

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 6th June, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

*Ben Baugh, Members' Services,
Tel: 01432 261882*

e-mail: bbaugh@herefordshire.gov.uk

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

To: Councillor J.E. Pemberton (Chairman)
Councillor G.A. Powell (Vice-Chairman)

Councillors P.A. Andrews, W.U. Attfield, D.J. Benjamin, A.J.M. Blackshaw, A.C.R. Chappell, S.P.A. Daniels, H. Davies, G.F.M. Dawe, P.J. Edwards, D.W. Greenow, K.S. Guthrie, M.A.F. Hubbard, T.W. Hunt (ex-officio), M.D. Lloyd-Hayes, R.I. Matthews, A.T. Oliver, S.J. Robertson, R.V. Stockton (ex-officio), A.P. Taylor, A.M. Toon, N.L. Vaughan, W.J. Walling, D.B. Wilcox and J.D. Woodward

ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

To note that Councillor J.E. Pemberton was elected Chairman and Councillor G.A. Powell was appointed Vice-Chairman at Annual Council on 25th May, 2007.

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the agenda.

3. MINUTES

To approve and sign the minutes of the meeting held on 25th April, 2007.

4. ITEM FOR INFORMATION - APPEALS

To note the Council's current position in respect of planning appeals for the central area.

APPLICATIONS RECEIVED

To consider and take any appropriate action in respect of the planning applications received for the central area of Herefordshire 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 item 5 was an application that was deferred for a site inspection at the last meeting and the remainder are new applications.

5. DCCE2007/0163/F - 17 WALNEY LANE, HEREFORD, HEREFORDSHIRE, HR1 1JD

Erection of 2 no. detached houses and replacement garage for no. 17 Walney Lane and associated access works.

Ward: **Aylestone**

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6.	DCCE2007/0951/F - SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE	33 - 38
	Replacement dwelling and continued temporary use of existing outbuilding as full residential accommodation. (Alternative siting of approved dwelling under CE2002/1868/F).	
	Ward: Hagley	
7.	DCCE2007/1209/F - 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY	39 - 46
	Residential development together with alterations to 10 Ledbury Road to provide 8 residential units.	
	Ward: Tupsley	
8.	DCCE2007/0609/F - LAND BETWEEN ST JAMES'S ROAD AND HAROLD STREET, HEREFORD, HEREFORDSHIRE, HR1 2QU	47 - 52
	Proposed bungalow.	
	Ward: Tupsley	
9.	DCCE2007/0859/O - LAND ADJACENT TO THE OLD VICARAGE, PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE	53 - 58
	Proposed bungalow for a disabled person.	
	Ward: Hagley	
10.	DCCE2006/1798/O - LAND ADJACENT TO HOLME CROFT, HOLME LACY, HEREFORD, HEREFORDSHIRE, HR2 6LW	59 - 64
	Site for erection of maximum of 5 dwelling units. A resubmission of app. no. DCCE2005/2160/O.	
	Ward: Hollington	
11.	[A] DCCE2007/0642/F AND [B] DCCE2007/0647/L - LAND ADJACENT TO THE SCIENCE BLOCK, THE HEREFORD CATHEDRAL SCHOOL, THE OLD DEANERY, THE CATHEDRAL CLOSE, HEREFORD, HR1 2NG	65 - 72
	New sports hall & alterations to existing science block.	
	Ward: Central	
12.	DCCW2007/1229/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS	73 - 78
	Variation of Condition 8 of Planning Permission DCCW2004/1679/F to allow for dot.com operations on Sundays between the hours of 9.00am and 4.30pm.	
	Ward: Belmont	
13.	DCCW2007/0362/F - HOLMER PARK, CLEEVE ORCHARD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LL	79 - 84
	Proposed change of use of land to car parking.	
	Ward: Burghill, Holmer & Lyde	

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| <p>14. DCCW2007/0960/F - GARAGE SITE TO REAR OF 48-50 HIGHMORE STREET, WESTFIELDS, HEREFORD, HEREFORDSHIRE, HR4 9PQ</p> <p>4 no. two bedroom semi detached starter homes with parking. Demolish existing garaging.</p> <p>Ward: Three Elms</p> | <p>85 - 92</p> |
| <p>15. DCCW2007/1165/F - 17-19 BAGGALLAY STREET, HEREFORD, HEREFORDSHIRE, HR4 0DZ</p> <p>Proposed two storey extension to rear of residential home for the elderly to provide 4 no. single bedrooms.</p> <p>Ward: Three Elms</p> | <p>93 - 98</p> |
| <p>16. DATE OF NEXT MEETING</p> <p>Wednesday 4th July, 2007.</p> | |

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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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, 25th April, 2007 at 2.00 p.m.

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

Councillors: W.U. Attfield, P.J. Edwards, 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, W.J.S. Thomas, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

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

199. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. P.A. Andrews, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, J.G.S. Guthrie and Ms. A.M. Toon.

200. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
J.C. Mayson	Minute 183, Agenda Item 5 DCCE2007/0313/F Land to the Rear of Stokes Stores, Holme Lacy Road, Hereford	Declared a prejudicial interest and left the meeting for the duration of the item.
D.J. Fleet and Mrs. E.A. Taylor	Minutes 191 and 192, Agenda Items 13 and 14 DCCE2007/0283/F and DCCE2007/0286/F Lucksall Caravan Park, Mordiford, Hereford, HR1 4LP	Declared personal interests

201. ITEM FOR INFORMATION - APPEALS

The Minutes of the last meeting were received.

RESOLVED: That the Minutes of the meeting held on 4th April, 2007 be approved as a correct record and signed by the Chairman.

202. [A] DCCE2007/0493/F AND [B] DCCE2007/0495/C - PUBLIC CONVENIENCE AND REFERRAL UNIT, UNION STREET, HEREFORD, HR1 2BT [AGENDA ITEM 5]

Proposed demolition of existing buildings and construction of new building to provide commercial (A3) unit and six residential units above.

The Central Team Leader reported the following:

- The applicants had provided a revised elevation plan to illustrate the impact of the proposal on the windows serving the next door retail unit.
- The recommendation was altered so that conditions 12 to 14 detailed in the report were substituted for standard condition F18 to deal with foul and surface water drainage arrangements.

The Chairman, speaking in his capacity as the Local Ward Member, commented on the difficulty of developing the land without one problem or another given the site constraints.

In response to questions about loss of light to the retail unit to the south, the Central Team Leader advised that commercial properties were not afforded the same level of protection as residential properties. He added that the applicant had agreed to the whitewashing of the wall facing the neighbouring property in order to reflect some natural light into some of the windows.

In response to comments about the potential for disturbance and litter being generated by the proposed restaurant/café, the Central Team Leader advised that an A3 use class had been applied for and this would not permit the sale of takeaway food. He also commented on the shopping frontage policy and advised that the proposal was considered acceptable, particularly as it would enhance the character and appearance of the site and the street scene.

A number of Members felt it regrettable that some loss of light would result from the development but considered that the benefits of the proposal outweighed the disadvantages.

In response to questions, the Central Team Leader: drew attention to the fact that the Environmental Health Manager had no objections subject to conditions; explained the design approach for the frontage and the materials to be used; and advised that a condition could be added to require details of refuse storage to be submitted and approved prior to occupation.

RESOLVED:

DCCE2007/0493/F

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2. No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 3. Before development commences architectural details of window sections, eaves, verges and barge boards at a scale of 1:1 or 1:5 shall be submitted to the local planning authority and approved in writing.**

Reason: To safeguard the character and appearance of this building in the interest of visual amenity.

- 4. Prior to the commencement of development, details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.**

Reason: To safeguard the character and appearance of this building in the interest of visual amenity.

- 5. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To ensure the archaeological interest of the site is recorded.

- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no windows or dormer windows shall at any time be placed in the north and south elevations of the extension hereby permitted.**

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

- 7. Prior to the use or occupation of the studio apartments hereby permitted, and at all times thereafter, the windows marked "X" on the approved plans shall be glazed with obscure glass only and shall be non-opening.**

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

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

Reason: To protect the amenity of local residents.

