-ranging opinions expressed in relation to the proposed site that views in respect of the visual impact of the building are polarised. The choice of site has been the subject of detailed consideration and generally appears to have the support of local residents with the obvious exception of Mansel Gamage Parish Council.
- 6.3 The applicant has sought to choose a site that meets the needs of the established holding whilst still retaining an element of screening from the adjacent tree-lined hedge. However Members will note that the Council's Conservation Manager has



raised serious concerns in relation to the visual impact of the building due to its size and exposed elevated position.

6.4 Alternative sites have been suggested but have been discounted by the applicant and whilst the reasoning put forward is noted, it is considered that a suitable site north of the farm as suggested by the Landscape Officer would have the least impact upon the landscape, being lower on the valley side and benefiting from screening by well established trees. The applicant suggests that the suggested alternative site would be difficult to develop, divorced from the farmhouse and sited in the wrong place for the land which it would serve. However, whilst these concerns are noted, it is not considered that they outweigh the visual harm caused by the proposed building in its current location.

6.5 Accordingly the planning application as submitted is considered to be contrary to the Development Plan.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

**This building by reason of its isolated and prominent hillside location would have a detrimental impact upon the landscape quality of the area contrary to Policies E13, LA2 and DR1 of the Herefordshire Unitary Development Plan 2007.**

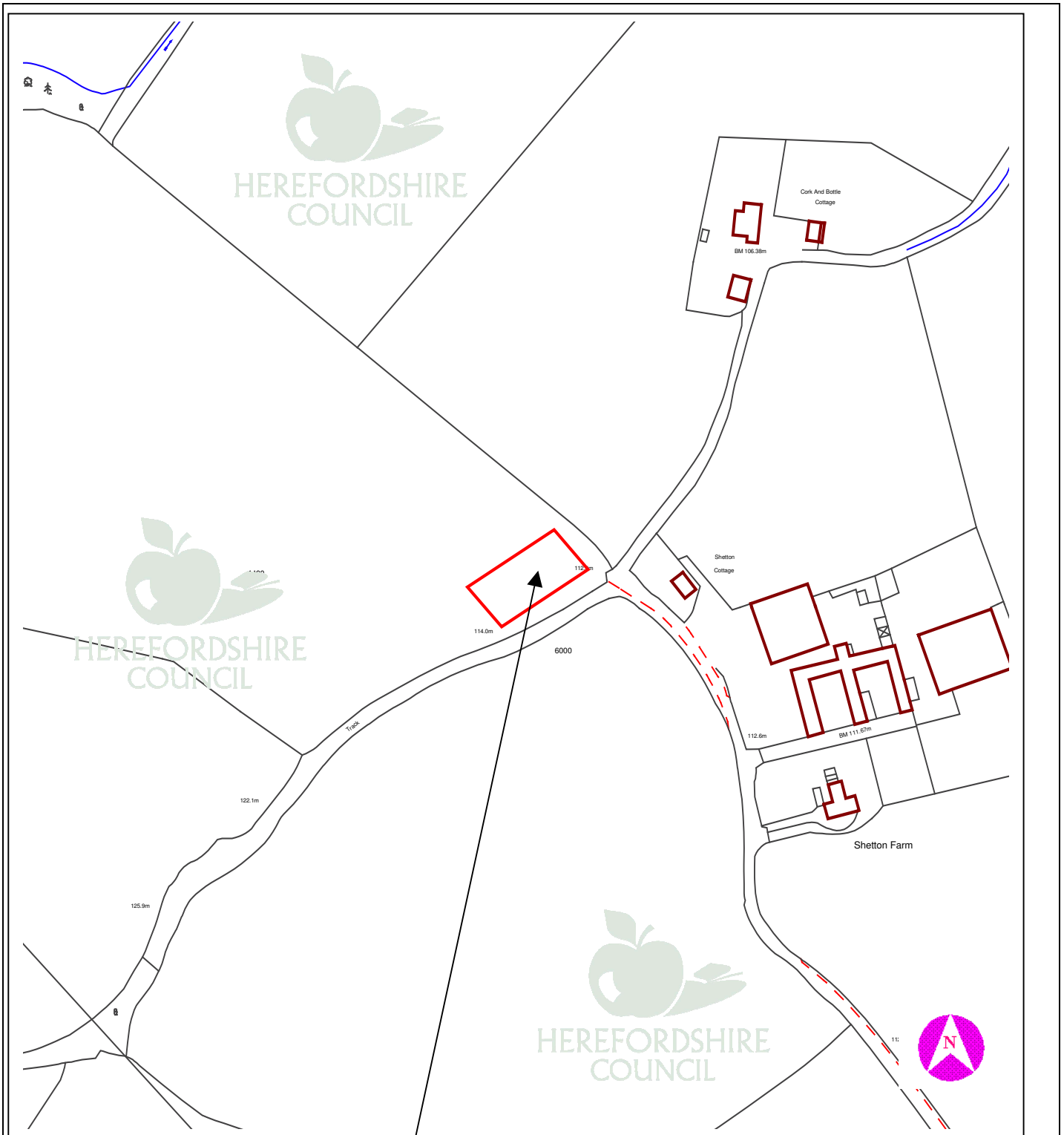
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2006/3963/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Shetton Court Farm, Mansel Lacy, Hereford, Herefordshire, HR4 7HP

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**9 DCCW2007/0187/F - EXTERNAL FIRE ESCAPE STAIRCASE FROM GROUND FLOOR TO FIRST FLOOR (RETROSPECTIVE) AT HOLMER PARK SPA & HEALTH CLUB, CLEEVE ORCHARD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LL**

**For: Holmer Park Spa & Health Club per David Edwards Associates, Station Approach, Barrs Court, Hereford, HR1 1BB**

**Date Received: 18th January, 2007    Ward: Burghill, Holmer & Lyde    Grid Ref: 50785, 42282**

**Expiry Date: 15th March, 2007**

Local Member: Councillor Mrs. S.J. Robertson

**1. Site Description and Proposal**

- 1.1 Holmer Park Spa and Health Club is located at the northern end of Cleeve Orchard, Holmer. Access is via Cleeve Orchard onto Roman Road opposite Inco Alloys. Attwood Lane adjoins the northern boundary together with a listed summerhouse.
- 1.2 Planning permission is sought to retain a metal fire escape erected onto the side elevation of Holmer Park adjacent to Attwood Lane. The fire escape is required for emergency access as the travel distance to/from the first floor is beyond that required by Building Regulations. It is presently painted cream.

**2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy HBA4	-	Setting of Listed Building
Policy HBA8	-	Locally Important Buildings

**3. Planning History**

- 3.1 SC980298PF            Change of use to Class B1 office with associated provision of car parking and landscaping. Approved 04/02/1999.
- 3.2 SC980299PO            Site for residential home (amended scheme). Refused 18/11/1998, appeal dismissed.
- 3.3 CW2000/2722/O        Outline application for the erection of four detached dwelling. Approved 14/02/2001.
- 3.4 CW2001/2858/F        Change of use from social club to D1(h) Use in connection with public worship religious instruction. Approved 05/12/2001.

- 3.5 CW2002/0819/F Change of use of Wiggins Social Club to D2 (Health & Leisure Club) with extension to form a cardio-fitness training area and swimming pool with changing and plant rooms within underground extension. Approved 16th October, 2002.

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

##### Statutory Consultations

- 4.1 None.

##### Internal Council Advice

- 4.2 Traffic Manager: No objection.

- 4.3 Conservation Manager: Having discussed this application with colleagues, I wish to withdraw my objection. Although I maintain that the stair does nothing to improve the ambience of the listed summerhouse and that the solution to the problem of escape could have been handled in a more sensitive and visually pleasing way I appreciate that the extent of the setting of the summerhouse is not entirely clear. Whereas PPG15 advises that the setting of a listed building must not be interpreted too narrowly (2.7) I agree that in the case of the summerhouse, changes to the main property might be considered to be beyond its influence. On balance, I would agree that it would be difficult to justify refusal of this application.

- 4.4 Area Building Control Officer: The existing fire escape from the first floor at the rear is required for emergency means of escape as the travel distance to and from this floor would be too great without it.

#### **5. Representations**

- 5.1 Holmer Parish Council: There appears to be no justification for the escape. The parish object to the damage caused to the ornate stone balustrading which has been removed to enable the escape to be provided and the adverse impact to the adjacent listed building.

- 5.2 One letter of objection from T. Smith and D. Morgan, Thuya House, Holmer Park.

- i) A fire escape already exists onto the back of the property serving the flats, why does he need another monstrosity on the other side.

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.

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

- 6.1 This fire escape is required under Buildings Regulations as the travel distance from one of the upper floor is too great. It is sited on the side of the building and cannot be seen in the main views of the building. The colour of the fire escape is cream which matches the window detailing, however a substantial element of the fire escape is seen against the red brick of the building and it is considered that a darker colour, similar to the other fire escape (green) would reduce its visual impact in respect of its effect on the host building.

- 6.2 The fire escape has been assessed in relation to its impact on the setting of the listed building (summerhouse) which is sited 8 metres to the north.
- 6.3 The Conservation Manager has given very careful consideration of the impact of the development on the setting of the listed building and considers that whilst the proposal is not necessarily the best option, it is not sufficiently detrimental to its setting so as to warrant a refusal. It is also considered that the painting of the fire escape a darker colour, similar to the existing fire escape will further mitigate its impact. Accordingly the proposal is considered acceptable and not to significantly impact on the setting of the listed building.
- 6.4 Finally, the removal of the balustrade has been investigated. It collapsed prior to work commencing on the fire escape. The remaining elements have now been secured. The loss of the balustrade on the side is not considered detrimental to the visual amenity of the building.

**RECOMMENDATION**

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

- 1. **Within one month of the date of this permission the fire escape shall be painted a dark green colour or other suitable colour to be agreed in writing with the local planning authority. Thereafter the fire escape shall be maintained in accordance with the approved detail.**

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

**Informatives:**

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

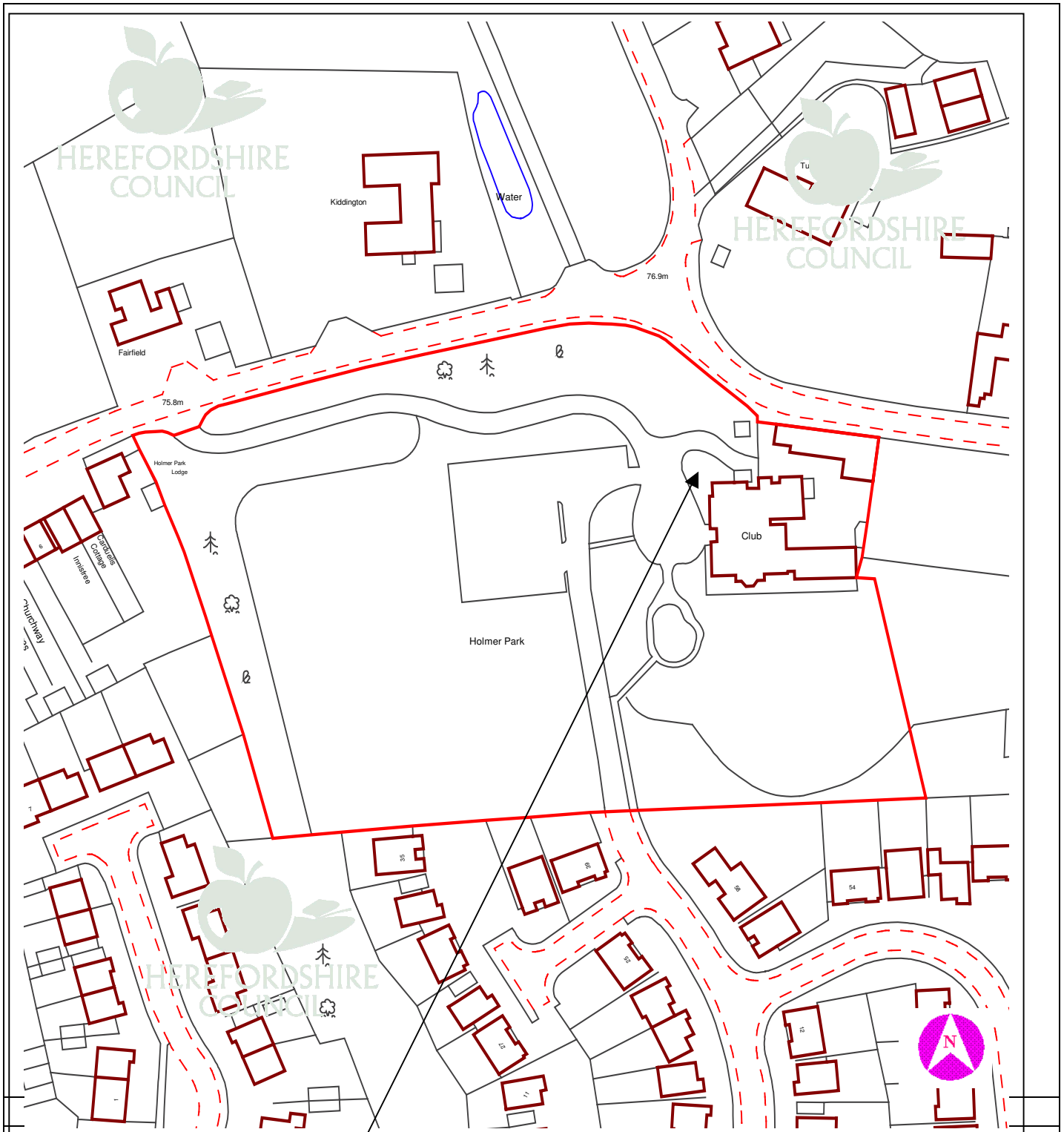
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**APPLICATION NO:** DCCW2007/0187/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Holmer Park Spa & Health Club, Cleeve Orchard, Holmer, Hereford, Herefordshire, HR1 1LL

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**10 DCCE2007/0317/F - CONVERSION OF OFFICE TO TWO HOUSES AND ERECTION OF THREE TERRACED HOUSES WITH PARKING AT 50 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY**

**For: Mr. & Mrs. H. Layton per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 31st January, 2007    Ward: Tupsley    Grid Ref: 51865, 39753**  
**Expiry Date: 28th 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 conversion of the existing office into two houses, as well as the erection of three terraced dwelling houses with associated parking facilities at 50 Ledbury Road, Hereford
- 1.2 The application site is located to the south of Ledbury Road with the eastern site boundary flanked by a railway line. The site is approximately 900 square metres with the existing property sited in the western half of the site. The site access is broadly central to the site, with an area of hard standing to provide visitor parking found to the east of the access. The rear of the site is currently landscaped. The application site is on a gradient rising up from the road, although the garden area to the rear is broadly level. The site is located within an Established Residential Area as identified in the Herefordshire Unitary Development Plan 2007.
- 1.3 The proposal will maintain a central access point with the existing property subdivided into two dwellings (one 4-bedroom property and one 2-bedroom property). A new development of three units is proposed on the existing area of hard standing. This is intended to provide for a development of three 2-bedroom dwellings in a terraced arrangement. Parking facilities are proposed to the rear of the site to provide seven spaces for the five dwellings.

**2. Policies**

2.1 National:

PPS1 - Delivering Sustainable Development  
 PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1 - Sustainable Development  
 Policy S2 - Development Requirements  
 Policy S3 - Housing  
 Policy S6 - Transport  
 Policy DR1 - Design  
 Policy DR2 - Land Use and Activity

Policy DR3	-	Movement
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H15	-	Density
Policy H16	-	Car Parking
Policy T11	-	Parking Provision

### 3. Planning History

- 3.1 DCCE2005/3595/O Demolition of existing property and erection of 14 no. 1 and 2 bedroom dwellings. Withdrawn 14th December, 2005.
- 3.2 DCCE2006/1860/O Erection of three residential dwellings. Withdrawn 11th September, 2006.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Network Rail: No objection subject to conditions/informatives.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.
- 4.3 Head of Environmental Health & Trading Standards: No response received.

### 5. Representations

- 5.1 Hereford City Council: Objection on the grounds of 'inadequate, poor and dangerous access in close proximity to an excessively low and narrow railway bridge.'
- 5.2 Local residents: Two letters of objection have been received from the following sources:
- G. Rees, 11A Portfield Street, Hereford.
  - M.J. and P.J. Morris, 4A Ledbury Road, Hereford.
- 5.3 The comments made can be summarised as follows:
- Unacceptable relationship to adjacent railway line.
  - Loss of amenities.
  - Unacceptable access arrangements.
  - Inadequate parking facilities.
  - Traffic generation from this development, particularly when other recent large scale schemes in this area are taken into account, is unacceptable in this area.
  - Pedestrian safety.
  - Inadequate accommodation.
  - Unsustainable location.

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.



## 6. Officers Appraisal

6.1 It is considered that the following points represent the salient issues for consideration in this application:

- Principle of Development
- Highways Issues.
- Design, Scale and Amenity Issues.

### Principle of Development

6.2 The application site is inside the settlement boundary of Hereford and the proposal falls within a locality identified as an Established Residential Area. Having regard to the position of this site within a residential area of Hereford, the redevelopment of this site into residential use is considered acceptable in principle.

6.3 The site is regarded as a windfall site, that is to say that it is not specifically allocated for development within the Herefordshire Unitary Development Plan 2007. The Herefordshire Unitary Development Plan identifies that 40% of all housing anticipated to be built between 2006 and 2011 in Hereford would result from windfall sites such as this. Therefore, based on these figures the need for this additional housing is justified.

### Highway Issues

6.4 The previous application on this site (DCCE2006/1860/O) sought permission for the erection of three new residential units but unlike this scheme, the existing office use remained. From the perspective of the traffic generation on site therefore, this proposal maintained the existing traffic levels associated with the office use, and added further vehicle movements through the additional three residential units. This arrangement was considered unacceptable by virtue of the acknowledged restricted nature of the access. This revised scheme includes the conversion of the existing unit into two units of residential accommodation. The Traffic Manager is satisfied that the use of this site in association with the office premise is broadly comparable with the use of this site for residential purposes at the level proposed. On this basis, and subject to conditions, the Traffic Manager raises no objection to this proposal.

6.5 Having regard to the location of this site, the proximity of public transport, and the modest nature of four of the five residential units, the parking provision is considered adequate. On this basis the access and parking arrangements are assessed to be acceptable. It is considered that the traffic generation associated with this development will not result in unacceptable levels of congestion in the locality.

### Design, Scale and Amenity Issues

6.6 The scheme is conservative in design, enabling the development to integrate comfortably into the street scene. Bay windows, a feature in this area, have been added to the scheme and the design concept is reflective of the local vernacular and, although the ridge height is slightly higher than the existing property, the scale is considered appropriate in this location. It is assessed that this proposal will integrate effectively into the locality and will preserve the visual amenities of the locality.

- 6.7 The siting of the proposed dwellings, and the distance from these properties to the neighbouring residential units, will ensure that there would be no unacceptable loss to residential amenity. A limited degree of overlooking of the rear garden areas of properties fronting Foley Street will occur but this would be within acceptable limits in the context of this site. It is considered that no issues of overbearing impact will result from this proposal.
- 6.8 In consideration of the amenities of the prospective occupants of the proposed properties, having regard to the proximity of this new development to the adjacent railway line, conditions are proposed to ensure that effective mitigation measures are integrated into the proposed new development to ensure that the noise levels within the units are within acceptable limits. A condition will control times of construction to ensure the amenities of neighbouring properties during the construction phase.

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

**Reason: [Special Reason].**

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

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

- 5. 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.**

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

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

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

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

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

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

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

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

10. H06 (Vehicular access construction).

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. H27 (Parking for site operatives).

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

13. H29 (Secure cycle parking provision).

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

**Informatives:**

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

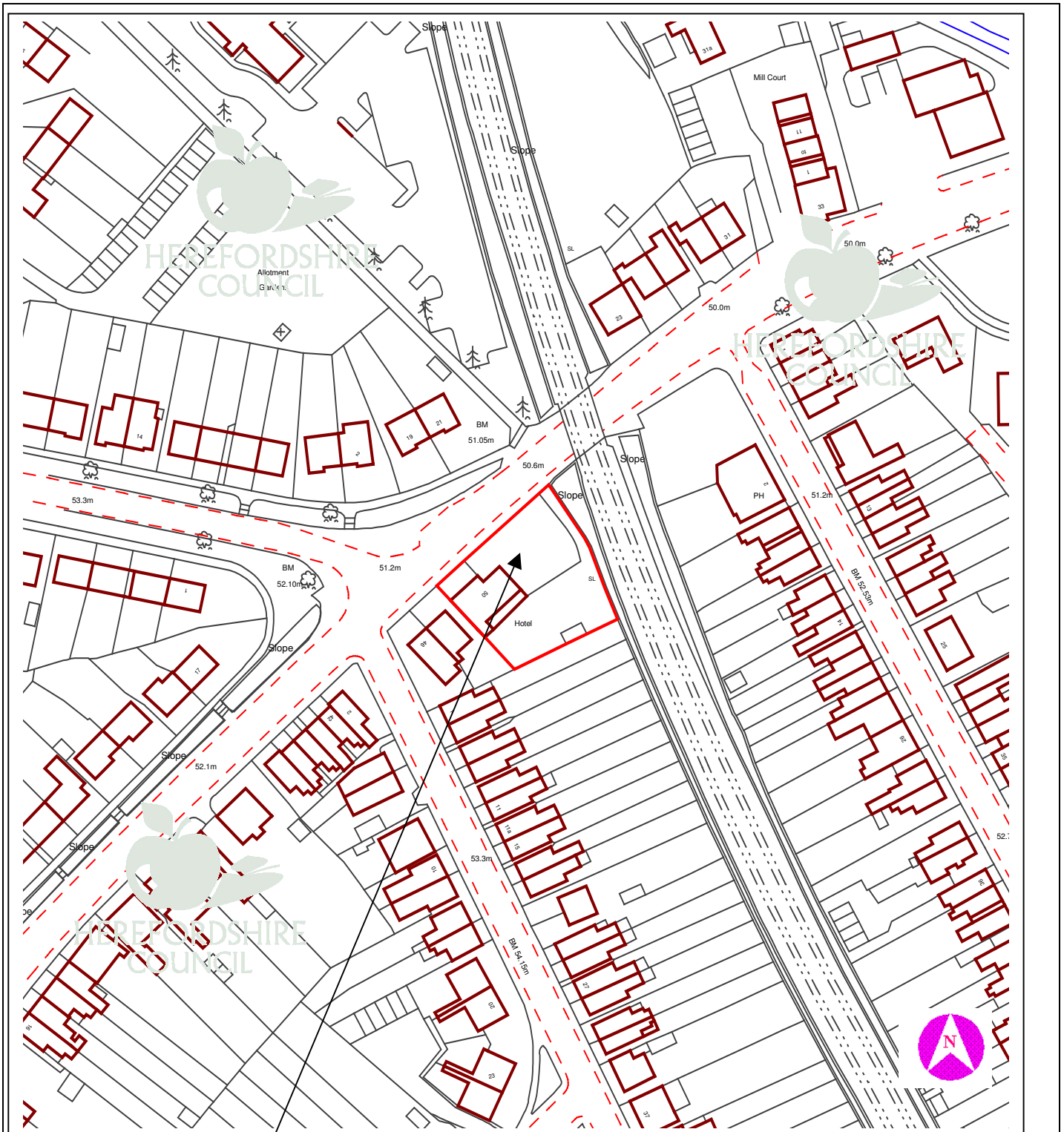
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0317/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 50 Ledbury Road, Hereford, Herefordshire, HR1 2SY

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**11 DCCE2007/0337/F - AMENDMENT TO PLANNING PERMISSION DCCE2004/2293/F (CONVERSION OF EXISTING BUILDING TO FOUR SELF CONTAINED FLATS) WITH NEW HOUSING TO THE REAR TO FORM A FURTHER FIVE RESIDENTIAL DWELLINGS AT 115 - 117 ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2JW**

**For: ABP Development Ltd. per RRA Architects,  
Packers House, 25 West Street, Hereford, HR4 OBX**

**Date Received: 2nd February, 2007 Ward: Central**

**Grid Ref: 51551, 39693**

**Expiry Date: 30th March, 2007**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

- 1.1 This application seeks planning permission for the conversion of the existing building on site into four residential units, as well as the erection of five new dwellings to the rear.
- 1.2 The existing property is a three storey (plus basement) semi-detached town house forming a dwelling and a retail unit with accommodation above. An existing access into the site exists over which more accommodation is found. The site falls within an Area of Archaeological Importance and, whilst outside of the Central Conservation Area, it is in close proximity to it and the existing property is in an important and prominent location on a main route into the City.
- 1.3 The conversion of the existing building on site has, previously been approved by virtue of application DCCE2004/2293/F. This previous application retained the existing retail premise and subdivided the residential unit into four units. The current application now seeks to subdivide the entire property into four two bedroom units. To the rear of this property a contemporary three storey development comprising 5 units is proposed. The existing entrance into the site is intended to be retained and used to allow vehicle and pedestrian access to the rear of the site. The design concept includes an overhanging first and second floor to allow parking and amenity areas at ground floor level.

**2. Policies**

2.1 National Policy Guidance:

- PPS1 - Delivering Sustainable Development  
 PPS3 - Housing  
 PPG15 - Planning and the Historic Environment

## 2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H17	-	Sub-division of existing Housing
Policy E5	-	Safeguarding Employment Land and Buildings
Policy T11	-	Parking Provision
Policy ARCH7	-	Hereford AAI

**3. Planning History**

- 3.1 HC930453PF Change of use of ground floor from residential use to retail. Approved 29th December, 1993.
- 3.2 DCCE2004/2293/F Conversion of building to 4 self-contained flats. Approved 14th October, 2004.
- 3.3 DCCE2006/2265/F Demolition of existing building. Proposed multi-occupancy development comprising 14 apartments and 1 retail unit. Withdrawn 11th September, 2006.

**4. Consultation Summary**Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection but commented that the narrowness of the access point is of some concern and the aisle width is below the 6 metre standard. Turning of vehicles will also be difficult within the site. That said, traffic generation is assessed to be similar to that currently possible through the existing on site uses and the access. Conditions and Informatives required, including confirmation of the requirement to make changes to the on-street parking provision.
- 4.3 Conservation Manager: No objection subject to conditions and informatives relating to conservation, landscape and ecology matters.
- 4.4 Forward Planning Manager: No response received.

## 5. Representations

- 5.1 Hereford City Council: Objection on grounds that there are inadequate access provisions for public service and emergency vehicles and the scheme represents an over development of the site.
- 5.2 Local Residents: Two letters of objection have been received from the following sources:
- C. Griffiths, 18 Turner Street, Hereford.
  - Mr. and Mrs. Smith, 20 Turner Street, Hereford.

The comments raised can be summarised as follows:

- The height is excessive.
- The properties will result in overlooking resulting in a loss of privacy.
- Noise and disturbance caused by occupation of the units.
- Unacceptable increase in traffic levels.
- Increased pressure on existing inadequate on-street parking.
- A more modest scheme of 2/3 bungalows would be more appropriate.

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.

## 6. Officers Appraisal

- 6.1 It is considered that the following points represent the salient issues for consideration in this application:
- Principle of Development
  - Design, Scale and Visual Amenities
  - Residential Amenities
  - Highway Issues

### Principle of Development

- 6.2 The application site is inside the settlement boundary of Hereford and the proposal falls within a locality identified as an Established Residential Area. Having regard to the position of this site within a residential area of Hereford, the redevelopment of this site into residential use is considered acceptable in principle.
- 6.3 The site is regarded as a windfall site, that is to say it is not specifically allocated for development within the Herefordshire Unitary Development Plan 2007. The Herefordshire Unitary Development Plan identifies that 40% of all housing anticipated to be built between 2006 and 2011 in Hereford would result from windfall sites such as this. Therefore, based on these figures the need for this additional housing is justified.

### Design, Scale and Visual Amenities

- 6.4 The previous development proposal on this site (DCCE2006/2265/F) involved the demolition of the existing building and replacement with a major residential development providing 14 units of accommodation. This scheme was of significant concern due to the scale of the proposal, the suggested design concept in the context

of the prominence of the location, and the loss of the existing building. The current application retains the existing building and has significantly reduced the scale of the proposed development. Although the existing building on site is not a Listed Building, it is of local importance and occupies an important location on the approach to the site. The retention of this building is therefore welcomed and, having regard to the extant permission for the conversion of this building, the subdividing of this structure into four units is not considered problematic.

- 6.5 Turning to the new build element to the rear, this is a bold and striking contemporary scheme which utilised modern design and construction techniques to achieve a high quality solution in a very restricted site. Limited visibility of the scheme will be possible from St. Owen Street, ensuring that the existing character is retained along the street scene. To the rear, and from within the site, the scheme is well thought out; allowing the development to make a visual statement without compromising the wider visual amenities of the locality. The scale is not considered excessive in this central location, particularly having regard to the proximity of larger buildings such as the fire station.

#### Residential Amenities

- 6.6 The contemporary design solution enables the use of innovative arrangements to ensure that the amenities of the occupiers of the dwellings, and neighbouring properties are protected. Within the site obscure glazing and single direction window orientation will ensure both privacy and light. In relation to neighbouring properties, at first floor level windows face the side but the existing outbuilding running to the rear of the neighbouring property ensure that privacy is maintained. At second floor level only the deeply recessed 'bedroom 2' windows will look out towards neighbouring properties and the distances involved and restricted views possible will ensure privacy is maintained at acceptable levels. It is considered that overbearing impact will be within acceptable limits in the context of the locality.