- 9. A scheme for the ventilation of fumes and odours arising from the use hereby permitted shall be submitted for the approval of the local planning authority and the use shall not be commenced until the approved scheme has been installed and made fully operational, and thereafter it shall be operated and maintained, as long as the use continues.**

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

- 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.

11. Before the development is commenced a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the building[s] hereby permitted.

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

13. Prior to the commencement of the development hereby approved details of the external finish of the south elevation of the building shall be submitted to and approved in writing by the local planning authority. The elevation shall be completed in accordance with the details and thereafter maintained.

Reason: In the interest of the amenities of the neighbouring occupier.

Informatives:

1. The site is within an Area of Archaeological Importance designated under the Ancient Monuments and Archaeological Areas Act 1979. The effects of this are that notice is required of any proposed operations which will disturb the ground. An Operations Notice and accompanying Certificate should be served on Herefordshire Council prior to the commencement of such operations.
2. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
4. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.
5. 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:

- 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

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).

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.

203. DCCW2007/0187/F - HOLMER PARK SPA AND HEALTH CLUB, CLEEVE ORCHARD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LL [AGENDA ITEM 6]

External fire escape staircase from ground floor to first floor (retrospective).

Councillor Mrs. S.J. Robertson, the Local Ward Member, commented on the value of the site inspection that had been held and noted that the Conservation Manager was in discussions with the applicant about a number of issues at the site. However, she expressed concerns that people may congregate on the fire escape staircase and this could lead to health and safety risks and cause noise disturbance. Councillor R.M. Wilson suggested that alarms or break-locks could be installed to prevent non-emergency use of the staircase.

A number of Members commented on the need to mitigate the visual impact of the fire escape staircase and felt that it should be painted a suitable colour.

RESOLVED:

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.

- 2. The fire escape stair hereby approved shall only be used in the event of an emergency.**

Reason: In the interests of protecting the residential amenity of the surrounding locality.

Informatives:

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

204. DCCW2006/3963/F - SHETTON COURT FARM, MANSEL LACY, HEREFORD, HEREFORDSHIRE, HR4 7HP [AGENDA ITEM 7]

Proposed agricultural building for general stock housing and grain store.

The Central Team Leader reported the following:

- Attention was drawn to the need to correct Page 19, paragraph 5.1, fifth line, so that it read '...is probably the ~~last~~ least obtrusive position...'

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

Councillor W.J.S. Thomas, the Local Ward Member, noted the extent of local support for the proposal and did not feel that the development would have a significant impact on the landscape quality of the area.

A number of Members spoke in support of the application and felt that the potential detrimental impact of the development had been overstated, particularly as existing landscaping would provide screening for the building.

The Central Team Leader drew attention to the concerns of the Conservation Manager and noted that alternative sites had been suggested but had been discounted by the applicant. He requested that, should the Sub-Committee be minded to approve the application, officers be delegated to include appropriate conditions on the planning permission to mitigate the impact of the development.

Councillor P.J. Edwards suggested that conditions to control the use of materials, particularly roofing, should be included to lessen the impact of the development.

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to approve the application subject to the following condition and any further conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee:**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2. The whole of the external cladding of the building shall be permanently coloured in accordance with a scheme to be submitted to and agreed in writing by the local planning authority before development commences. The cladding shall be coloured in accordance with the approved details.**

Reason: To minimise the visual impact of the development.

- 3. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping enhancement and maintenance which shall include indications of all existing trees and hedgerows along the boundaries of Field No. 4400, details of any to be retained together with measures for their long term protection and management. The development shall be carried out in accordance with the approved scheme.**

Reason: In order to protect the visual amenity of the site and surrounding countryside.

- 4. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the building approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 5. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority**

and these areas shall thereafter be retained and kept available for those uses at all times.

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

Informatives:

- 1. For the avoidance of any doubt the plans for the development hereby approved are as follows:-**

Site plan received on 2nd November 2006 and drawing no. 5199.

- 2. 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:**

DR1 - Design

DR2 - Land Use and Activity

E13 - Agricultural and Forestry Development

LA2 - Landscape Character and Areas of Least Resilient to Change

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).

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

[Note: Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning Services.]

205. DCCE2007/0283/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HEREFORDSHIRE, HR1 4LP [AGENDA ITEM 8]

Retention of existing pontoon, steps and storage area for max. 30 canoes.

The Central Team Leader reported the following:

- Further letters of support had been received from Barbara Layton and Robert Peers of 9 and 10 Noverwood Drive, Fownhope respectively; both letters commented on the importance of the canoe launch in terms of tourism and leisure activities.
- Attention was drawn to the need to correct Page 23, paragraph 1.1, in that the application did not relate to the provision of a terraced enclosure and this section of the first sentence should be omitted.
- Attention was drawn to the need to correct Page 28, paragraph 6.8, so that the words "and in this way it can be ensured that the traffic generation" were omitted from the fifth and sixth line.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, commented on the

planning history of the site and the significant growth of the business in recent years. She noted that the site was popular and well maintained. However, she expressed concerns about the potential impact on visual and residential amenities. She also questioned the arrangements in respect of storage, parking and access to the river.

Councillor W.J.S. Thomas drew attention to the objections of Holme Lacy Parish Council, to concerns about the retrospective nature of some of the applications relating to this site, and to concerns about access arrangements. He also noted that an existing parking and turning area was being used as a seating area and questioned where visiting groups would park and manoeuvre.

Councillor R.M. Wilson commented that the proposal should mitigate health and safety risks associated with the access to the river but questioned the positioning of the vertical poles that would secure the pontoon and suggested that this be addressed through the conditions.

Councillor Mrs. M.D. Lloyd-Hayes felt it regrettable that this was a retrospective application but noted the importance of river based activities to tourism and the limited number of launching / landing sites along the River Wye.

Councillor D.B. Wilcox suggested that the parking situation could be addressed through the use of Grasscrete or similar grassed paving system.

Councillor Mrs. E.A. Taylor suggested that it would be a good idea for the applicant to review the health and safety of children accessing the river from the park.

Councillor P.J. Edwards asked whether there was a log of movements of people using this site for launching / landing and suggested that this could help to establish appropriate controls.

In response to a number of questions and comments, the Central Team Leader advised that: the area previously used for launching by the park was under separate ownership and, although access to the river could not be controlled, a boundary treatment condition could be included to restrict access to the other site; that details of the parking and turning arrangements could be required through a condition; the structural integrity of the pontoon could be examined; and the purpose of the application was to provide a formalised access to the river for patrons of the park and visiting organisations.

Councillor Mrs. J.E. Pemberton expressed concerns about health and safety risks but noted that access to the river could not be restricted.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. Within one month of the permission hereby granted details of the means of enclosure around the canoe storage area and between the canoe storage area and the River Wye shall be submitted to and approved in writing by the local planning authority. The approved enclosure shall permanently restrict access to the land to the north of the application site and specifically the historic access point and shall be implemented in accordance with the approved details within two months of the date of this permission and retained thereafter.**

Reason: To limit access to the river in the interests of the residential amenity of neighbouring occupiers.

2. Within one month of the date of the permission hereby granted, details of a turning/parking facility for loading and unloading canoes shall be submitted to and approved in writing by the local planning authority. The construction of the approved turning/parking facility shall be carried out within 6 months of this permission and thereafter retained and kept available for this use at all times.

Reason: In the interests of highway safety and to avoid potential impacts on the residential amenity of neighbouring occupiers.

3. Within one month of the date of the permission hereby granted details of the means of fixing the pontoon structure to the river bed/bank shall be submitted to and approved in writing by the local planning authority. The pontoon shall thereafter be operated in accordance with these details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the continued safe use of the pontoon.

4. 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. Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
2. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
3. This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
4. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
5. All protected birds, their nests and eggs are protected by law and it is thus an offence to:
Intentionally kill, injure or take any wild bird
Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
Intentionally take or destroy the egg of any wild bird
Intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a

fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

6. It is an offence for any person to:
 Intentionally kill, injure or take protected bats.
 Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
 Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.
 The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.
7. 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:

- 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

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).

206. DCCE2007/0286/F - LUCKSALL CARAVAN PARK, MORDIFORD, HEREFORD, HEREFORDSHIRE, HR1 4LP [AGENDA ITEM 9]

Improvement to existing vehicular access and re-use of existing reception building and store for office, sales and cafe.

The Central Team Leader reported the following:

- A further letter of support had been received from Barbara Layton of 9 Noverwood Drive, Fownhope; the letter stressed the importance of the proposed café in terms of promoting a high quality tourist attraction.
- The Lead Engineer (Traffic) had advised that, following further consideration of the option of localised speed restrictions in the vicinity of the caravan site and the potential for the section of road between Mordiford and Fownhope to be restricted, there was insufficient evidence to justify a reduction at this time.
- Notwithstanding the lack of justification for speed restrictions, officers considered that the application, by reason of the internal widening of the access, would enhance the safety of the current access arrangements.
- For the purposes of clarity, the Sub-Committee was advised that recommended condition 2 would restrict the use of the building to the times when the caravan site was open; this was understood to be from March - November. It was recommended that the café and shop elements be available to park residents between 0800 and 2300 daily.

In accordance with the criteria for public speaking, Miss Harris spoke in objection to the application and Mr. Jolly spoke in support of the application.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, felt that the highway safety risks had been underestimated. She felt that speed restrictions or, at least, warning signs should be installed along the road to highlight the dangers of slow moving traffic entering and exiting the caravan park. Noting the concerns of the public speaker, Councillor Mrs. Pemberton suggested that the hours of opening of the café element should be restricted.

Councillor D.B. Wilcox, while acknowledging that the revised access arrangements would improve site access to some extent, concurred with the Local Ward Member about the highway safety risks associated with the B4224 and commented on the intensification of activity at the caravan park in recent years. He noted that there were no footpaths along the main road and not even verges in some places. He felt that the applicants should be required to give a commitment that they would contribute to any highway safety measures deemed necessary over the next five years, perhaps for vehicle activated signage. He questioned whether any recent surveys had been undertaken of vehicle and pedestrian movements in the vicinity of the site.

In response to the matters raised by Members, the Central Team Leader advised that: the hours of opening could be controlled by a condition; he was not aware that any detailed counts of vehicle and pedestrian movements had been made; and that a contribution towards potential highway safety measures would not pass the tests of the relevant circular, particularly as the Traffic Manager had not raised any objections to the proposals. The Legal Practice Manager explained the use of Section 106 Agreements and commented that, without concerns being expressed by the Traffic Manager, such a requirement could be difficult to sustain in this instance.

A number of Members felt that consideration of the application should be deferred for further information and detailed appraisal from the Traffic Manager. The Development Control Manager questioned what could be achieved through deferral of the application given that the Traffic Manager had not raised any objections and that the proposed access improvements could be lost if the application was not

supported. He suggested that Members' concerns about the B4224 could be reported to the Traffic Manager separately. The Chairman noted that the revised access arrangements would improve the existing situation and that this particular application would not generate significant levels of additional traffic in itself.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

2. **The reception building and the business known as Lucksall Caravan and Camping Park shall not be sold separately from each other.**

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate commercial use in this location and to comply with Policies DR2 and E11 of the Herefordshire Unitary Development Plan 2007.

3. **The premises shall not be used for the sale of food for consumption off the premises known as Lucksall Caravan and Camping Park.**

Reason: To prevent use of the premises for purposes other than for the benefit of patrons and other users of the site, to protect residential amenity and to comply with Policy DR2 of the Herefordshire Unitary Development Plan 2007.

4. **No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.**

Reason: In order to protect the visual amenities of the area and to comply with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

5. **All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.**

Reason: In order to protect the visual amenities of the area, and to comply with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

6. No amplified music shall be played in or at the building subject of this application.

Reason: To protect the amenities of neighbouring occupiers.

7. The cafe use shall not be open to customers outside the hours of 0800 - 2000 hours on any day.

Reason: To protect the amenity of neighbouring occupiers and to comply with Policy DR2 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1. Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
2. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
3. This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
4. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
5. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), Thorn Business Park, Rotherwas, Hereford, HR2 6JT Tel: 01432-260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
6. All protected birds, their nests and eggs are protected by law and it is thus an offence to:
Intentionally kill, injure or take any wild bird
Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
Intentionally take or destroy the egg of any wild bird
Intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being

built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

7. It is an offence for any person to:
 Intentionally kill, injure or take protected bats.
 Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
 Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.

8. 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:

- 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

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).

207. DCCE2007/0619/F - 24 HOLME LACY ROAD, HEREFORD, HR2 6BY [AGENDA ITEM 10]

Change of use of 1 no. house to 2 no. flats and single storey rear extension.

Councillor Mrs. W.U. Attfield, a Local Ward Member, noted the need to improve the supply of dwellings in the city but felt that this proposed conversion was inappropriate to the character of the area. She also commented on local concerns

regarding highway safety.

The Development Control Manager advised that some local plans restricted the conversions of single dwellings into flats in certain areas but this was not the case with the Herefordshire Unitary Development Plan. Therefore, it could be difficult to sustain a refusal reason based on the impact of a conversion on the character of the area. He also advised that the Traffic Manager had no objections, subject to a condition.

Some Members felt that the proposal would be an overdevelopment of the site which would have a detrimental impact on residential amenities.

In response to a question, the Development Control Manager advised that, although the applicant had previously suggested that a 'granny annexe' type development was being sought, the form of development had not been revised and the application should be determined on its own merits. The Central Team Leader added that a similar conversion was permitted in Walnut Tree Avenue and, while this did not set a precedent, a Planning Inspector might criticise the authority for inconsistency.

Councillor P.J. Edward suggested that condition F39 (Scheme of refuse storage) should be included in any planning permission granted.

Noting the concerns of Members, the Development Control Manager said that he would raise the issue of conversions and the potential for areas of restraint with the relevant officer working group.

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. 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.

- 4. F39 (scheme of refuse storage)**

Reason: In the interests of amenity.

Informatives:

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

208. DCCE2007/0624/A - STIRLINGS SUZUKI, CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BT [AGENDA ITEM 11]

Four internally illuminated fascia panels and one internally illuminated totem pole sign.

Councillor W.J.S. Thomas, the Local Ward Member, commented on the intrusive light pollution generated by the car dealerships in this sensitive rural location and noted the concerns of the parish council and local residents. Given these considerations, he felt that the application should be refused.

The Principal Planning Officer outlined the existing lighting arrangements at the dealerships and advised that a judgement had to be made on whether this particular proposal would cause further harm which could be differentiated from existing authorised development.

A number of Members supported the views of the Local Ward Member and questioned the need for the night time illumination of the dealerships when closed, especially given environmental concerns.

The Central Team Leader advised that there was no control over hours of illumination of the dealerships at present but suggested that a condition in relation to this specific proposal could be included if planning permission was granted.

Councillor Thomas maintained that the proposal was unacceptable and expressed concern that the fascia panels and totem pole would result in additional harm being caused to the amenities of the locality.

RESOLVED:

That

- (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
 - 1. The proposed internally illuminated fascia panels and totem pole sign would particularly by reason of the combined extent of illumination and external colour finishes detract from the visual amenity of this isolated rural location contrary to Policy HBA11 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 officers' recommendation, he was not minded to refer the matter to the Head of Planning Services.]

209. DCCE2007/0594/F - BROOKLYN TOYOTA, ROSS ROAD, CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BT [AGENDA ITEM 12]

Erection of 4 no. new 6m high steel lighting columns, each fitted with vertical louvres

– *retrospective.*

Councillor W.J.S. Thomas, the Local Ward Member, commented that the light from the columns was not confined to the site and caused significant light pollution which intruded into the residential amenity of local residents. He also felt that the use of lighting throughout the night and early morning in this location was unnecessary.

RESOLVED:

That

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

- 1. The external lighting as proposed would individually and cumulatively detract from the visual amenity and character of the surrounding countryside contrary to Policies DR14 and LA2 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 officers' 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.]