#### Highway Issues

- 6.7 The use of the existing access point is necessary and appropriate having regard to the importance of retaining the existing property at the front of the site. This access is somewhat limited and is below standards but this is not a matter that can be overcome. The Traffic Manager has outlined the concerns but has not raised an objection and acknowledges the extant access rights and use of this site. The number of parking spaces is considered acceptable and cycle parking is included in 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. B01 (Samples of external materials).**

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

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



**Reason: To safeguard the character and appearance of the locality.**

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

**Reason: In the interests of preserving the visual and residential amenities of the locality.**

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

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

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

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

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

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. **H04 (Visibility over frontage).**

**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. **H21 (Wheel washing).**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.**

13. **H27 (Parking for site operatives).**

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

14. **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.**

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

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

- 16. **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.**

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

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

- 18. **The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public SEwer Record. Under the Water Industry Act 190901 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.**

**Reason: To protect the integrity of the public sewer and avoid damage thereto.**

**Informatives:**

- 1. **The applicants/agents attention is drawn to the requirement to undertake alterations to the on-street parking provision in the vicinity of the access to the application site. No works on site should commence until the required revisions have been approved with the Highway Authority.**
- 2. **ND01 - Scheduled Monument Consent.**
- 3. **HN01 - Mud on highway.**
- 4. **HN05 - Works within the highway.**
- 5. **HN07 - Section 278 Agreement.**
- 6. **N16 - Welsh Water Informative.**
- 7. **N19 - Avoidance of doubt.**
- 8. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

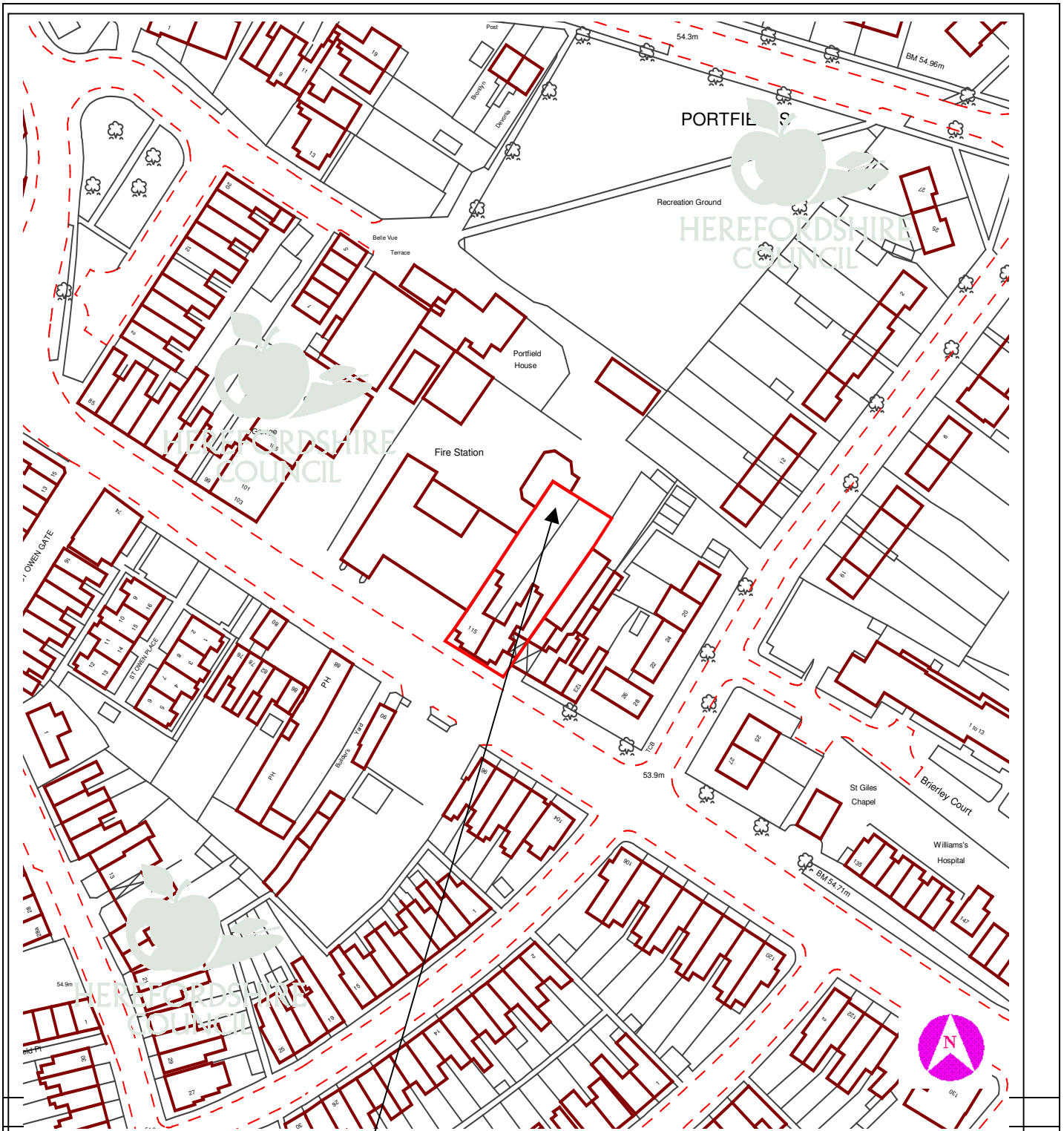
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**Background Papers**

Internal departmental consultation replies.



**APPLICATION NO:** DCCE2007/0337/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 115 - 117 St. Owen Street, Hereford, Herefordshire, HR1 2JW

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**12A DCCE2007/0493/F - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW BUILDING TO PROVIDE COMMERCIAL (A3) UNIT AND SIX RESIDENTIAL UNITS ABOVE. PUBLIC CONVENIENCE AND REFERRAL UNIT, UNION STREET, HEREFORD HR1 2BT**

**For: Bindi (London) Ltd. Daniel Forrest, Satchmo, 2 Broomy Hill, Hereford, HR4 0LH**

**12B DCCE2007/0495/C - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW BUILDING TO PROVIDE COMMERCIAL (A3) UNIT AND SIX RESIDENTIAL UNITS ABOVE. PUBLIC CONVENIENCE AND REFERRAL UNIT, UNION STREET, HEREFORD HR1 2BT**

**For: Bindi (London) Ltd. Daniel Forrest, Satchmo, 2 Broomy Hill, Hereford, HR4 0LH**

**Date Received: 16th February, 2007    Ward: Central    Grid Ref: 51233, 40080**

**Expiry Date: 13th April, 2007**

Local Member: Councillor D.J. Fleet

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

- 1.1 These applications seek planning permission and Conservation Area Consent for the demolition of an existing public toilet building and pupil referral unit, and the erection of a new block containing six residential units and a restaurant/café.
- 1.2 The application site falls within an Area of Archaeological Importance and is within the Central Conservation Area. The site is within a designated Secondary Shopping Frontage and is inside the Central Shopping and Commercial Area. The site is currently vacant and lies within a 19th Century terrace containing a mix of retail, food and drink, business and residential accommodation. The neighbouring property to the north is currently a cafe/hot food takeaway with residential accommodation above. To the south there is a retail unit with retail, storage, and ancillary office accommodation above.
- 1.3 The proposal involves the erection of a three storey property infilling the current frontage gap. To the rear the development drops to a single storey scale, reflecting the constraints posed by the neighbouring properties. The proposal provides for a

restaurant/cafe use at ground floor level, with residential accommodation above. The proposal intends to provide 6 units of single bedroom accommodation.

- 1.4 The scheme has been substantially revised in light of new information relating to the internal arrangement of the neighbouring property to the north.

## 2. Policies

### 2.1 National Policy Guidance:

PPS1	-	Delivering sustainable development
PPS3	-	Housing
PPS6	-	Town centres and retail development
PPG15	-	Planning and the historic environment
PPG16	-	Archaeology and planning

### 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S5	-	Town centres and retail
S6	-	Transport
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H17	-	Sub-division of existing housing
TCR1	-	Central shopping and commercial areas
TCR2	-	Vitality and viability
TCR3	-	Primary shopping frontages
TCR4	-	Secondary shopping frontages
TCR6	-	Non-retail uses (Classes A2 and A3)
E5	-	Safeguarding employment land and buildings
T11	-	Parking provision
HBA6	-	New development within conservation areas
ARCH7	-	Hereford AAI

## 3. Planning History

- 3.1 DCCE2006/3936/F - Proposed demolition of existing buildings and construction of new build to provide A3 unit with 8 residential units above. Withdrawn 6th February, 2007.
- 3.2 DCCE2006/4013/C - Proposed demolition of existing buildings and construction of new build to provide A3 unit with 8 residential units above. Withdrawn 6th February, 2007.

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

##### Statutory Consultations

4.1 Welsh Water: No objections subject to conditions.

##### Internal Council Advice

4.2 Traffic Manager: No objection. Requested provision of covered cycle parking.

4.3 Conservation Manager: No objections subject to conditions and informatives relating to conservation and archaeological matters.

4.4 Environmental Health Manager: No objection subject to conditions.

#### **5. Representations**

5.1 Hereford City Council: No objection.

5.2 Conservation Area Advisory Panel: Access to apartments of concern, as are the service arrangements.

5.3 Local Residents: Two letters of objection have been received from the following sources:

- S. Morley, 22 Union Street, Hereford;
- Gabbs Solicitors on behalf of 21 Union Street, Hereford.

The comments raised can be summarised as follows:

- Loss of light to residential accommodation;
- Obscuring of advertisement boards;
- Loss of light to stock room, toilet facilities, and stairs adversely impacting upon property values and increasing electricity usage.

5.4 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.

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

6.1 It is considered that the following points represent the salient issues for consideration in this application:

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

##### Principle of Development

6.2 The site lies within the Central Shopping and Commercial Area as designated in the Herefordshire Unitary Development Plan 2007. Furthermore Union Street is designated as Secondary Shopping Frontage. Policy TCR1 of the Unitary

Development Plan state that the Central Shopping and Commercial Area should be retained and protected as the prime focus for retail, leisure and commercial activity in order to ensure the continued vitality and viability of the city centre. The proposal incorporates an A3 restaurant/café use and residential accommodation and therefore is a mixed-use development. PPS6 promotes mixed-use development in town centre locations and particularly above shops for the same reasons. PPS6 indicates that for a town centre to be commercially attractive and vibrant both day and night a mixture of uses should be promoted. As the proposal incorporates a restaurant/café with an active frontage onto Union Street, this in principle is also acceptable from a policy context. Policy TCR4 specifically considers Secondary Shopping Frontages and outlines criteria for compliance. This scheme will not allow for full compliance with this policy due to the extent of A3 and A5 uses in this frontage. However, this situation is complicated in this instance as the unit is currently used as a public toilet with a D1 use to the rear. In these circumstances, the introduction of a Class A use is welcomed since in part it bring about an enhancement of the site

- 6.3 This is a windfall site, that is to say that it is not specifically allocated for development within the Herefordshire Unitary Development Plan 2007. The Herefordshire Unitary Development Plan identifies that 40% of all housing anticipated to be built between 2006 and 2011 in Hereford would result from windfall sites such as this. Therefore, based on these figures the need for this additional housing is justified.

#### Residential Amenities

- 6.4 The adjacent property to the south is a retail unit with retail and ancillary space above. Windows are found in the side elevation of this property and these will be severely compromised as a result of this proposal. However, these are not residential openings and as such the protection afforded to them is substantially reduced to the extent that it would not warrant the refusal of planning permission in this case.
- 6.5 Turning to the north, residential accommodation is found above the existing café/takeaway unit. A single side window is found in the elevation facing the application site and this will be obstructed by the new development as proposed. Clearly this is of concern, however, this opening is a secondary window serving a room with a further larger opening in the front elevation facing Union Street. There will inevitably be a loss of light as a result of the effective blocking up of this window through this development proposal, however, as light will still be afforded to this accommodation it is considered that the impact will be within acceptable limits. Further openings are found to the rear, however, the design alterations introduced, and the relative positions of the existing and proposed units, are such that the impact will again be within acceptable limits. An extant permission for further extension work to the rear of No. 21 exists and the design of the proposal has been revised from the original submission (DCCE2006/3936/F) to ensure that the future amenities of this neighbouring site are protected.
- 6.6 Further south, Units 24-30 Union Street have recently secured planning permission for the use of the upper storeys for 8 residential apartments. Habitable windows at first floor level are found on one element of this scheme but, although in close proximity to this new proposal, the relevant orientation is such that the relationships are considered acceptable for this city centre location.



Design, Scale and Visual Amenities

- 6.7 The proposal utilises a traditional design concept with a frontage which is intended to effectively integrate with the adjacent properties. Traditional shop front and window openings are proposed, with fenestration reflective of the neighbouring units. To the rear, modern touches are introduced but the scheme retains a generally traditional concept despite the constraints imposed by neighbouring properties. The site constraints, particularly the neighbouring properties. The scale is not considered excessive in this central location. A condition will ensure that high quality materials are used in the interests of retaining the character of the area. It is assessed that the scheme will integrate effectively into the street scene and will enhance the character and appearance of the Conservation Area.

Highway Issues

- 6.8 The application site is in a very central and sustainable location. It is therefore considered an appropriate location for a car free development. Goods, services, employment, and public transport interchanges are all within close proximity to this site and cycle parking is included within this proposal.

Other Issues

- 6.9 The obstruction of the advertisement panels attached to the side of Unit 22 is unfortunate but it is not considered to be a material planning consideration in this instance.
- 6.10 The archaeological implications of this proposal, having regard to the position of this site within the AAI, are protected through the inclusion of an appropriate condition to allow site investigation.
- 6.11 The demolition of the existing toilet block is not considered problematic, but the use of some of the stone from this building in the unit façade is welcomed. The pupil referral unit is a modern pre-fabricated structure of no merit.

**RECOMMENDATION****DCCE2007/0493/F****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 C04 (Details of window sections, eaves, verges and barge boards).**

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

- 4 C05 (Details of external joinery finishes).  
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 5 D01 (Site investigation - archaeology).  
Reason: To ensure the archaeological interest of the site is recorded.
- 6 E17 (No windows in side elevation of extension).  
Reason: In order to protect the residential amenity of adjacent properties.
- 7 E19 (Obscure glazing to windows).  
Reason: In order to protect the residential amenity of adjacent properties.
- 8 F16 (Restriction of hours during construction).  
Reason: To protect the amenity of local residents.
- 9 F37 (Scheme of odour and fume control).  
Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.
- 10 F39 (Scheme of refuse storage).  
Reason: In the interests of amenity.
- 11 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.
- 12 W01 (Foul/surface water drainage).  
Reason: To protect the integrity of the public sewerage system.
- 13 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.
- 14 W03 (No drainage run-off to public system).  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 15 W04 (Comprehensive & Integrated draining of site).

**Reason:** To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

**Informatives:**

- 1 ND02 - Area of Archaeological Importance.
- 2 HN01 - Mud on highway.
- 3 HN05 - Works within the highway.
- 4 N16 - Welsh Water Informative.
- 5 N15 - Reason(s) for the Grant of PP/LBC/CAC.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

**Herefordshire Unitary Development Plan 2007:**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (Tel: 01432-261563).

- 6 N19 - Avoidance of doubt.

**DCCE2007/0495/C**

Subject to no further material planning objections being raised that Conservation Area Consent be granted subject to the following conditions:

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

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

**Informatives:**

1. D01 – Site investigation – archaeology.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.
3. N19 - Avoidance of doubt.