210. DCCE2007/0571/F - LAND NEAR TO WHITETHORN WOOD [WHITETHORN FARM], CAREY, HOARWITHY, HEREFORDSHIRE, HR2 6NG [AGENDA ITEM 13]

Proposed extension to barn.

The Central Team Leader reported the following:

- A letter of objection had been received from DPDS, the agent acting on behalf of objectors; the contents of the letter were summarised and included concerns about the recent planning history, the cumulative impact on the landscape, noise disturbance and visual impact. The agent asked for a condition which imposed maximum noise levels at the boundary of the site and suggested that the application should be withdrawn from this meeting.
- The Environmental Health Manager had advised that the proposal was unlikely to have any significant detrimental effect on noise levels experienced at neighbouring properties and therefore had no objection to the application.
- An additional letter had been received from the applicant's agent; it was suggested that the recommended noise condition was unnecessary.
- In response to the comments made by the agents, officers considered condition 3 relating to noise to be reasonable and necessary. It was noted that it only related to the development applied for.

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

Councillor W.J.S. Thomas, a Local Ward Member, commented that the location of the site was such that noise carried easily to neighbouring residential properties and he felt that further development should not cause any additional disturbance to local residents. He noted that condition 3 would provide the necessary controls and suggested that measurements be taken from nearby properties so that the sound levels generated were assessed properly.

RESOLVED:

That planning permission be approved subject to the following conditions:

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

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

2. **B02 (Matching external materials (extension)).**

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

3. **F02 (Scheme of measures for controlling noise).**

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

Informatives:

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

2. **N19 - Avoidance of doubt.**

211. DCCE2007/0163/F - 17 WALNEY LANE, HEREFORD, HEREFORDSHIRE, HR1 1JD [AGENDA ITEM 14]

Erection of 2 no. detached houses and replacement garage for no. 17 Walney Lane and associated access works.

The Central Team Leader reported the following:

- A further letter of objection had been received from Mr. Stanbridge, an adjacent landowner; the contents of the letter were summarised and included concerns about overlooking, overshadowing and impact on the character and appearance of the area.
- A further letter of comment had been received from Mr. Speight; the contents of the letter were summarised and included concerns about the widened access being used for parking.
- The Building Control Manager confirmed that, based upon the technical information provided, the proposed non-mains drainage system would provide an acceptable drainage solution if the mains drain was not developed.
- Welsh Water had confirmed that work would commence on the new mains drain in July/August 2007.
- The plans had been amended to ensure that the only windows at first floor on the north elevation of the property were either to be obscure glazed or angled away from existing residences.

Councillor D.B. Wilcox, a Local Ward Member, noted local residents' concerns about potential over development, impact on residential amenity, impact on the character of the lane, proximity to the Conservation Area, and access implications. Given these considerations, he felt that the Sub-Committee would benefit from a site inspection. Councillor A.L. Williams, the other Local Ward Member, supported this motion.

In accordance with the criteria for public speaking, Mr. Boddington had registered to speak in objection to the application but decided to defer his opportunity to speak until the application was next considered by the Sub-Committee following the site inspection.

RESOLVED:

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

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

212. DATE OF NEXT MEETING

6th June, 2007

The meeting ended at 5.10 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCCE2006/3982/F**

- The appeal was received on 18th April, 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 Mr. T. Smith.
- The site is located at Plot Adjacent to 'Stoneleigh' formerly 'Rowberry', Lugwardine, Hereford HR1 4DS.
- The development proposed is a proposed new dwelling (retrospective). Revised siting from approval DCCE2005/3180/F.
- The appeal is to be heard by Written Representations

Case Officer: Adam Sheppard on 01432 261961

Enforcement Notice EN2005/0020/ZZ

- The appeal was received on 14th May, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. I.C. Joseph.
- The site is located at Lower Lyde (Parcel 7209), Herefordshire, HR1 3AS.
- The breach of planning control alleged in this notice is:
Without planning permission, change of use of the land from agriculture to a mixed use for agriculture and the siting of one static caravan for residential purpose and the storage of another caravan on the land.
- The requirements of the notice are:
 - i) *Remove the caravans from the land.*
 - ii) *Remove all materials that arise from the removal of the caravans.*
- The appeal is to be heard by Written Representations.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCW2007/0229/F

- The appeal was received on 14th May, 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 Mr. N.F. Cable.
- The site is located at The Roods, Marden, Hereford, Herefordshire, HR1 3EW.
- The development proposed is Demolition of existing cottage and erection of 3 two bedroom houses and two 3 bedroom houses with parking facilities.
- The appeal is to be heard by Written Representations.

Case Officer: Simon Withers on 01432 260756

Application No. DCCE2007/0443/F

- The appeal was received on 15th May, 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 Rileys Ltd.
- The site is located at Rileys Snooker & Pool Club @ (Former) Job Centre, Bath Street, Hereford, Herefordshire, HR1 2LG.
- The development proposed is Variation to condition 3 of DCCE2006/2739/F - to extend opening hours from 11pm to midnight.
- The appeal is to be heard by Hearing.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCW2007/0395/F

- The appeal was received on 16th May, 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 Mr. H.D. Johnson.
- The site is located at Land adjoining Meadow End and Daren View, Bishopstone, Herefordshire.
- The development proposed is Erection of single storey dwelling and single detached garage.
- The appeal is to be heard by Hearing.

Case Officer: Kevin Bishop on 01432 261946

Enforcement Notice EN2007/0003/ZZ

- The appeal was received on 14th May, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by S. & A. Davies.
- The site is located at Brook Farm, Marden, Herefordshire.
- The breach of planning control alleged in this notice is "The proposed is considered unacceptable due to its visual impact on the landscape quality of the area and in particular the impact on the setting of the village of Marden. Accordingly the development is contrary to Policies S2, S7, DR1, DR2, DR4, DR13, E6, E10, E13, LA2 and LA3 of the Herefordshire Development Plan and the main objectives of PPS7 'Sustainable Development in Rural Areas'"
- The requirements of the notice are:
 1. Remove all framework including all equipment and material associated with growing of soft fruit by the tabletop method as referred to in paragraph 3 above.
 2. Return the land to its condition prior to the unauthorized development.
- The appeal is to be heard by Inquiry.

Case Officer: Kevin Bishop on 01432 261946

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

5 DCCE2007/0163/F - ERECTION OF 2 NO. DETACHED HOUSES AND REPLACEMENT GARAGE FOR NO. 17 WALNEY LANE AND ASSOCIATED ACCESS WORKS. 17 WALNEY LANE, HEREFORD, HEREFORDSHIRE, HR1 1JD

For: Arena Estates Ltd, per Mr. S.R.B. Bell, Stephen R. Bell Design, 173 Lower High Street, Stourbridge, West Midlands, DY8 1TG

Date Received: 17th January, 2007 Ward: Aylestone Grid Ref: 52369, 41133

Expiry Date: 14th March, 2007

Local Members: Councillors N.L. Vaughan and D.B. Wilcox

This application was deferred at the Central Area Planning Sub-Committee Meeting on 25th April, 2007 to enable members to conduct a site visit. The report has also been updated.

1. Site Description and Proposal

1.1 The site is accessed off Walney Lane (unclassified road 80225) which enters onto the A465 (Aylestone Hill) opposite the junction with Overbury Road. 17 Walney Lane is a detached painted render villa style property under a hipped slate roof located relatively centrally within the site. Immediately to the north is a two storey coach house building used as garaging at ground floor with storage above. The majority of the western boundary of the site backs onto the rear gardens of properties fronting Aylestone Hill. Either side of the existing access off Walney Lane are two detached properties whilst the north western boundary borders agricultural land. A new detached dwelling is currently under construction immediately north of the site. With the exception of a lawn in front (east) of the existing property, the remainder of the site including the boundaries comprise mature trees, shrubs and hedges. Ground levels fall relatively steeply into the site from Walney Lane from south to north and to a lesser extent from west to east.

1.2 The site lies within an Established Settlement Boundary as identified in the Herefordshire Unitary Development Plan. The boundary of Aylestone Conservation Area falls 50 metres west of the site and the property near the entrance to the site on the southern side of Walney Lane is Grade II Listed. All the trees within the site are now also protected by a group Tree Preservation Order.

1.3 Planning permission is sought for the demolition of the existing detached garage/outbuilding and construction of one detached 5 bedroom and one detached 4-bedroom dwelling, each with a double garage along with a further replacement garage for the existing dwelling. Alterations to the junction between Walney Lane and Aylestone Hill are also proposed comprising the widening of the existing access to 5.5 metres for a distance of 22 metres and re-positioning of the existing access to the site to create a turning head/passing place. The application has been amended and a further consultation exercise undertaken. This report is based upon the amended plans.

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
DR4	-	Environment
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
T8	-	Road Hierarchy
T11	-	Parking provision
HBA6	-	New development within conservation areas
HBA8	-	Locally important buildings
HBA9	-	Protection of open areas and green spaces
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
CF2	-	Foul drainage

3. Planning History

- 3.1 CE2006/2829/F – Erection of 3 detached houses and replacement garage for 17 Walney Lane, associated access works and proposed passing place. Application withdrawn 12th 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.

Welsh Water has served the Statutory Notices under the Water Industry Act 1991 to construct a new sewer. Subject to no objection from the landowners, work should commence on the new sewer in July/August 2007.

Internal Council Advice (Comments relate to the amended plans)

- 4.2 Traffic Manager: The amended proposal for 17 Walney Lane now reduces the number of additional properties to two, and therefore the additional traffic by a third. Therefore the overall impact on Walney Lane is lessened from the earlier scheme. Also improvements are proposed in the provision of the turning bay combined with the revised access to No 17 and the widening of the initial length of Walney Lane from Aylestone Hill for around 50m.

In view of the fact that the proposed passing bay (fronting Nos 5 and 9 Walney Lane and the access to 88 Aylestone Hill) is located only around 25m from the widening

which is now proposed along the full Walney Lane frontage of 84 Aylestone Hill, the passing bay would provide negligible benefit and I therefore do not consider it necessary.

Overall I consider that with the reduction in number of additional properties and the improvements proposed to Walney Lane the proposals (without the passing bay) would provide a satisfactory access for the two additional properties.

- 4.3 Conservation Manager: The existing Victorian villa is a reasonable example of its type and worthy of retention. The landscaped setting to this house is particularly important although there has been some growth of self-seeded trees, which are not particularly beneficial. The proposals respect the setting of the villa and its grounds. This is an enhancement of the previous scheme and we recommend approval.
- 4.4 Landscape Officer/Arboriculturalist: There are trees to be removed that are the subject of a TPO and whilst their removal would be contrary to policy we would not raise an objection subject to appropriate replacement trees being planted. All the trees protected by the TPO meet the criteria for protection based on an assessment of their amenity value. We therefore have no objection to the amended proposal subject to conditions requiring a detailed landscaping scheme to be submitted addressing both hard and soft landscaping and protection of the trees to be retained.
- 4.5 Senior Building Control Surveyor: The additional information provided by Polypipe appears to represent a workable solution in principle should a non-mains drainage system be necessary.

5. Representations

- 5.1 Hereford City Council: While the City Council has no objections to the building they wish to insure that there is a condition that there is a connection from this building to the main sewer.
- 5.2 Conservation Advisory Panel: Trees are an important aspect of this development, sensitive density and there are drainage problems in the area to be resolved.
- 5.3 12 letters of objection were received in response to the original submission. A further 9 letters of objection have been received in response to the amended plans. The main points raised are:
1. Walney Lane is a pleasant country lane well used by walkers to access Lugg Meadows. Any alterations will completely change the character of the lane and increase the volume and speed of traffic to the detriment of highway and pedestrian safety.
 2. Walney Lane has no footpaths.
 3. Visibility on Walney Lane is severely restricted.
 4. Some of the proposed passing places are on private property.
 5. The increase in traffic generated by the proposal would be to the detriment of amenity of existing occupiers and safety of pedestrians.
 6. The proposals would represent an overdevelopment of the site.
 7. The design of the development is crass and will be unduly prominent in the landscape
 8. The Environment Agency because of poor results from percolation tests have issued a refusal to the right to discharge from septic tanks. Effluent and

- soakaways currently a ponds on the surface resulting in obnoxious smells both within and around the application site.
9. The development will result in a loss of amenity through overshadowing and overlooking of neighbouring properties
 10. All windows facing neighbouring properties should be obscured and plot 2 re-orientated.
 11. Discharges from existing septic tanks currently gravitate across the site of the proposed dwellings.
 12. All new properties must be required to connect to the proposed new public sewer.
 13. We are concerned with the likelihood of serious ground slippage between Nos. 15 and 17 as a result of the proposed works and tree removal. If permission is approved a new retaining wall along the boundary will be required.
 14. There will be considerable noise and disruption particularly during construction.
 15. There will be considerable environmental damage and subsequent loss of wildlife through the removal of a trees and hedgerow.
 16. Bats, badgers and barns owls have been sighted area
 17. The development is contrary to CTC6 of the Structure Plan which requires Aylestone Hill/Tupsley Ridge to be protected as a significant landscape feature.
 18. The development is contrary to policy DR4 of the UDP as it fails to protect biodiversity and significantly damages landscape character.
 19. If permission is approved all vehicles associated with the construction should be parked within the site.
 20. The widening of Walney Lane will impact upon an historic stone wall which is not identified on the plans
 21. The development will adversely affect the trees which are now protected by Tree Preservation Order.
 22. The existing house should remain as a single dwelling.
 23. The deletion of one dwelling is welcomed
 24. The widened section of Walney Lane should include measures to prevent indiscriminate parking.
- 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 plans have been amended to address concerns expressed by consultees and objectors. The amendments are a reduction in the number of dwellings from three to two, re-design, re-siting and re-orientation of the proposed properties and garages and re-alignment of the access and access road into the site. Following further comments from the Traffic Manager, the proposed passing place is now also no longer required. This report assesses the development based upon the amended proposals.
- 6.2 The site falls within the settlement boundary as identified in the adopted Unitary Development Plan where the principle of new residential development is acceptable. The site is also relatively large and can accommodate a modest residential development without compromising the residential and landscape character of the area. The principles are therefore considered acceptable.
- 6.3 Sufficient space exists within the site to accommodate the two properties of the size now proposed with commensurate garden, vehicle parking and manoeuvring areas. The scale and mass of the dwellings are large but the general scale and character of existing properties within the locality including the existing property on site are large

and are set within relatively spacious plots and therefore the scale and density is not considered unacceptable. Two different designs are proposed incorporating gables and dormer features with different ridge heights, which assists in diluting the scale of the properties.

- 6.4 The siting has largely been dictated by the position and canopy spread of the protected trees to be retained. This however, achieves a more interesting layout and form whilst respecting the open setting of the existing dwellings to the east. The deletion of the dwelling proposed nearer the entrance to the site is also welcomed and ensures that the undeveloped tree lined approach to the site is retained. Elsewhere, all existing mature trees worthy of retention, which are now protected by Tree Preservation Order, are to be retained and the amended plans reflect this. The layout, scale and design of the proposed properties and associated garaging are therefore considered acceptable and will safeguard the landscape character of the site.
- 6.5 The immediate neighbours have objected on the grounds of a loss of privacy through overlooking and overshadowing. The properties are relatively close to the northern and western boundaries and there will be the opportunity for some additional overlooking of gardens. However, the length of gardens and distances between existing and proposed properties to the east is considered acceptable to safeguard a satisfactory level of amenity and to the west, and the juxtaposition of the existing and proposed dwellings and existing trees to be retained will again, not result in any unacceptable loss of amenity. The only windows in the northern elevation of plot 2 serve non-habitable rooms and will be obscure glazed.
- 6.6 The existing access off Walney Lane is to be widened with the provision of new timber access gates leading to a new gravelled access road running to the rear (west) of the existing dwelling. The amended plans re-position the access to safeguard the mature Sycamore tree on the boundary of the site. The first seven metres of the access will also form part of the highway and be available for use as a turning head.
- 6.7 Walney Lane itself is a single width unclassified road with no existing passing places serving approximately 15 properties. The mouth of the junction is to be widened to 5.5 metres to enable vehicles to enter and exit Walney Lane simultaneously, which is not currently possible. The Traffic Manager no longer considers the passing place is necessary and this has therefore been deleted from the proposals.
- 6.8 There will inevitably be some disruption if permission is approved both during the construction phase and also through increased vehicle movements to and from the site after occupation. However, it is not considered that the character of the lane as a 'green lane' will be materially changed even with the works proposed as it will still remain predominantly single width with mature hedges and stone walling forming the highway boundary. Furthermore, the alterations are also considered acceptable given the improvement to highway safety that will result.
- 6.9 The applicants propose a treatment plant foul drainage system with final discharge via a raised soakaway within the confines of the site. The Building Control Surveyor has confirmed, following receipt of technical data that this system will work on site. Welsh Water are also scheduled to commence the installation of a new foul drain in July/August this year which will have capacity to accommodate the proposed development. In light of this, a condition is recommended that prevents the dwellings from being occupied until an appropriate drainage connection is made supported by