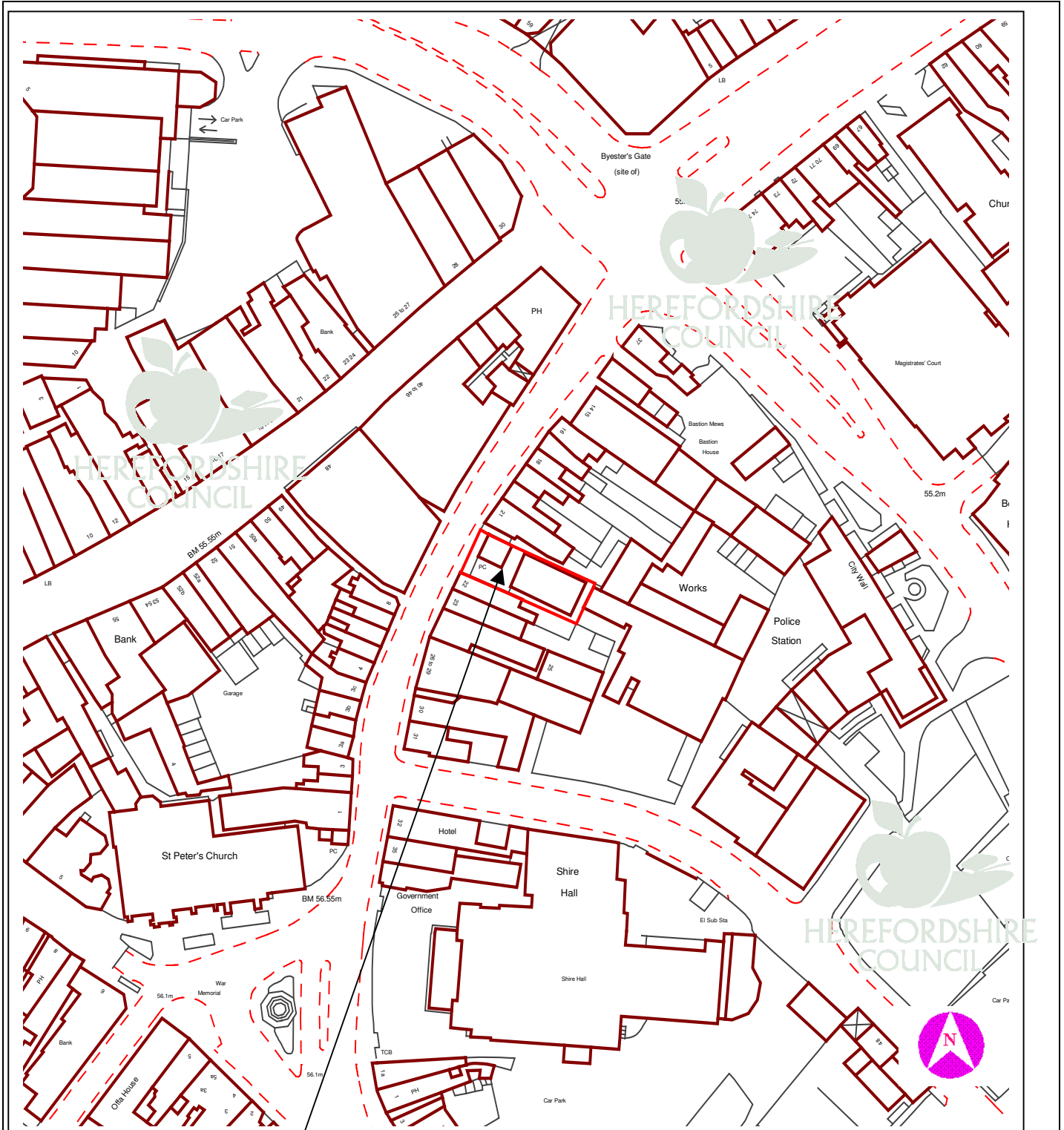
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0493/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Public convenience and referral unit, Union Street, Hereford HR1 2BT

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**13 DCCE2007/0283/F - RETENTION OF EXISTING PONTOON, STEPS AND STORAGE AREA FOR MAX. 30 CANOES. LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HEREFORDSHIRE, HR1 4LP**

**For: Mr. & Mrs. G. Williams, Wall, James and Davies,  
15-23 Hagley Road, Stourbridge, West Midlands, DY8  
1QW**

**Date Received: 1st February, 2007    Ward: Backbury    Grid Ref: 56775, 36240**

**Expiry Date: 29th March, 2007**

Local Member: Councillor Mrs. J.E. Pemberton

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the retention and further development of a floating pontoon, access steps, and canoe storage area at Lucksall Caravan Park, Mordiford. The application site is located in the open countryside and is within a designated Area of Outstanding Natural Beauty. The site is found to the west of the B4224, north of Fiddlers Green, and south of the river crossing and the junction with the B4399. The River Wye is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).
- 1.2 The area subject of this application is to the north of the camping and caravan site, to the side and rear of the existing reception building. The application seeks to secure permission for a storage area to the rear of the reception building to provide a protected facility for canoes. The canoes are available for hire for persons staying at the site. The pontoon and associated steps are to the west of the canoe storage area and are intended to provide river access to persons hiring canoes on site, as well as a formalised landing and launching area for visiting organisations. The steps are of timber construction with the pontoon of metal/plastic construction.

**2. Policies**

2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPS7	-	Sustainable development in rural areas
PPS9	-	Biodiversity and geological conservation
PPG21	-	Tourism

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
S8	-	Recreation, sport and tourism

DR1	-	Design
DR2	-	Land use and activity
DR7	-	Flood risk
T11	-	Parking provision
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape character and areas least resilient to change
RST1	-	Criteria for recreation, sport and tourism development
RST2	-	Recreation, sport and tourism development within Areas of Outstanding Natural Beauty
RST14	-	Static caravans, chalets, camping and touring caravan sites
NC1	-	Biodiversity and development
NC2	-	Sites of international importance
NC3	-	Sites of national importance
NC4	-	Sites of local importance

### 3. Planning History

- 3.1 DCCE2007/0286/F - Improvement to existing access, re-use of existing storage building and store as office, sales and cafe. Undetermined.
- 3.2 DCCE2006/3365/F - Proposed park vehicle access way - part retrospective. Approved 4th December, 2006.
- 3.3 DCCE2006/0351/F - Repositioning of existing caravans and addition of 13 static caravans to include change of use of part of land. Approved 31st May, 2006.
- 3.4 DCCE2005/2119/F - Repositioning of existing caravans and addition of 13 static caravans to include change of use of part of land. Withdrawn 24th August, 2005.
- 3.5 DCCE2004/2207/F - Low level lighting. Approved 26th August, 2004.
- 3.6 DCCE2004/2208/A - Fascia sign. Approved 27th August, 2004.
- 3.7 SH931333PF - Change of use of part of barn to form reception area. Approved 5th January, 1994.
- 3.8 SH930192PF - Septic tank. Approved 6th December, 1993.
- 3.9 SH911310PF - Change of use to extend park and erect a toilet block. Approved 9th June, 1992.
- 3.10 SH780187PF - Use of land as a holiday camping and caravan site. Approved 10th May, 1975.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No objection subject to an informative advising of the requirement for Land Drainage Consent.



- 4.2 Natural England: No objection to the proposal in the context of landscape impact or the SSSI/SAC but advise of the requirement to secure Land Drainage Consent from the EA and note concern over the unauthorised works carried out.

Internal Council Advice

- 4.3 Traffic Manager: No objection.
- 4.4 PROW Manager: No objection.
- 4.5 Conservation Manager (Ecologist): No objection
- 4.6 Environmental Health and Trading Standards Manager: No objection.

## **5. Representations**

- 5.1 Fownhope Parish Council: No objection.
- 5.2 Holme Lacy Parish Council: Raised the following objections:
- Unhappy pattern for retrospective planning applications;
  - Support tourism and leisure activities but these must be sympathetic to the environment, and its impact upon the area and neighbouring properties fully assessed;
  - Impact upon wildlife requires full consideration;
  - Unauthorised work to a SSSI requires careful consideration.
- 5.3 Local Residents: Four letters of objection have been received from the following sources:
- D.M. & S.A. Parker, Deepwood, Fownhope;
  - A. Harris & R. Ensor, Evendene, Mordiford (x3).

The comments raised can be summarised as follows:

1. Unacceptable access arrangements;
2. Highway safety issues due;
3. Adverse impact upon the visual amenities of the locality;
4. Adverse impact upon AONB;
5. Impact upon residential amenities caused by canoe related activities;
6. Boundary/ownership issue;
7. A site less harmful to neighbouring residential amenities would be available;
8. The business activities on site have expanded to an unreasonable level.

- 5.3 Two letters have also been submitted in support of the application from the following sources:
- Ian Scott, Panel Secretary, Severn and Wye Expedition Panel (Duke of Edinburgh's Award);
  - P.F. Daines, Mill Farm Barn, Fownhope.

The comments raised can be summarised as follows:

1. Few access points to the River Wye Navigation are available and access is dependent upon 'friendly landowners';
  2. Lucksall is the only access point between Hereford and Hoarwithy, a distance of 16 miles;
  3. The owners of this site have welcomed canoeists for more than 50 years;
  4. The launch provides for both individuals and hire companies;
  5. The site offers a good, safe access to the river and new facilities will improve this;
  6. Re-siting the launch would require canoeists passing through the camping/caravann site itself;
  7. The EA is looking for 5 new access points along the river in addition of this one, and as such the loss of this facility would be a great pity;
  8. The loss of this facility would make the distance between access points 43km, beyond the ability of some river users;
  9. The site is an essential link in the camp site chain as 'wild' camping is not supported by teh DofE's Award;
  10. The tourist activity associated with canoeists are an important part of the tourist industry in this area;
  11. Canoeing is a low impact activity appropriate for a rural environment;
  12. Restricting hours of activity on site would compromise the safety of river users.
- 5.4 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.

## 6. Officers Appraisal

- 6.1 It is considered that the principle issues for consideration in this application are as follows:
- Principle of Development
  - Residential Amenities
  - Visual Amenities
  - Highway Issues
  - Ecology

### Principle of Development

- 6.2 Herefordshire Unitary Development Plan 2007 Policy S8 considers recreation, sport, tourism. The enhancement of existing facilities is offered broad support, subject to consideration of the site specific factors. Policy RST1 considers these matters in more detail and advises that proposals will be permitted where they are appropriate for the location, will not harm the amenities of neighbouring properties, respect the environment, and are accessible by a choice of transport modes. Policy RST2 specifically considers new development such as that proposed in this application and which falls within an AONB. In such circumstances, development must have particular regard to the landscape impact, be small in scale and of appropriate materials, and make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the area.
- 6.3 On the basis of the above it is considered that the principle of this development can be accepted, with the acceptability or otherwise of the proposal resting upon the details of the application.

### Residential Amenities

- 6.4 In the context of disturbance to residential amenities the principal property for consideration is Evendene. Although the residential curtilage of this dwelling does not run down to the river, the canoe storage area and pontoon is nevertheless adjacent to the property boundary to Evendene and in relatively close proximity to the dwelling, and its associated residential curtilage. The formalisation of launching/landing may result in an increased activity level and the amenity implications of this activity are of note. Having regard to this, it is considered appropriate to ensure that the use of the canoes in the storage area, which represent Lucksall's own hire facility, are for the benefit of persons staying at the site only. In this way the actual activity will be maintained at an acceptable level in the context of this established site.
- 6.5 The use of the pontoon and canoe storage area, particularly in the summer months, offers the potential to cause a degree of disturbance which inevitably results from the use of the storage area and launching/recovery craft. However, this impact must be weighed up against the benefit to rural tourism represented by this launch/landing point, the long established nature of landing/launching in this area, and the limited number of launch/landing points that are available along this stretch of the River Wye. It is significant that the Environmental Health Officer has not raised an objection to the impact of these uses in this location and, with the condition suggested above, it is considered that the impact will be within acceptable limits.

### Visual Amenities

- 6.6 The physical alterations proposed are relatively limited. The canoe storage area is to the rear of the existing reception facility and integrates with it visually. The steps and pontoon are small in scale and limited visibility is afforded to them. They are considered to be an appropriate form of development for a riverbank location such as this.
- 6.7 Turning to the AONB implications, it is considered that the actual physical alterations are of a scale that will ensure that the high quality of this landscape is maintained. In terms of the implications of the use proposed, canoeing activities can be carried out on the river regardless of this permission. It is assessed that the provision of this formal landing/launching facility will not adversely affect the intrinsic natural beauty and amenity of the area and will make a positive contribution to the ability of river users to enjoy the natural beauty of the AONB.

### Highway Issues

- 6.8 Informal landing/launching activity in this location is long established, however, it is recognised that the formalisation of the landing and launching facility may result in an intensification of its use. In this context the condition proposed in Para. 6.4 above, restricting the users of the canoes in the storage area to persons staying at the site, is again relevant. Such users will not be traffic generating and in this way it can be ensured that the traffic generation and on site vehicle numbers resulting from canoe launching/landing is maintained within acceptable limits. The Traffic Manager has confirmed that he has no objection to the proposal and on this basis it is considered that the proposal is acceptable in the context of highway safety matters.

Ecology

- 6.9 The importance of the River Wye as a SAC, SSSI, and Special Wildlife Site is significant having regard to the steps and pontoon and the associated formalisation of landing/launching in this location. An Ecological Survey, particularly focused upon otter and water voles, was submitted with this application and has been assessed by the Council's Ecologist. It is advised that the otter, water vole, and other protected species will not be significantly affected by the development. This position is supported by Natural England, who raise no objection in the context of ecological matters.

**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 C02 (Approval of storage area fencing details).**

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

- 3 The canoes stored within the canoe storage area shall be for the benefit of persons staying at the Lucksall Camping and Caravan Park only.**

**Reason: To safeguard the amenities of the locality and in the interests of highway safety.**

**Informatives:**

- 1 N01 - Access for all.**

- 2 N03 - Adjoining property rights.**

- 3 N04 - Rights of way.**

- 4 HN02 - Public rights of way affected.**

- 5 N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.**

- 6 N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.**

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

- 8 N19 - Avoidance of doubt.**

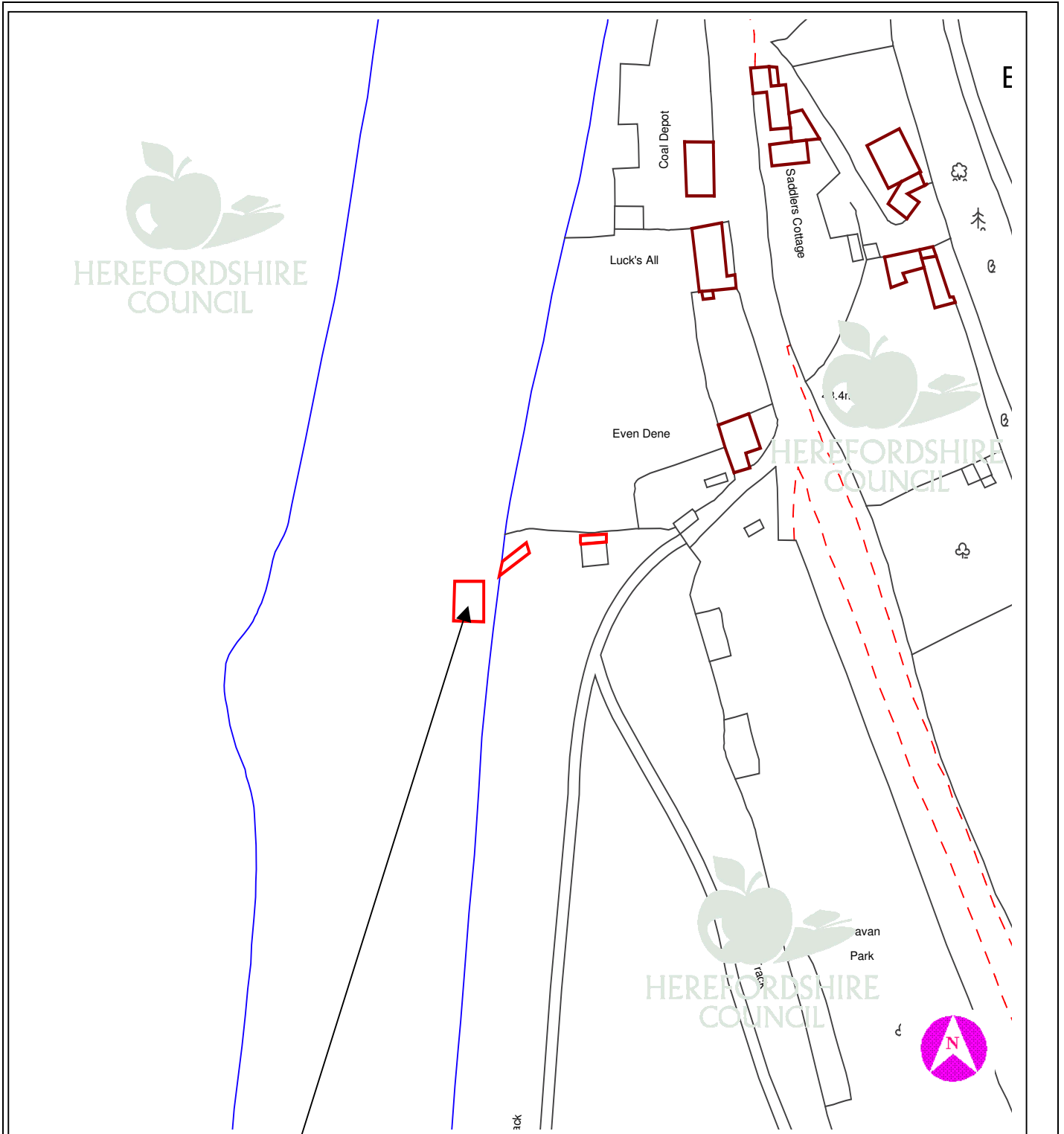
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0283/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Lucksall Caravan Park, Mordiford, Hereford, Herefordshire, HR1 4LP

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**14 DCCE2007/0286/F - IMPROVEMENT TO EXISTING VEHICULAR ACCESS AND RE-USE OF EXISTING RECEPTION BUILDING AND STORE FOR OFFICE, SALES AND CAFE. LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HR1 4LP**

**For: Mr. & Mrs. G. Williams, per Mrs. E. Mitchell, Wall, James & Davies 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW**

**Date Received: 1st February, 2007    Ward: Backbury    Grid Ref: 56833, 36021**

**Expiry Date: 29th March, 2007**

Local Member: Councillor Mrs. J.E. Pemberton

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the improvement to the existing site access and the use of the existing reception building and store as an office, retail space, and cafe in connection with the Lucksall Caravan and Camping Park, Mordiford.
- 1.2 The application site is located in the open countryside and is within a designated Area of Great Landscape Value and an Area of Outstanding Natural Beauty. The site is found to the west of the B4224, north of Fiddlers Green, and south of the river crossing and the junction with the B4399. The River Wye is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).
- 1.3 The building subject of this application is to the north of the camping and caravan site, adjacent to the access road into the site. The building is currently utilised as a reception, retail, and storage area at ground floor level with office and ancillary administration space above. The permitted use of this building is as a reception and storage facility and as such the application is partly retrospective so far as the retail and office space is concerned. The application also seeks to regularise the external appearance of the building.