evidence in the form of a Building Control Notice to demonstrate the system is operational and acceptable.

6.10 Therefore, subject to minor changes detailed above, the development is considered acceptable.

RECOMMENDATION:

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **The works relating to the widened access off the junction between Aylestone Hill and Walney Lane shall be completed in accordance with the approved plans to be submitted under condition 15 prior to any other work commencing on the site for the proposed dwellings hereby permitted.**

Reason: In the interests of highway and pedestrian safety.

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

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

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

Reason: To protect the amenity of local residents.

6. **G01 (Details of boundary treatments including retaining walls).**

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

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

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

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

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

9. **G18 (Protection of trees).**

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

10. **G21 (Excavations beneath tree canopy).**

Reason: To prevent the unnecessary damage to or loss of trees.

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. The dwellings hereby permitted shall not be occupied until evidence documenting the foul drainage connection to the mains sewer has been submitted and approved in writing by the local planning authority OR details of the proposed private drainage system have been submitted and approved by the local planning authority and certified as operational by the Council.

Reason: To ensure satisfactory drainage arrangements are provided.

14. H5 (Access gates).

Reason: In the interests of highway safety.

15. H17 (Junction improvements/off site works to include signage to prevent indiscriminate parking).

Reason: To ensure the safe and free flow of traffic on the highway.

16. H6 (Vehicular access construction).

Reason: In the interests of highway safety.

Informatives:

1. N15 - Reason(s) for the Grant of PP/LBC/CAC.
2. N19 - Avoidance of doubt.
3. HN1 – Mud on highway.
4. HN5 – Works within the highway.
5. HN7 – Section 278 Agreement.
6. HN8 – Section 38 Agreement details.
7. HN21 – Extraordinary maintenance.

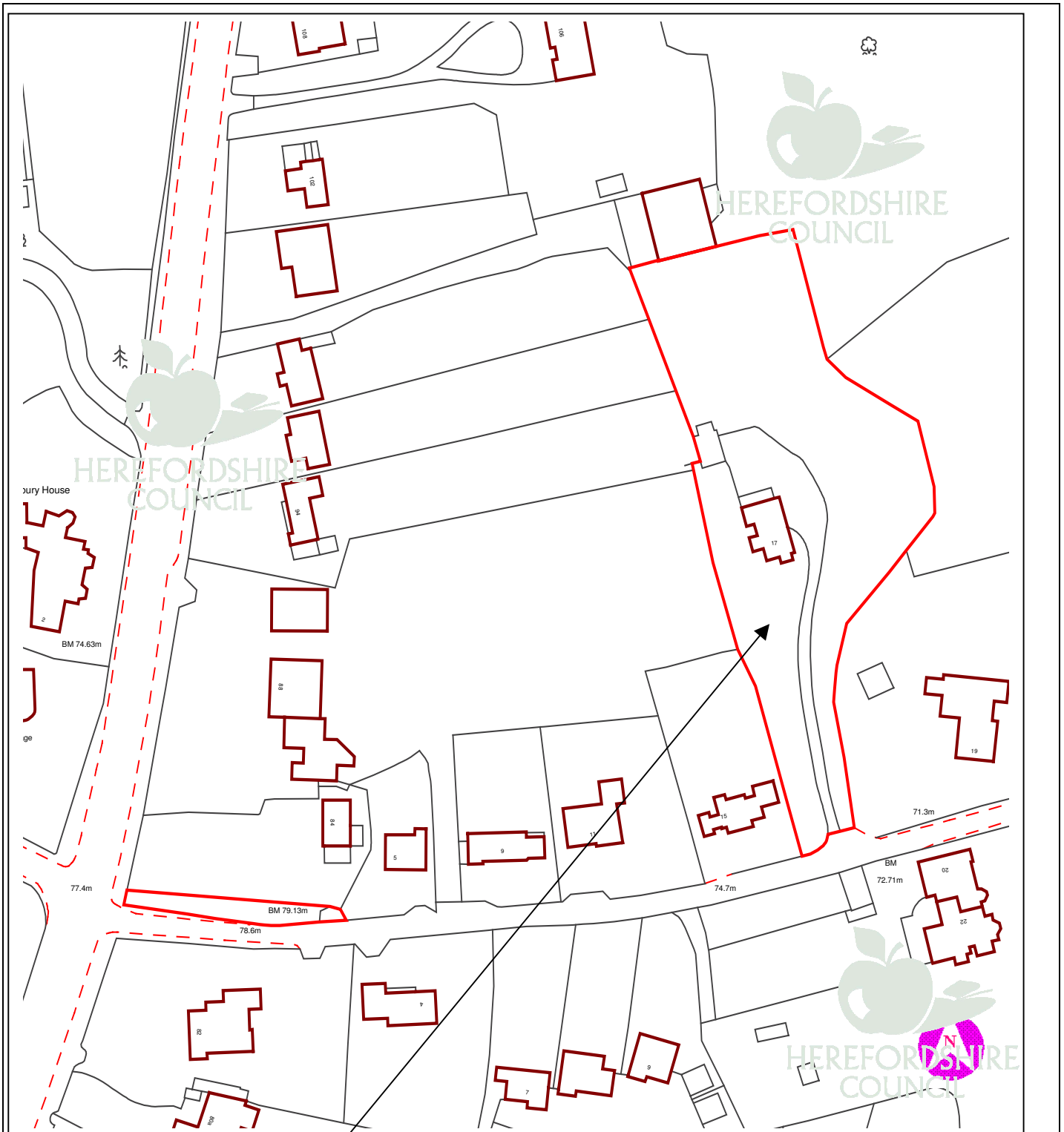
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0163/F

SCALE : 1 : 1250

SITE ADDRESS : 17 Walney Lane, Hereford, Herefordshire, HR1 1JD

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6 DCCE2007/0951/F - REPLACEMENT DWELLING AND CONTINUED TEMPORARY USE OF EXISTING OUTBUILDING AS FULL RESIDENTIAL ACCOMMODATION. (ALTERNATIVE SITING OF APPROVED DWELLING UNDER CE2002/1868/F). SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE

For: Mr. A. Gregory, per Mr. P.H. Bainbridge, Stone Cottage, Duke Street, Withington, Hereford, HR1 3QD