**2. Policies**

2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPS7	-	Sustainable development in rural areas
PPG21	-	Tourism

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage

S8	-	Recreation, sport and tourism
DR1	-	Design
DR2	-	Land use and activity
DR7	-	Flood risk
T11	-	Parking provision
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape character and areas least resilient to change
RST1	-	Criteria for recreation, sport and tourism development
RST2	-	Recreation, sport and tourism development within Areas of Outstanding Natural Beauty
RST14	-	Static caravans, chalets, camping and touring caravan sites

### **3. Planning History**

- 3.1 DCCE2007/0283/F - Storage area for 30 canoes, pontoon and steps. Undetermined.
- 3.2 DCCE2006/3365/F - Proposed park vehicle access way - part retrospective. Approved 4th December, 2006.
- 3.3 DCCE2006/0351/F - Repositioning of existing caravans and addition of 13 static caravans to include change of use of part of land. Approved 31st May, 2006.
- 3.4 DCCE2005/2119/F - Repositioning of existing caravans and addition of 13 static caravans to include change of use of part of land. Withdrawn 24th August, 2005.
- 3.5 DCCE2004/2207/F - Low level lighting. Approved 26th August, 2004.
- 3.6 DCCE2004/2208/A - Fascia sign. Approved 27th August, 2004.
- 3.7 SH931333PF - Change of use of part of barn to form reception area. Approved 5th January, 1994.
- 3.8 SH930192PF - Septic tank. Approved 8th December, 1993.
- 3.9 SH911310PF - Change of use to extend park and erect a toilet block. Approved 9th June, 1992.
- 3.10 SH780187PF - Use of land as a holiday camping and caravan site. Approved 10th May, 1978.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Environment Agency: No objection subject to informatives.
- 4.2 Natural England: No response received but Members attention is drawn to the comments made upon application DCCE2007/0283/F, elsewhere on the agenda.

#### Internal Council Advice

- 4.3 Traffic Manager: No objection.



- 4.4 PROW Manager: No objection.
- 4.5 Conservation Manager (Ecologist): No objection
- 4.6 Environmental Health and Trading Standards Manager: No objection.

## 5. Representations

- 5.1 Fownhope Parish Council: No objection.
- 5.2 Holme Lacy Parish Council: Raised the following points:
- Unhappy pattern for retrospective planning applications;
  - Support tourism and leisure activities but these must be sympathetic to the environment, and its impact upon the area and neighbouring properties fully assessed;
  - No objections to the cafe but feel that any future development be given careful consideration;
  - The access is onto a dangerous piece of road, especially for caravans and canoe trailers.
- 5.3 Local Residents: Four letters of objection have been received from the following sources:
- D.M. & S.A. Parker, Deepwood, Fownhope;
  - A. Harris & R. Ensor, Evendene, Mordiford (x3).

The comments raised can be summarised as follows:

1. Unacceptable access proposals due to the loss of landscaping and associated loss of privacy;
  2. Loss of storage space;
  3. The cafe will not reduce vehicle movement as suggested;
  4. Caravan/camping visitors will have their own facilities to make hot drinks/snacks;
  5. Cafe could lead to a restaurant, which could in turn lead to a facility seeking an alcohol licence and entertainment licence;
  6. The changes could result in more noise and disturbance;
  7. The site is continuing development of this site, in an AONB, is unacceptable.
- 5.4 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.

## 6. Officers Appraisal

- 6.1 It is considered that the principle issues for consideration in this application are as follows:
- Principle of Development
  - Residential Amenities
  - Visual Amenities
  - Highway Issues

### Principle of Development

- 6.2 Herefordshire Unitary Development Plan 2007 Policy S8 considers recreation, sport and tourism. The enhancement of existing facilities is offered broad support, subject to

consideration of the site specific factors. Policy RST1 considers these matters in more detail and advises that proposals will be permitted where they are appropriate for the location, will not harm the amenities of neighbouring properties, respect the environment, and are accessible by a choice of transport modes. Policy RST2 specifically considers new development such as that proposed in this application and which fall within an AONB. In such circumstances, developments must have particular regard to the landscape impact, be small in scale and of appropriate materials, and make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the area.

- 6.3 On the basis of the above it is considered that the principle of this development can be accepted, with the acceptability or otherwise of the proposal resting upon the details of the application.

#### Residential Amenities

- 6.4 In the context of disturbance to residential amenities the principal property for consideration is Evendene. The building subject of this application backs onto the property boundary with this dwelling and is adjacent to the private amenity space to the rear. The upstairs administrative and storage use is not considered to be an issue in the context of residential amenities. A reception use in this building is authorised by virtue of application SH931333PF. The main concerns therefore relate to the proposed cafe and retail area. Both areas are relatively small in scale and are intended solely for use by patrons on the site. However, the potential for disturbance to the occupiers of Evendene is noted, particularly during unsociable hours. The Environmental Health Manager has raised no objection but in this case it is considered appropriate that opening hours should be imposed to restrict the opening of the café, and the sale of goods. This will not impact upon the ability of the unit to operate in an unrestricted manner as a reception facility, as is currently possible now. The site is currently also only open to camping/caravanning for certain periods of the year. On the basis that this facility is suggested as being for the benefit of patrons, restricting the opening to the same months as are permissible through the site licence would also be appropriate.
- 6.5 It is considered that the access alterations will have no measurable impact upon residential amenities, but a condition requiring further confirmation of landscaping arrangements will ensure privacy in perpetuity.

#### Visual Amenities

- 6.6 The physical alterations to the building are relatively limited, with the principle alterations being the replacement of the original sliding 'barn' doors with glazing and the introduction of timber cladding at first floor level. Having regard to the limited alterations it is considered that the impact upon visual amenities and the wider AONB will be limited. The building is well kept and although the appearance has changed from an overtly agricultural building to a more 'domestic' one, the impact is considered acceptable. It is assessed that the redevelopment of this building will not adversely affect the intrinsic natural beauty and amenity of the AONB.
- 6.7 With effective landscaping it is considered that the access alterations will not significantly alter the appearance of the site entrance, or adversely impact upon the landscape.

Highway Issues

- 6.8 The improvements to the access arrangements are welcomed. The potential to enter and leave the site simultaneously will reduce waiting and manoeuvring on the highway and will be a significant improvement to highway safety in this location.

Other Matters

- 6.9 A condition will prevent the separate sale of the building subject of this application from the camping/caravan site due to the inappropriateness of an independent retail/café use in this relatively unsustainable rural location.

**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 E03 (Restriction on hours/months of opening).**

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

- 3 E06 (Restriction on Use).**

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

- 4 E15 (Restriction on separate sale).**

**Reason: To ensure that the retail and café use remain an integral part of the caravan and camping park.**

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

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

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

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

**Informatives:**

- 1 N01 - Access for all.**

- 2 N03 - Adjoining property rights.**

- 3 N04 - Rights of way.**

- 4 HN02 - Public rights of way affected.**

- 5    **HN05 - Works within the highway.**
- 6    **N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.**
- 7    **N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.**
- 8    **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 9    **N19 - Avoidance of doubt.**

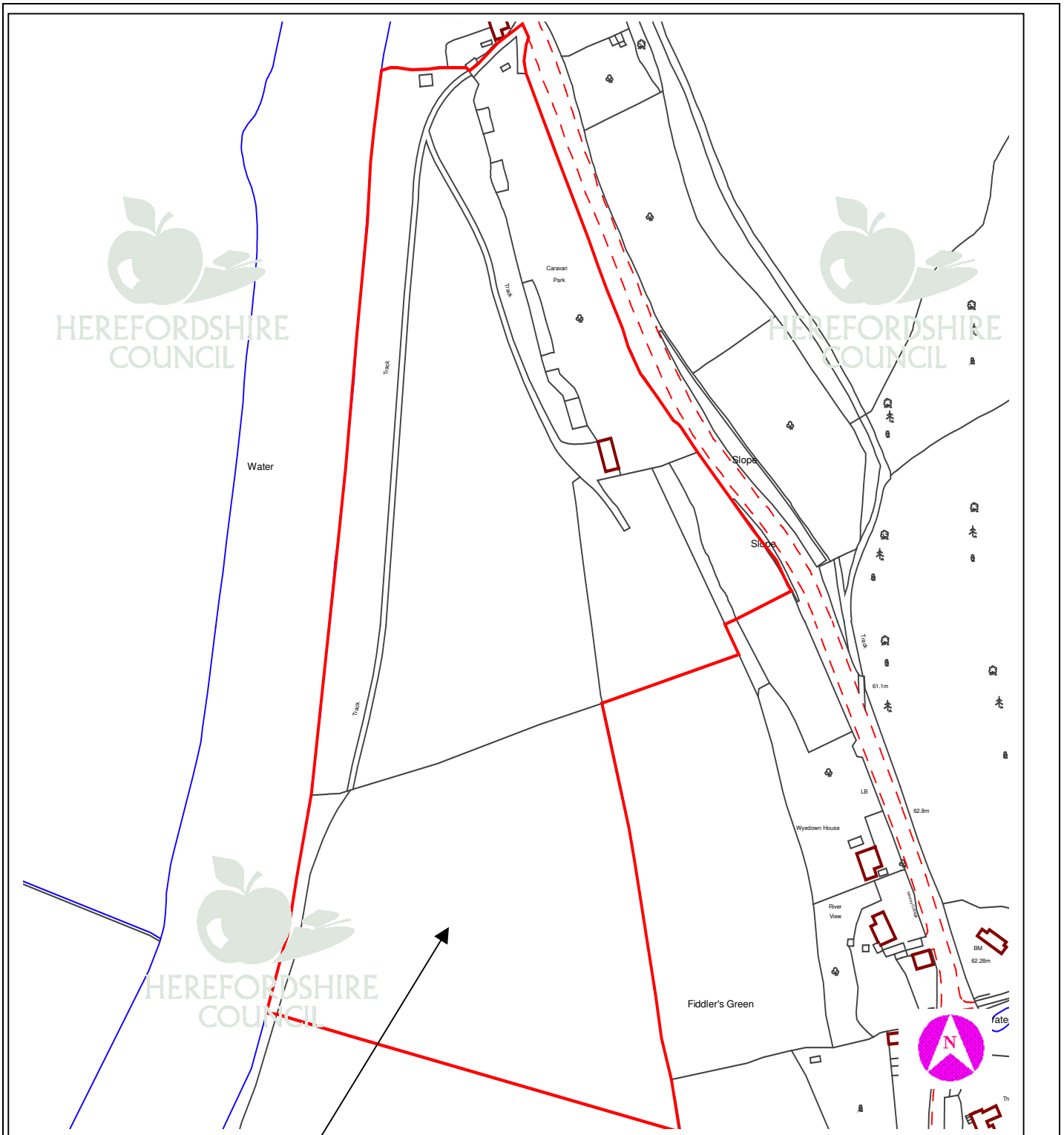
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0286/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Lucksall Caravan Park, Mordiford, Hereford, Herefordshire, HR1 4LP

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**15 DCCE2007/0443/F - VARIATION TO CONDITION 3 OF DCCE2006/2739/F - TO EXTEND OPENING HOURS FROM 11PM TO MIDNIGHT AT RILEYS SNOOKER & POOL CLUB (FORMER) JOB CENTRE , BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2LG**

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

**Date Received: 13th February, 2007**

**Ward: Central**

**Grid Ref: 51429, 39904**

**Expiry Date: 10th April, 2007**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

- 1.1 The building is currently vacant but was most recently used as a Job Centre and is located on the eastern side of Bath Street opposite the junction to Gaol Street Car Park. Immediately to the north are existing semi-detached properties and to the east (rear) is St. Owens Adult Training Centre and to the south are Council offices.
- 1.2 The site lies within Hereford City Conservation Area, is designated an Area of Archaeological Importance and lies opposite the former City Wall which is a Scheduled Ancient Monument. The site and surrounding area is also designated within the Herefordshire Unitary Development Plan as being an Established Residential Area.
- 1.3 Planning permission was approved on the 18th October, 2006 for a change of use of the premise to a members only snooker and pool club. Condition 3 of the planning permission requires that the use shall not be open to customers between the hours of 11 p.m. and 8 a.m. daily. The reason being in the interests of amenities of existing residential properties in the locality. Planning permission is now sought to vary this condition to enable the premise to remain open until midnight, this being to extend the existing permitted opening hours by one hour.

**2. Policies**

2.1 Planning Policy Guidance:

PPG24 - Planning and Noise

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1 - Sustainable Development  
 Policy S2 - Development Requirements  
 Policy S5 - Town Centres and Retail  
 Policy DR1 - Design  
 Policy DR2 - Land Use and Activity  
 Policy DR13 - Noise  
 Policy TCR1 - Central Shopping and Commercial Areas

Policy TCR2	-	Vitality and Viability
Policy TCR9	-	Large Scale Retail and Leisure Development Outside Central Shopping and Commercial Areas

### 3. Planning History

- 3.1 DCCE2006/2739/F Change of use to members snooker and pool club. Planning permission approved 18th October, 2006.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 West Mercia Constabulary: No comments received.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: No objection.
- 4.4 Head of Environmental Health & Trading Standards: I can advise that it is my opinion that the extension in opening times will not have a significant impact on the amenity of neighbours. However, should an unacceptable situation occur controls are available through the licensing regime and also if noise nuisance is caused by activities on the premises, powers as prescribed by the Environmental Protection Act 1990 are available to the Council. I therefore have no objection.

### 5. Representations

- 5.1 Hereford City Council: Recommend the application be refused until evidence of appropriate operation has been established.
- 5.2 Two letters of objection have been received to date. The main points raised are:
- The time of 11 p.m is sufficient for the needs of the club.
  - There will already be an increase in noise from people and vehicles leaving the club at 11 p.m., the proposed extension of hours would exacerbate the situation making life very unpleasant for local residents seven nights a week.

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.

### 6. Officers Appraisal

- 6.1 Planning permission was approved in October last year for the use of the premise as a snooker and pool club and therefore the principle of the use is now established. The issue is whether the extension of opening hours from 23:00 until midnight would result in an unacceptable impact on the amenity of nearby residents.