Date Received: 23rd March, 2007

Ward: Hagley

Grid Ref: 56367, 42370

Expiry Date: 18th May, 2007

Local Member: Councillor D.W. Greenow

1. Site Description and Proposal

- 1.1 The site is located on the western side of the C1130 road which links Withington to Bartestree, south west of Whitestone Business Park. The site is an agricultural field bounded to the south by the railway line. The remainder of the site remains relatively open with the exception of boundary hedgerows and trees. The applicants existing property lies on the southern edge of the site adjacent to the railway line and is served by a vehicular access completed approximately 2 years ago. The site falls outside of the settlement of Withington as identified in the Herefordshire Unitary Development Plan 2007 and therefore falls within the open countryside.
- 1.2 Planning permission was approved on the 23rd August, 2002 for a replacement dwelling and temporary use of existing outbuilding (with added conservatory) as residential accommodation incorporating a new vehicular access. The vehicular access has been constructed and the pre-commencement conditions have been discharged therefore the planning permission has been lawfully implemented and remains extant. Planning permission is sought for the resiting of the approved replacement dwelling from a site adjacent (35 metres) west of the C1130 to a new site 160 metres west of the C1130 within the adjoining agricultural field. The existing track would be extended to provide vehicular access to the site and foul drainage via a septic tank and reed bed system. The application has been brought to Committee for a determination as a result of a request from the former ward member.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

- | | | |
|-----|---|--|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| S7 | - | Natural and historic heritage |
| DR1 | - | Design |
| H7 | - | Housing in the countryside outside settlements |

H13	-	Sustainable residential design
LA2	-	Landscape character and areas least resilient to change
T3	-	Protection and development of the rail network
T1	-	Public transport facilities

3. Planning History

3.1 None on site but development history on adjoining site:

CE2002/1868/F - Replacement dwelling and temporary use of existing outbuilding (with added conservatory) as full residential accommodation. Planning permission approved 23rd August, 2002.

4. Consultation Summary

Statutory Consultations

4.1 Network Rail: No objection.

Internal Council Advice

4.2 Traffic Manager: No objection.

5. Representations

5.1 Lugwardine Parish Council: No adverse comments.

5.2 Withington Parish Council: Withington Parish Council has considerable sympathy with the applicant and the dilemma he's faced with through Herefordshire Council's proposal to earmark land for a park and ride station. The Parish Council is opposed to the idea of re-opening the station and it does not consider the scheme to be of realistic benefit.

In this unusual situation it does not believe allowing the applicant to move the existing planning application onto agricultural land would be setting a precedent.

The Parish Council is aware that a number of people living near the proposed development have concerns, which they have communicated to Herefordshire Council. Although the development is within Barthestree Council's area, Withington Parish Council encourages the Planning Department to give due consideration to submissions from Withington residents.

5.3 One letter of objection has been received from Peter Foster, Sunnyside, Whitestone. The main points raised are:

1. Some weeks ago the property was advertised for auction and the land subject of this application was described as pasture land. It should not therefore be possible to be used for building development.
2. The land is prone to flooding in wet weather due to a high water table with many areas of the site during heavy rain being underwater.
3. When planning permission was given in 2002 it was for a replacement dwelling within a fenced area with the requirement that the existing dwelling be demolished within 3 months of completion therefore leaving only the one dwelling on site.

4. On the revised plan the existing dwelling is to remain as ancillary accommodation thereby resulting in two dwellings on site.
 5. In the recent election campaign, the case was made that we should strive to maintain the character of our rural setting.
- 5.4 A further letter from J and A Allen, Railway House, Whitestone has been received, the main points raised are:
1. We have no objection to the development even though it is in the middle of pasture land. We do however object to the existing dwelling being retained for any form of residential accommodation.
- 5.5 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 of the approved dwelling and site of the proposed dwelling submitted under this application fall within the open countryside where there is a presumption against any new residential development. One exception permitted under Policy H7 of the Herefordshire Unitary Development Plan 2007 is a replacement of an existing dwelling with established residential use rights. However, this policy requires that the replacement dwelling be on the same site as the existing building. The proposed site for the dwelling is 125 metres (410 feet) away from the site of the permitted replacement dwelling. The proposal therefore fails to satisfy the requirements of Policy H7 of the Herefordshire Unitary Development Plan 2007 and is therefore unacceptable for this reason alone.
- 6.2 The proposed site for the replacement dwelling is within an agricultural field with no residential development in the immediate locality. The site is very exposed within the landscape and would not appear integrated with any other built development. Policy LA2 of the Herefordshire Unitary Development Plan 2007 requires proposals to demonstrate that landscape character has influenced the location of the development. In this instance, the introduction of the new residential use with the associated ancillary residential development such as garages, hardstanding, fences, sheds, greenhouses, washing lines etc will significantly detract from the character and appearance of the landscape contrary to Policy LA2.
- 6.3 The applicants reasoning for wishing to re-site the dwelling is due to the land allocated south of the railway line as a possible passenger railway station and park and ride area. If implemented, the proposed rail station and park and ride would inevitably generate some additional vehicle movements and potential noise. However, the approved site for the dwelling is 50 metres away from the edge of the proposed site for the railway station and divided by the railway line and some mature trees and vegetation, which provides screening. In terms of noise, there is already a high degree of background noise emanating from both the railway line and the adjacent C1130 road and Whitestone Business Park beyond. Therefore, it is not considered that the amenity of the occupants of the approved dwelling would be harmed to such an extent as to warrant supporting this application, which is clearly contrary to Development Plan policies.
- 6.4 The supporting information indicates that the applicant is seeking to sell the property with planning permission but advises that the rail station allocation in the UDP is

affecting the saleability of the land and/or the price that can be obtained. This ultimately is not a material planning consideration. Furthermore, the proposals to allocate the land for a railway station and park and ride were in the public domain prior to the applicant obtaining planning permission in 2002 for the current siting of the dwelling.

6.5 Therefore, there are not considered to be any other material planning considerations to warrant approving a development which is contrary to a number of adopted Unitary Development Plan policies.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed site for the dwelling is not on the same site as the existing dwelling (now demolished) and therefore, the development is contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007.**
- 2. The site occupies an exposed location within the open countryside and the proposed development would detract from the landscape character of the area. As such the development is contrary to Policies S1, S2, S7, DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.**

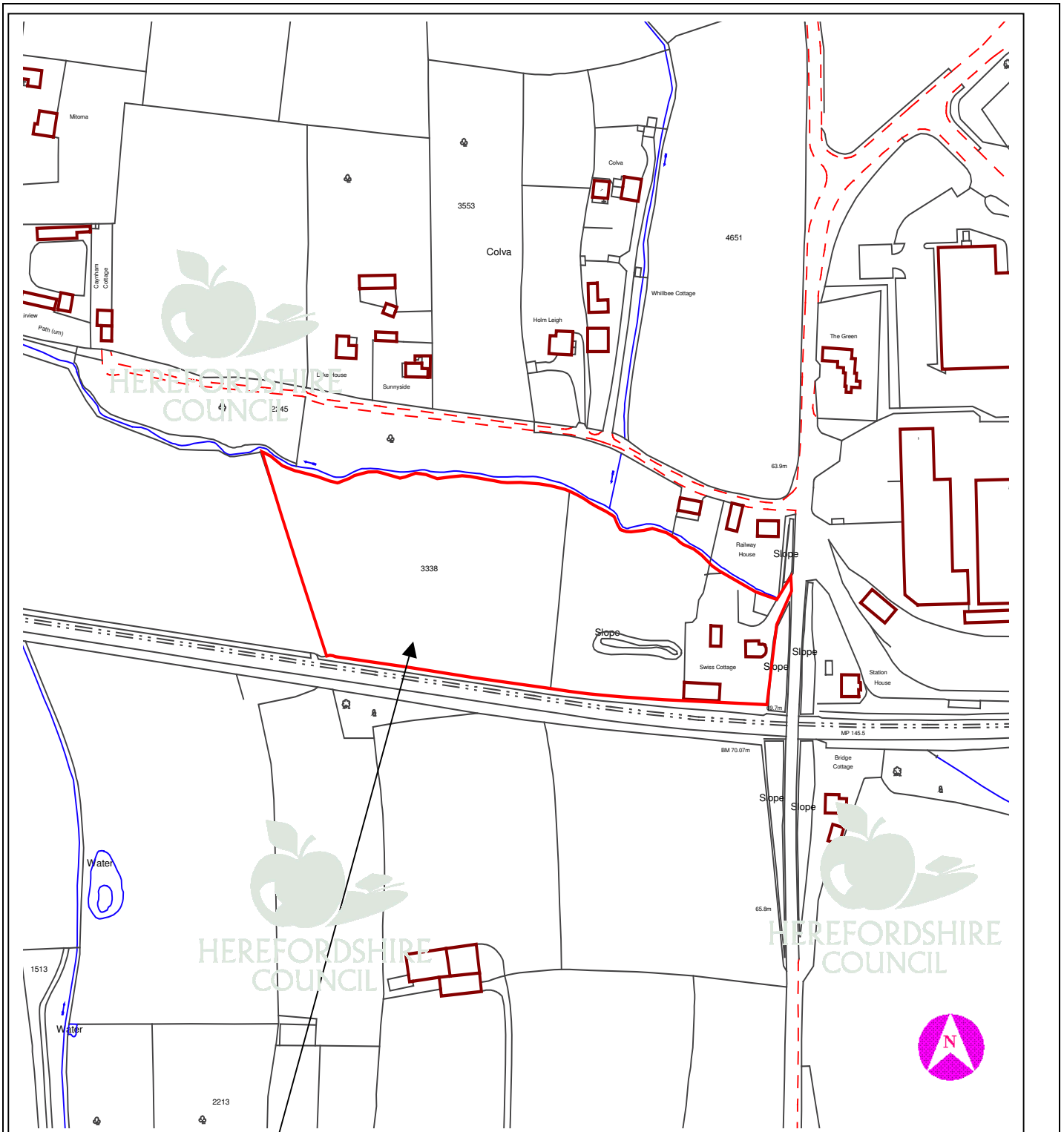
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0951/F