- 6.2 The applicants originally requested that the club remain open 24 hours a day, 7 days a week. Given the close proximity of existing residential properties, this was considered unacceptable and the hours of 8 a.m. to midnight were agreed with the applicants and recommended as a condition. This was subsequently amended following debate at Committee to a requirement that the premise closed at 23:00.
- 6.3 It is acknowledged that background noise levels are likely to be less than other parts of the city where public houses, takeaways and leisure uses exist and therefore there is the need for some restriction on opening hours. However, the site lies adjacent to a busy road where some noise, primarily from traffic will exist even later on in the evening. Planning Policy Guidance Note 24 relating to 'Planning and Noise' (PPG24) stipulate two different time periods for the assessment of noise, 0700 to 2300 and 2300 to 0700. A lower level of noise exposure can reasonably be expected between the hours of 2300 and 0700. PPG24 does not, however, stipulate that the operation of a commercial/leisure use beyond the hours of 2300 is in principle unacceptable, even where a premise lies within close proximity to existing residential properties.
- 6.4 In this situation, the main activity is the playing of snooker and pool in a relatively subdued environment with access restricted to members only. The only potential source of noise is likely to be from patrons leaving the premises as parking is prohibited along the site frontage by double yellow lines and chevrons. Therefore, given the location of the site adjacent to a busy road, the extension of the opening hours as requested, is not considered unacceptable in principle. This view is supported by Environmental Health who raise no objection. Nevertheless, no on-site noise assessment has been provided in support of the application and furthermore, the use is not yet operational. It is therefore considered reasonable for this planning permission to be temporary for a period of 12 months to allow a trial period enabling the situation to be monitored. Subject to this, the proposal is considered acceptable.

## RECOMMENDATION

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

1. **E04 (Restriction on hours of opening 08:00 – 24:00).**

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

2. **E20 (Temporary permission).**

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

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

### Informatives:

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

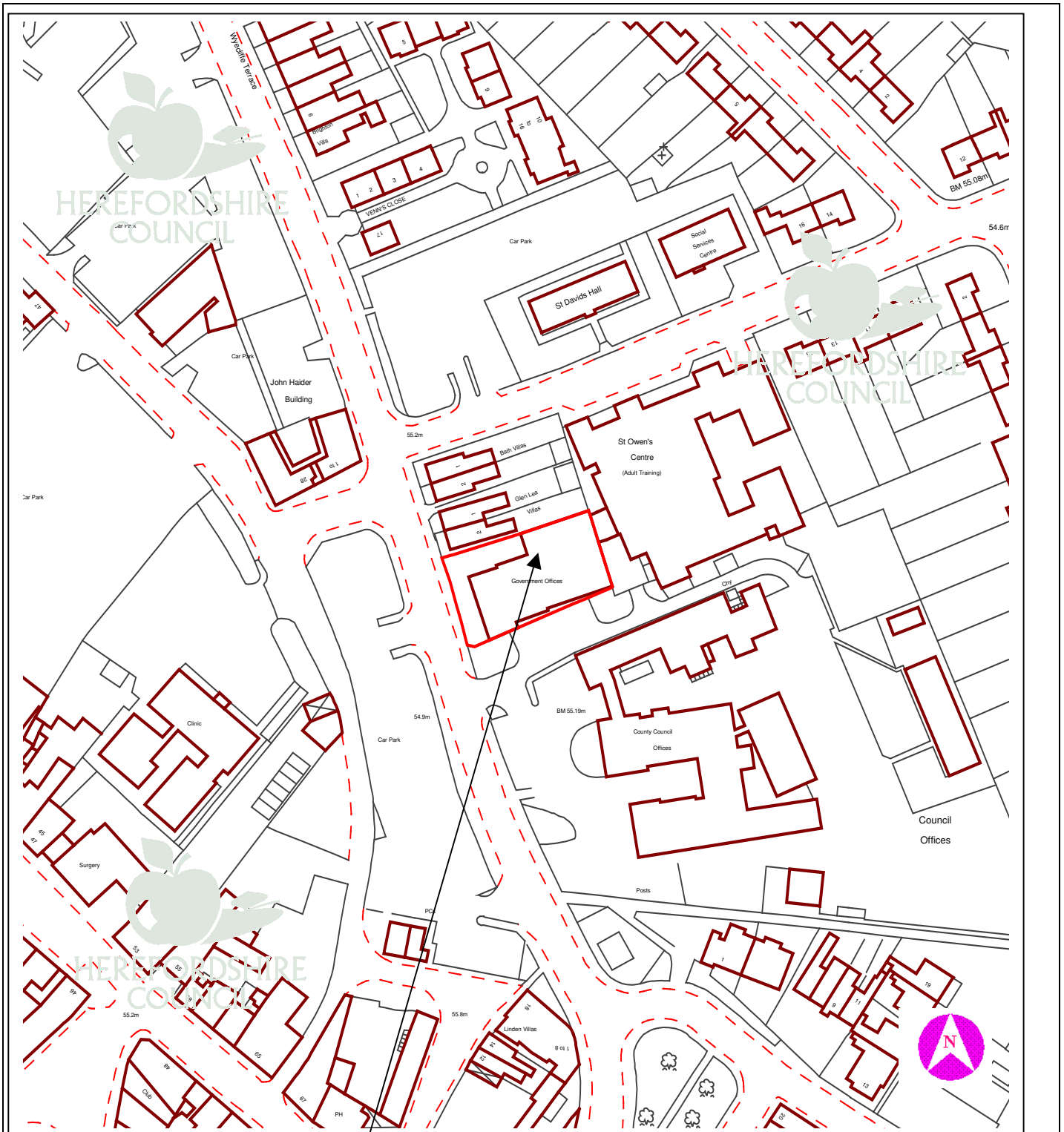
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0443/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Rileys Snooker & Pool Club (Former) Job Centre, Bath Street, Hereford, Herefordshire, HR1 2LG

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**16 DCCE2007/0508/F - CONSTRUCT DETACHED HOUSE (2 STOREY AND BASEMENT LEVEL) WITH DETACHED DOUBLE GARAGE. TO REPLACE TWO EXISTING COTTAGES. 1 & 2 MARSH COTTAGES, WITHINGTON, HEREFORD, HR1 3QE**

**For: A.S. Urwin, 2 Wilden Court Gardens, Ullingswick, Hereford, HR1 3JG**

**Date Received: 19th February, 2007      Ward: Hagley      Grid Ref: 56730, 43982**

**Expiry Date: 16th April, 2007**

Local Member: Councillor R.M. Wilson

**1. Site Description and Proposal**

- 1.1 The site is located on the eastern side of the C1130 (Lock Road) 500 metres north of Withington. Two semi-detached cottages presently occupy the north eastern corner of the site constructed from natural stone gables with rendered front and rear elevations under a pitched slated roof with brick chimney stacks. Attached to the rear of the cottages are single storey lean-to extensions/storage buildings constructed from a mixture of rendered block work and corrugated iron sheeting. Vehicular access serves the existing cottages and in the north western corner of the site, the remainder of the site is largely set out to lawn interspersed with semi-mature trees enclosed by mature hedging. The site is bounded to the north and west by agricultural land and a detached bungalow known as The Haven lies in the south eastern corner of the site with its associated garden running along the eastern boundary. The site lies within the open countryside as defined in the Herefordshire Unitary Development Plan 2007 and immediately to the north is designated as flood plain (Flood Zone 2).
- 1.2 Planning permission is sought to demolish the existing two cottages and construct a single detached two storey dwelling with basement level and a detached double garage and attached bin store together with the construction of a new vehicular access.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H7	-	Housing in the countryside outside settlement
DR4	-	Environment
DR7	-	Flood risk
H13	-	Sustainable residential design

H16 - Car parking

### **3. Planning History**

- 3.1 CE2006/2729/F - Construct two detached bungalows (with basement level) and garages to replace two existing cottages. Application withdrawn 9th October, 2006.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Welsh Water: As the applicant intends utilizing private drainage facilities Welsh Water have no comment to make on the application.
- 4.2 Environment Agency: No objection.

#### Internal Council Advice

- 4.3 Traffic Manager: No objection subject to conditions relating to the construction of the new access and parking arrangements.

### **5. Representations**

- 5.1 Withington Parish Council: The Parish Council fully supports the proposal.
- 5.2 One letter of objection and one letter of comment has been received from a local resident/landowner. The main points raised are:
1. The proposal is out of keeping with the character of this part of Withington;
  2. The area to be developed is surrounded by low land with a history of flooding;
  3. The proposed development appears considerably larger than the existing cottages to be demolished;
  4. The lower garden at The Haven could be at risk of flooding when a huge amount of soil is displaced to build the proposed basement;
  5. The appearance of the new buildings is very contemporary and futuristic and not in keeping with the rest of the houses in Lock Road which are predominantly built from traditional stone or brick;
  6. The development will not be eco-friendly as a considerable amount of concrete will be required to construct the basement;
  7. If planning permission is approved, the garage and bin store should be re-sited closer to the proposed dwelling with new landscaping undertaken between the garage and existing property at The Haven;
  8. If planning permission is approved, no further buildings should be permitted in the curtilage of Marsh Cottages.

- 5.3 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.

### **6. Officers Appraisal**

- 6.1 Policy H7 of the Herefordshire Unitary Development Plan 2007 permits the replacement of existing properties in the open countryside with a new dwelling providing the replacement is comparable in size and scale with and on the same site

as an existing building with established residential use rights. The existing cottages are of a relatively traditional design but are of no particular architectural or historic merit and therefore the principle of their demolition and replacement with a single dwelling is considered acceptable and in accordance with Policy H7.

- 6.2 The proposed new dwelling is to be sited largely on the footprint of the existing cottages with the same north south orientation and gable end facing the road. The proposed dwelling will be 1.5 metres higher to the ridge than the existing cottages with a slightly larger footprint. However, the visible scale and mass is comparable with the cumulative scale of the existing cottages and attached extensions. The extent of accommodation being proposed is, however, greater than the existing cottages. This is being achieved through the construction of a basement level predominantly below ground, which will be fully tanked out to protect it from flooding. A small proportion of the basement will be visible above ground which will visually form a plinth to the proposed dwelling. The overall impact of the new dwelling, in scale terms will therefore be minimal.
- 6.3 A more contemporary approach has been taken to the design of the dwelling with a southern elevation incorporating a cat slide roof to accommodate photovoltaic tiles to provide electricity and the gable elevations defined with full height glazed sections to provide additional light. Part of the roof of the basement will be used as a terrace/patio area enclosed by glazed ballustrading. Whilst the design of the dwelling and garage has contemporary elements, the end appearance will be muted through the use of reconstituted slate for the roof and painted render elevations. The proposed design is undoubtedly very different to the existing cottages to be demolished but the proposed dwelling will not be unduly prominent within the landscape, the materials are not uncharacteristic of a rural setting and therefore, the slightly more contemporary appearance is not considered unacceptable or inappropriate in this instance.
- 6.4 The construction and future use of the property has also been designed to minimise the environmental impact and carbon footprint of the development. The proposed measures include a structural insulated panel system of construction the use of renewable sources of energy including photovoltaic tiles for electricity supply, a thermal heat-sink/bore hole incorporating a reversible heat pump system will both heat and cool the house, grey water harvesting and recycling and the use of sustainable and local sources of materials recycled where possible. These measures are welcomed and fully endorsed by Policy DR4 of the Unitary Development Plan.
- 6.5 The siting of the dwelling ensures that there will be no additional impact on the amenity of the only neighbouring property. Although the proposed garage is nearer to the neighbouring property than any existing development, the juxtaposition of the two sites and properties is such that the proposed garage will not have any unacceptable impact on the neighbouring property or its garden and will also assist in obscuring any views between the new dwelling and existing bungalow. A new single vehicular access is proposed which the Traffic Manager is satisfied can be constructed to the appropriate standard. The site adjoins but lies outside of the Flood Plain. Objectors advise that many of the surrounding fields do suffer from flooding. Whilst this may be the case, the site of the proposed dwelling along with the means of access should not be at risk from flooding as confirmed by the Environment Agency particularly as the basement is to be tanked out up to a height of 0.7 metres above the existing ground level.

- 6.6 Whilst the proposal is a little unusual, it will satisfactorily assimilate into its environment so as not to detract from the character or appearance of the area. As such the proposal accords with the Unitary Development Plan policies

## **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

- 7 G07 (Details of earth works).**

**Reason: (Special Reason).**

- 8 G10 (Retention of trees).**

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

- 9 H03 (Visibility splays).**

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

- 10 H05 (Access gates).**

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

- 11 H06 (Vehicular access construction).**



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

**12 H09 (Driveway gradient).**

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

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

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

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

**Reason: (Special Reason).**

**Informatives:**

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

**2 N19 - Avoidance of doubt.**

**3 HN5 – Works within the highway.**

**4 HN10 – No drainage to discharge to highway.**

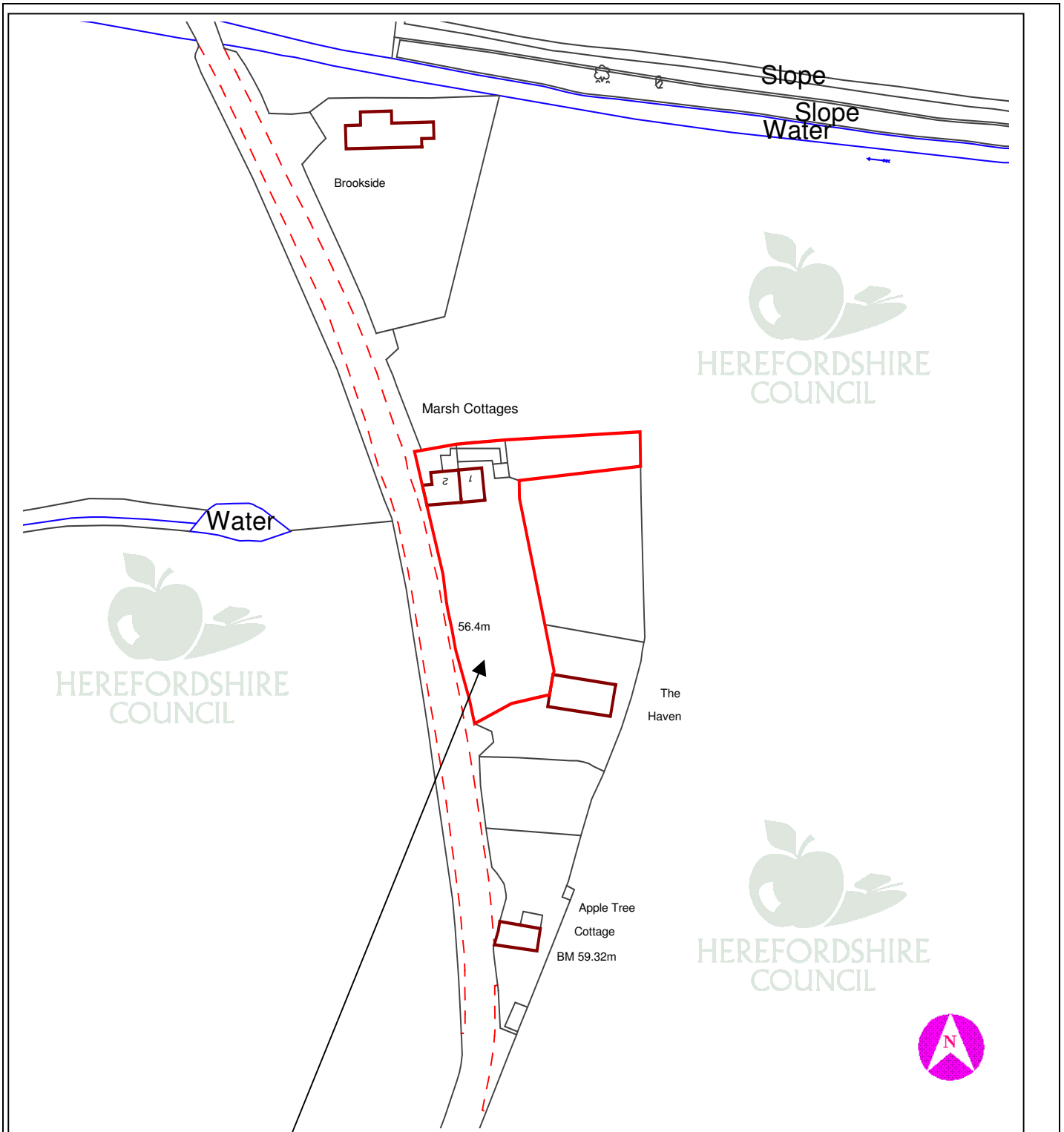
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0508/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 1 & 2 Marsh Cottages, Withington, Hereford, Herefordshire, HR1 3QE

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**17 DCCE2007/0565/T - INSTALLATION OF A 15M MONOPOLE, 6 NO. RADIO ANTENNAS, 2 NO. TRANSMISSION DISHES, 2 NO. EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO. HEREFORD MOTOR SERVICES, UNIT 14B, ROCKFIELD ROAD, HEREFORD, HEREFORDSHIRE, HR1 2UA**

**For: Vodafone Ltd, Needham Haddrell Chartered Surveyors, The Power House, Feeder Road, Bristol, BS2 0TH**

**Date Received: 21st February, 2007    Ward: Aylestone    Grid Ref: 51813, 40195**

**Expiry Date: 17th April, 2007**

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

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

- 1.1 The site is located in the south western corner of Rockfield Road Industrial Estate adjacent to the railway line, to the rear of an existing industrial unit known as Hereford Motor Services. To the west of the railway line is Hereford County Hospital, north are existing industrial units and east and south of the site is predominantly residential. Immediately south of the site is an existing 12.5 metre monopole mast (operated by O2). The site and its immediate surroundings is safeguarded for employment purposes within the Herefordshire Unitary Development Plan 2007.
- 1.2 Prior approval is sought for the installation of a 15 metre monopole housing 2 number transmission dishes and 6 number radio antennas and 2 number equipment cabinets enclosed within the fenced compound. The proposed monopole is to be coloured olive green and rises to a total height of 17.5 metres with the antennas. The mast is required to provide 2G and 3G coverage for the eastern half of the city centre and outlying estates beyond to replace the existing telecommunications antennas at Herefordshire College of Technology which is proposed to be removed as part of the ongoing re-development.

## **2. Policies**

- 2.1 Planning Policy Guidance Note 8 – Telecommunications
- 2.2 Herefordshire Unitary Development Plan 2007:

S2	-	Development requirements
DR1	-	Design
CF3	-	Telecommunications

### 3. Planning History

3.1 None for the application site but of relevance is:

CE2002/02008/T - Erection of 15 metre monopole, 3 telecommunications antennas, 3 transmission dishes, cabinet equipment and landscaping. Prior Approval Not Required 21st March, 2002.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Network Rail: No comments received.

4.2 Defence Estates: No comments received.

#### Internal Council Advice

4.3 Traffic Manager: No objection.

4.4 Environmental Health and Trading Standards Manager: No objection.

### 5. Representations

5.1 Hereford City Council: No objection.

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

1. There are other sites that are more appropriate such as Brook Retail Park.
2. If the proposal is approved we will be forced to relocate our business.
3. Development will be detrimental to the value of businesses and properties in the locality and would discourage further investment to upgrade the standard of the Business Park.
4. We are concerned with the emissions and cumulative impact of having two masts within such close proximity to one another.
5. The proposed emissions from the mast will interfere with the computerised engine management systems located in local business units which are susceptible to outside interference.
6. If additional coverage is required, the existing O2 mast should be shared.
7. The orientation of some of the antennae and dishes is directly towards residential properties.
8. Existing trees in the locality have recently been removed which exposes the existing mast and proposed application site.
9. The development will lead to a loss of revenue for existing businesses as a result of customers moving elsewhere.

5.4 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.

### 6. Officers Appraisal

6.1 The proposed mast, although described as a 15 metre monopole would effectively rise to a total height of 17.5 metres due to the installation of antennas on top of the

monopole. This would be higher than any other built development in the immediate locality but a number of other taller buildings in a wider context exist including Hereford Hospital and other three storey properties. Furthermore, an existing monopole mast lies 25 metres south east of the site. Whilst this existing monopole could not be shared, a new shared structure could be installed to house the proposed antennae. This being the preferable option identified by both Planning Policy Guidance Note 8 and Policy CF3 of the Unitary Development Plan. Further information and evidence has been requested as to why a mast share, albeit with a new and taller structure is not a viable or technical option in this instance.

- 6.2 If satisfactory responses are not received to this particular issue, the proposal is considered unacceptable. However, if there are valid technical or visual amenity reasons why a mast share is not possible, the proposed second mast is considered acceptable in principle. There may also be scope for the height to be reduced a little but it is acknowledged that as proposed the height will be somewhat shielded by existing trees and from further afield, a slim line monopole mast will largely assimilate into the built environment and consequently will not be unduly visible or prominent. The equipment cabinets and fenced enclosure will largely be screened by existing industrial buildings. The mast, will nevertheless be within close proximity to a number of residential properties but on balance, it is not considered their residential amenity will be materially harmed so as to warrant refusal of the application.
- 6.3 The applicants have demonstrated a need for the additional coverage but only on the basis that the existing telecommunications antennae at Herefordshire College of Technology are removed. A number of other sites have also been investigated which either do not provide the necessary coverage or landowners have been unwilling to co-operate. Further information has nevertheless been requested on some of the other sites to establish the circumstances surrounding why they have been discounted. Ultimately, the proposed site is likely to be the most appropriate of the options considered based upon the information available at the time of writing.
- 6.4 The majority of the objectors have raised concerns regarding the health risk from the electromagnetic emissions emanating from masts and particularly the cumulative impact of having two masts in close proximity to one another. The applicants have provided a statement to demonstrate that the emissions from the mast meet the current International Commission for Non Ionizing Radiation (ICNIRP) standard for public exposure to radio frequencies. The ICNIRP standard is five times more restrictive than the National Radiological Protection Board standard. Furthermore, the ICNIRP Certificate also certifies that the cumulative emissions from existing and proposed mast meets the required electromagnetic emission standards. Therefore, based on the current information available, and notwithstanding the relatively close proximity of existing residents, the emissions from the mast are considered acceptable.
- 6.5 Para. 98 of PPG8 states that:
- 'In the Government's view, if a proposed mobile phone base emissions meets the ICNIRP guidelines for public exposure it should not be necessary for the local planning authority in processing an application for prior approval to consider further the health aspects and concerns about them'.*
- 6.6 Possible interference with other electrical equipment can be a material planning consideration and further information has been requested on this matter with regard to the impact of the mast on the operation of computerised car management systems in

local business units. However, this is unlikely to present a problem particularly given the systems operate satisfactory with the existing mast within close proximity. Furthermore, Par 102 of PPG8 advises that only where there is clear evidence that significant electromagnetic interference will arise, or will probably arise, and that no practicable remedy is available, will there be any justification for taking this issue into account when determining an application.

- 6.7 Preference for all telecommunications development including this site is for a single mast accommodating more than one user subject to the visual impact of any new, higher masts. In this regard further information is awaited as to why this is not a viable option. If satisfactory information is provided to demonstrate that the proposal is the only practical, technical and visual option and subject to the further information being provided relating to the other matters considered in this report, the proposed installation is considered acceptable in accordance with policy CF5 of the Unitary Development Plan.

**RECOMMENDATION**

**Subject to the receipt of satisfactory further information the officers named in the Scheme of Delegation to Officers be authorised to issue a decision that Prior Approval Not Required subject to the following conditions and any additional conditions considered necessary by officers:**

- 1 No work shall commence on the development hereby permitted until a detailed timetable for the permanent removal of the existing rooftop antennae located at Herefordshire College of Technology has been provided verified by information in accordance with the up to date build programme for the redevelopment of the college. Development shall proceed in accordance with the agreed timetable.**

**Reason: The proposed mast is only considered acceptable on the basis that it is required to provide and enhance 2G and 3G coverage. This requirement will only materialise if the existing telecommunications equipment is not reinstated at Herefordshire College of Technology.**

**Informatives:**

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

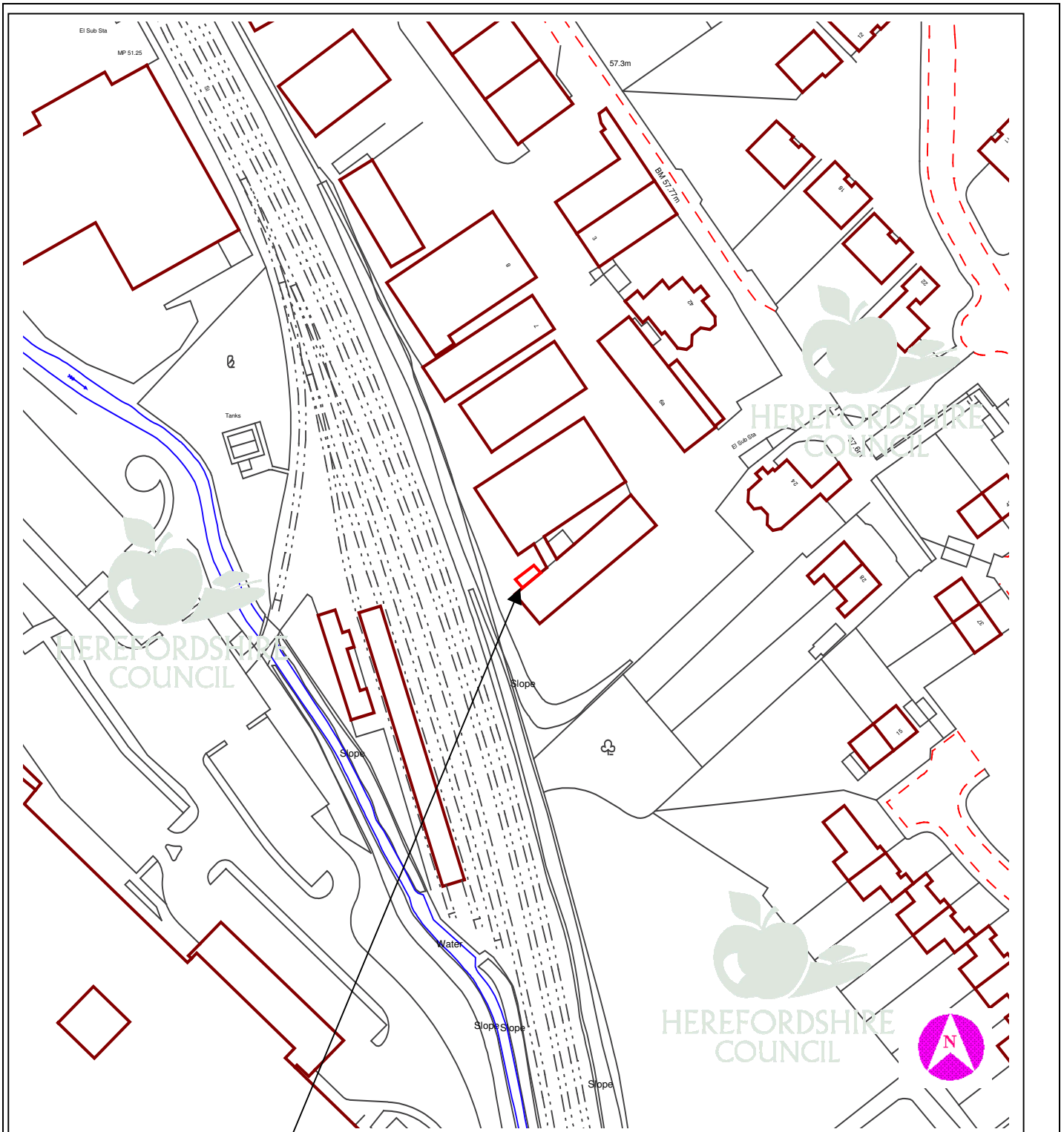
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0565/T

**SCALE :** 1 : 1250

**SITE ADDRESS :** Hereford Motor Services, Unit 14b, Rockfield Road, Hereford, Herefordshire, HR1 2UA

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**18 DCCE2007/0553/F - ERECTION OF A DETACHED THREE BEDROOM BUNGALOW. LAND TO THE REAR OF THE SQUIRRELS, FOWNHOPE, HEREFORD, HEREFORDSHIRE, HR1 4PB**

**For: Mr. & Mrs. K. Harrison, per Mr. C. Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW**

**Date Received: 21st February, 2007    Ward: Backbury    Grid Ref: 57964, 34690**

**Expiry Date: 18th April, 2007**

Local Member: Councillor Mrs. J.E. Pemberton

**1. Site Description and Proposal**

- 1.1 The site is accessed via an unmade track off the C1295 (Woolhope Road) in Fownhope. The site is largely set out to lawn and forms part of the garden associated with The Squirrels. The southern and western boundaries are largely enclosed by a mature hedgerow and shrubs and a newly planted beech hedge exists along the northern boundary. Ground levels falls relatively steeply from east to west both within and surrounding the site.
- 1.2 The site lies within the identified settlement boundary and is also designated as a Conservation Area within the Development Plan. The site and surrounding landscape is also designated as an Area of Great Landscape Value and an Area of Outstanding Natural Beauty with land east of The Squirrels designated a Special Wildlife Site.
- 1.3 Planning permission is sought for the erection of a detached three bedroom bungalow and provision of a new vehicle parking area to serve both the existing and proposed properties.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H4	-	Main Villages: Settlement Boundaries
H13	-	Sustainable Residential Design
H16	-	Car Parking
HBA6	-	New Development Within Conservation Areas
LA1	-	Areas of Outstanding Natural Beauty
CF2	-	Foul Drainage

### 3. Planning History

- 3.1 SH931000PO Erection of single storey dwelling and garage. Planning permission refused 6th October, 1993.
- 3.2 SH941169PO Single storey dwelling and garage. Planning permission approved 20th March, 1995.
- 3.3 DCCE2005/0030/O Proposed site for detached 3 bedroom bungalow with detached garage. Application withdrawn 25th February, 2005.
- 3.4 DCCE2005/4167/F Erection of detached 3 bedroom bungalow. Planning permission refused 8th March, 2006. The refusal was:
- ‘The proposed use of the cesspool foul drainage system to serve the development is considered unacceptable due to the environmental, amenity, transport, public health problems that are likely to arise with such a system at the site. As such the development is contrary to Policy C40 and C43 of the South Herefordshire District Local Plan and Policies S1, S2, DR4 and CF2 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions.

#### Internal Council Advice

- 4.2 Traffic Manager: Comments awaited.
- 4.3 Conservation Manager: The proposal is an attractive design and will not detract from the character of the Conservation Area nor will it adversely affect the setting of the Listed Building. Therefore I have no objection.
- 4.4 Building Control Manager: There is an existing main sewer nearby. The proposals are acceptable providing the existing private drain to which they are connecting is in full working order and is large enough to take the additional dwelling.

### 5. Representations

- 5.1 Fownhope Parish Council: The Parish Council do not support this application as with previous applications. The previous concerns being:
1. The suitability of car parking arrangements is questioned as well as access for emergency services.
  2. The corner boundary hedges should be retained to protect the privacy of Court Orchard residents.
- 5.2 Four letters of objection have been received the main points raised are:

1. The track serving the site is narrow and in poor condition, has no passing places or pavements and is not suitable to accommodate any additional traffic.
  2. The proposed footpath leading from the parking area to the proposed bungalow could become a vehicular access in the future severely damaging the enjoyment of the neighbouring property and its garden.
  3. No information has been provided to demonstrate the existing drain has sufficient capacity.
  4. The removal of the garage will reduce the privacy with the neighbouring property.
  5. A new property would overlook adjoining gardens leading to a reduction in privacy.
  6. The development would adversely affect the view and value of neighbouring properties.
  7. The development would damage the character and appearance of the Conservation Area.
  8. Visibility from the access road onto the main road is severely sub-standard.
  9. The proposed site is cramped.
  10. The applicant has not obtained a way leave to use the proposed foul drain and no such way leave will be granted. As such the previous reason for refusal is still valid.
  11. The site of the dwelling presently provides a septic tank soakaway to the applicants existing property, which has proved problematic in the past.
- 5.3 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.

## **6. Officers Appraisal**

- 6.1 The site lies within the settlement boundary for Fownhope as identified in the Herefordshire Unitary Development Plan 2007. As such the principle of residential development is acceptable subject to amenity, highway and conservation considerations in particular.
- 6.2 The existing curtilage associated with The Squirrels is sufficiently large to be subdivided into two separate plots and the size of the existing and proposed curtilages that would be created would not be out of character with the general pattern of development or other plot sizes in the locality.
- 6.3 A modestly sized three bedroom bungalow is proposed which can satisfactorily be accommodated on the proposed site with the appropriate amenity space. The bungalow is also to have ground floor accommodation only and the design reflects the topography of the site and the characteristics and vernacular of other properties in the locality. Materials will be controlled by a condition.
- 6.4 The bungalow is to be sited at the western end of the curtilage and the floor level would be 3.5 metres below the floor level of the applicant's existing bungalow. This is achieved due to the difference in the natural levels and slight excavation of the proposed slab for the bungalow into the rising ground. The difference in levels along with the existing mature boundary hedgerows will mean that the development will have no impact on the landscape and minimal impact on the Conservation Area. This view is supported by the Conservation Manager who raises no objection both to the impact on the Conservation Area and on the setting of Fownhope Court which is Grade II listed.

- 6.5 The difference in levels also ensures that the outlook from the applicant's existing bungalow and objector's property is over the roof of the proposed bungalow. There is also a distance of 25 metres between the existing and proposed properties which is above the general planning standard for window-to-window relationships of 21 metres. Consequently, a satisfactory level of privacy will be maintained for both the existing and proposed properties.
- 6.6 The impact of the development on properties to the west and south can be minimised through requiring the existing boundary hedges to be retained. In terms of the impact on one of the objector's properties, Willow Lodge, there will be no increased overlooking as the garden associated with Willow Lodge is already overlooked by Fownhope Court and The Squirrels. Only pedestrian access is proposed to be provided and therefore there will be no increased disruption as a result of vehicle movements directly to and from the property. Furthermore, appropriate boundary treatments can ensure existing privacy is maintained as a result of the loss of the garage.
- 6.7 The Traffic Manager, whilst acknowledging that the existing access track could not be brought up to an adoptable standard is satisfied that the likely traffic associated with this proposed development can safely be accommodated on the existing access track and access itself without unacceptably compromising highway safety. Also, the proposed parking and manoeuvring space is adequate to serve the existing and proposed properties
- 6.8 The previous application was refused as the proposed cesspool was considered unacceptable for environmental, amenity and transport reasons. It is clear that no acceptable private drainage system can satisfactorily operate on the site to serve the development. The only option available is therefore a connection to the mains drain. An existing private 100mm drain crosses the application site and connects into the mains drain. The drain has capacity to accommodate the development and the applicants now advise that they have a legal right to connect to this private drain and have provided documentation in support of this claim. The immediate neighbour has, however, advised that no such rights exist and therefore further information has been requested from the applicants.
- 6.9 Subject to satisfactory evidence being provided to demonstrate that the applicants have a legal right to utilise the drain, the previous reason for refusal will effectively have been addressed and the application is therefore supported. To safeguard the situation, a condition is also recommended that no above ground works are commenced until such time as foul drainage infrastructure has been installed and is certified as acceptable by Building Control. Subject to this requirement the proposal is considered acceptable.

## RECOMMENDATION

**Subject to further evidence being provided to demonstrate that the development can lawfully be served by mains foul drainage by 4th April, 2007, 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. **E01 (Restriction on hours of working).**

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

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

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

5. **There shall be no vehicular access from the proposed parking as identified on drawing no. 05/442/01A to serve the bungalow.**

**Reason: In order to safeguard the residential amenity of neighbouring properties.**

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

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

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

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

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

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

9. **No above ground works shall commence, with the exception of the construction of the foundation slab of the bungalow hereby permitted until evidence documenting the foul drainage connection to the main sewer has been submitted to and approved in writing by the local planning authority. The development shall thereafter remain connected to the mains sewer in accordance with the approved details.**

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

10. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no cess pool, septic tank or other private sewage treatment package shall be installed.**

**Reason: In order to ensure that the mains drainage connection is retained and to ensure that the drainage arrangements are satisfactory.**

**Informatives:**

1. **N15 - Reason(s) for the Grant of Planning Permission.**

**2. N19 – Avoidance of doubt**

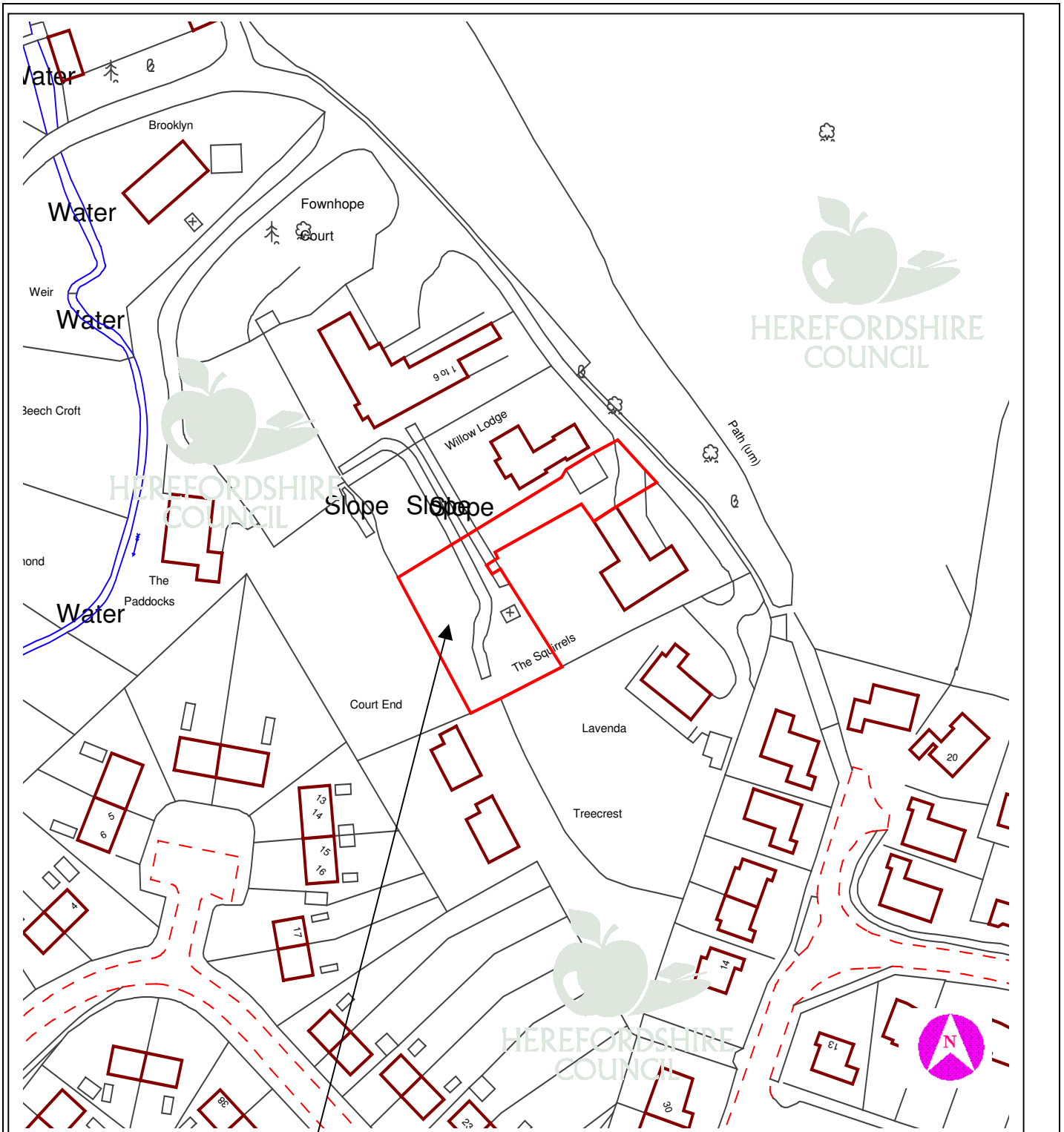
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0553/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land to the rear of The Squirrels, Fownhope, Hereford, Herefordshire, HR1 4PB

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**19 DCCE2007/0619/F - CHANGE OF USE OF 1 NO. HOUSE TO 2 NO. FLATS AND SINGLE STOREY REAR EXTENSION 24 HOLME LACY ROAD, HEREFORD, HR2 6BY**

**For: Mr. S. Ross, 24 Holme Lacy Road, Hereford, HR2 6BY**

**Date Received: 27th February, 2007      Ward: St. Martins & Hinton      Grid Ref: 50836, 38570**

**Expiry Date: 24th April, 2007**

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

**1. Site Description and Proposal**

- 1.1 No. 24 Holme Lacy Road is a two-storey, three-bedroom semi-detached dwelling situated in the Established Residential Area in Hereford.
- 1.2 This application seeks planning permission for the construction of a single-storey extension to the rear and the conversion of the dwelling into 2 no. one-bedroom flats. Off-street parking would be provided to the forecourt area of the property.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

DR1	-	Design
H16	-	Car parking
H17	-	Sub-division of existing housing
H18	-	Alterations and extensions

**3. Planning History**

3.1 None identified.

**4. Consultation Summary**

Statutory Consultations

4.1 Welsh Water: No objection subject to the imposing of standard sewerage conditions.

Internal Council Advice

4.2 Traffic Manager: No objections.

**5. Representations**

5.1 Hereford City Council: Recommend refusal as it is an inappropriate change of use that would be out of keeping with the area.

5.2 Five letters have been received from Mr. & Mrs. Lewis of 21 Broadleys Crescent, Mr. Hancock and Miss Regan of 22 Holme Lacy Road, Mr. Eckersall of 28 Holme Lacy Road, Mr. Oldham of 26 Holme Lacy Road and Mr. Wyatt of 20 Holme Lacy Road. The comments are summarised as follows:

- Flat accommodation is inappropriate to the character of the area;
- Highway safety issues generated by the proposed development;
- Increase noise level.

5.3 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.

## **6. Officers Appraisal**

6.1 The key considerations in the determination of this application are the principle of development, the standard of accommodation, the impact upon the character and amenities of the residential area and the adequacy of parking to serve the new occupiers.

6.2 Policy H17 of the Herefordshire Unitary Development Plan 2007 acknowledges the useful contribution that the conversion of dwelling into small self-contained units can make to the supply of dwellings in the city and as such the proposal is considered broadly acceptable in principle, subject to satisfying detailed criteria.

6.3 Each of the proposed units will compromise a bedroom, dining room, toilet/bathroom and kitchen. It is considered that the standard of accommodation for each unit is acceptable. With regard to the external alterations, the proposed single-storey extension is modest in scale and will be in keeping with the character of the main dwelling.

6.4 In relation to residential amenity, it is noted that the adjoining property at No. 26 has been extended with a single storey flat roof rear extension. This proposed extension would project out in line with the neighbour's extension and as such it would not have an adverse impact on their amenity. The neighbouring property, No. 24 to the west is within close proximity and has a kitchen window in the rear elevation. It is acknowledged that this proposal would affect the extent of light reaching the window, however it is considered that the impact would be minimal and would not be sufficient to warrant refusal.

6.5 Turning further to the parking arrangement on site, it is noted the entire forecourt area has been converted into a parking area. The Traffic Manager raises no objection to this proposal and a condition will be attached to ensure that this area is retained to serve the new occupiers.

6.6 The concerns expressed by Hereford City Council and the representations made by local residents are acknowledged but having regard to the format of the accommodation proposed, the limited impact on residential amenity and the availability of on site car parking, it is considered that the proposal is acceptable and complies with the planning policies.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

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

Reason: To ensure the satisfactory appearance of the development.

- 3 H10 (Parking - single house).

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

**Informatives:**

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

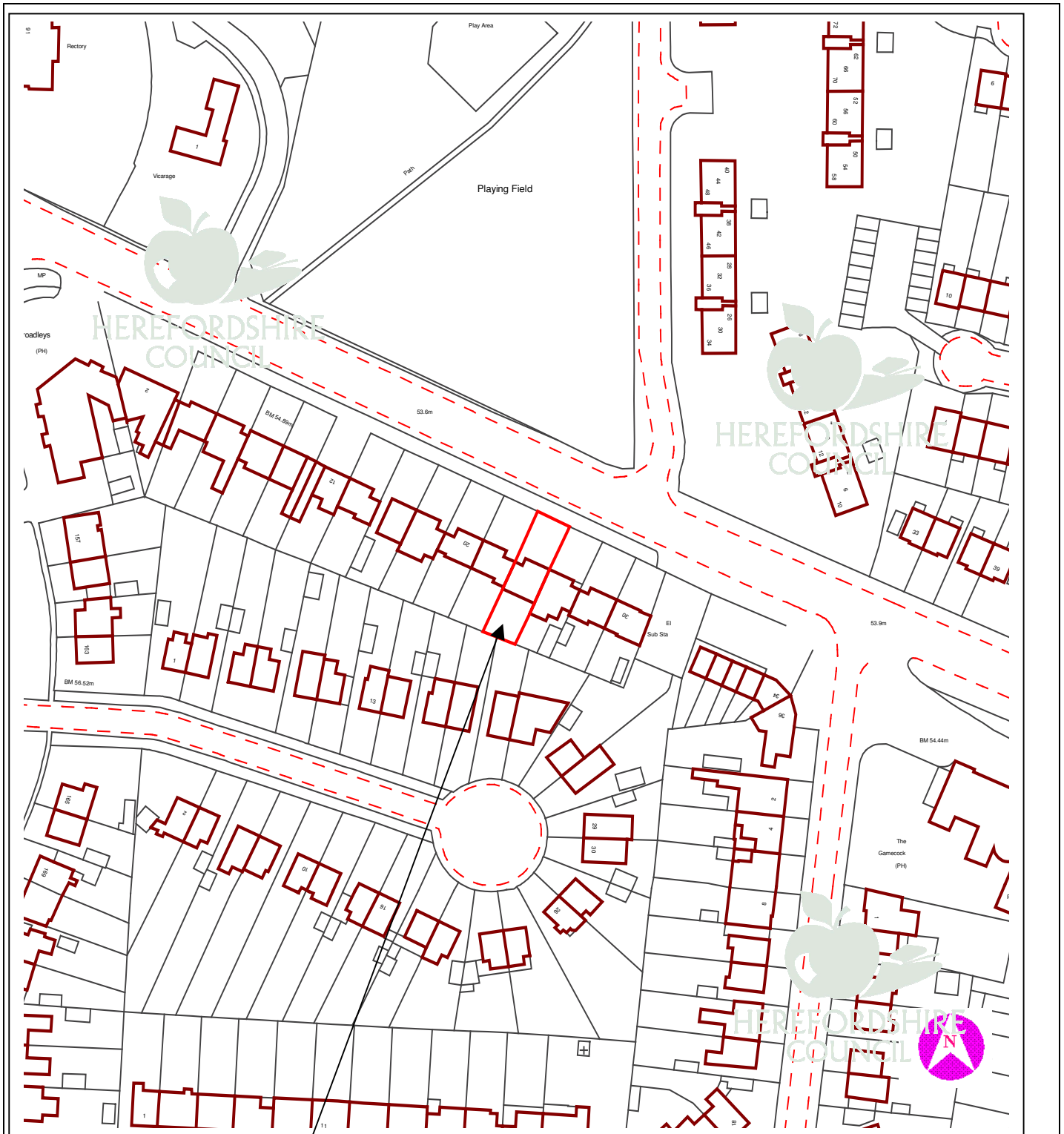
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/0619/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 24 Holme Lacy Road, Hereford, Herefordshire, HR2 6BY

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