SCALE : 1 : 2500

SITE ADDRESS : Swiss Cottage, Whitestone, Hereford, Herefordshire, HR1 3SE

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7 DCCE2007/1209/F - RESIDENTIAL DEVELOPMENT TOGETHER WITH ALTERATIONS TO 10 LEDBURY ROAD TO PROVIDE 8 RESIDENTIAL UNITS. 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY

For: Williams Bros, JBD Architects, Mortimer House, Holmer Road, Hereford, HR4 9TA

Date Received: 17th April, 2007 Ward: Tupsley Grid Ref: 51760, 39633

Expiry Date: 12th June, 2007

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

1. Site Description and Proposal

- 1.1 The site is located on the eastern side of Ledbury Road, approximately 70 metres north of the junction with Eign Road and just south and opposite the junction with Templars Lane. No 10 is a semi-detached brick and pitched slate roof property with an existing vehicular access off Ledbury Road. The front garden is enclosed by a low stone wall, the rear and side boundaries are enclosed by a mixture of fencing and a wall. North and south of the site are semi-detached and terraced properties all fronting Ledbury Road which are of similar design and era to number 10. The site lies within an Established Residential Area as identified in the Herefordshire Unitary Development Plan 2007.
- 1.2 Planning permission is sought for the demolition of an existing garage and conservatory and construction of a residential development comprising two 2 bedroom flats, four 1 bedroom flats and two 1 bedroom bungalows with parking and turning area for 10 vehicles, associated cycle and refuse storage area. The six flats are to be provided through conversion and extension of the existing property with the existing vehicular access widened serving the parking area to the rear. The two single bedroom bungalows are to be constructed along the rear boundary of the site.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking

T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy

3. Planning History

- 3.1 CE2003/0601/O - Proposed residential development. Approved 21st April, 2003.
- 3.2 CE2006/4015/F - Residential development together with alterations to 10 Ledbury Road to provide 8 residential units. Application withdrawn 24th January, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager:

The proposed access to the development is of sufficient width to allow a vehicle entering to pass a vehicle waiting to leave the access. The visibility achievable from the access to the east from 2.4m setback achieves 43m which is adequate for compliance with stopping sight distances in Manual for Streets for 30mph, and from a 2.0m setback (which is more suited to established urban situations due to width of footway) 52m is achievable, which equates to speeds of around 35mph. Due to the on street parking on the north side of the road to the east of the site, 85 percentile vehicle speeds are around 30mph. To the west, approaching vehicles can be seen to the corner at the junction with Eign Road (around 70m).

I also enclose a summary of the accident record for the full length of Ledbury Road from the signalled junction with St Owen Street to the roundabout at Bodenham Road. This shows that there have been 13 recorded personal injury accidents within this length within the 5 year period from May 2002 to April 2007 inclusive. Of these accidents, 3 involved serious injury and 10 slight injury with a total of 14 casualties. 10 of the accidents were in areas of high turning movements, namely at the two petrol stations (6 of which 2 involved serious injury), Central Avenue junction (3) and Eign Road junction (1).

The remaining 3 accidents were within 75m of the proposed development and are summarised below:-

20/9/05 Outside No 1 Ledbury Road

Moped leaving car park at No 1 is struck by vehicle entering. Slight injury to rider

29/9/05 40m S/W of Templars Lane

Car reversing into driveway clips wall which collapses, slightly injuring a pedestrian on the footway

21/4/07 22m N/E of Templars Lane

Vehicle loses control and veers across road, striking parked vehicle and then collides with oncoming vehicle and overturns. Serious injury to driver of overturned vehicle

This information has been taken into account in my recommendation.

I am satisfied that the proposed access is acceptable for the proposed development in terms of geometry and visibility. The internal layout proposed and level of parking provision is also acceptable.

My recommendation is therefore that the application should be approved with conditions.

5. Representations

5.1 Hereford City Council: Comments awaited.

5.2 Four letters of objection have been received to date, the main points raised are:

1. Ledbury Road is already a very busy residential street where there have been a number of recent accidents. The proposal will lead to further congestion and danger to highway safety.
2. The access is unsafe.
3. The development will lead to further pressure for parking which is already at a premium in the area partly due to the number of multi-occupancy dwellings in the locality.
4. A number of recent large developments have been approved in the area which will further exacerbate the highway and parking problems.
5. Any increase in traffic would lead to further danger to pedestrians and children accessing local schools.
6. It would be impossible to create 10 parking spaces on site.
7. The development will generate increased noise in the locality.
8. The design is out of character with the area.
9. The design will be an invasion of neighbours privacy.

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 proposed site is large enough to accommodate some form of residential development and indeed, planning permission was granted in 2003 for a single dwelling on site. As such the principle of residential development is considered acceptable.

6.2 The proposed scale of the built development will largely follow that of the existing properties fronting Ledbury Road and will not appear disproportionate with the size of the site. A traditional design is proposed for the elevation fronting Ledbury Road incorporating flat roof dormers, bay window, sash windows elsewhere and constructed from brick; all in keeping with neighbouring properties. A more contemporary approach has been taken to the rear elevation and proposed bungalows. This has been achieved through use of a different palette of materials, predominantly Larch timber cladding, modern balcony and fenestration detailing and the form of the first and second floors is partly curved to create additional interest. Minor concerns exist with the potential impact of the development on neighbour properties and amended plans have been requested to address this issue.

6.3 To the rear of the site two single storey one bedroom bungalows are proposed which again have been designed in a more contemporary manner but utilising the same

palette of materials with a zinc roof. As such the scale, design and materials proposed, whilst being somewhat different from what presently exists in the locality, will complement the local vernacular. Furthermore it is considered that the 'backland' element of this proposal will not be out of keeping with the grain of other development in the area with Foxglove Court immediately to the east being visually related to this site.

- 6.4 The area in between the two blocks of accommodation will be used to provide parking for 10 vehicles along with the necessary cycle and refuse storage. The Traffic Manager confirms that this is adequate to serve the number of units proposed and essentially amounts to one space per unit with two visitor spaces. The need to create the required off street parking has been at the expense of soft landscaping and amenity space which is a minor concern. However, a number of the flats will have some outdoor amenity space provided by a balconies or enclosed patio areas which given the location of the site and proximity to the city centre and other public open space such as Castle Green, the arrangement of amenity spaces is considered adequate.
- 6.5 The Traffic Manager confirms that the visibility and safety of the access is acceptable to serve the development and number of units proposed. The development will undoubtedly lead to an intensification in the use of the site including an increase in the number of vehicle movements. However, given the comments of the Traffic Manager and the level of off street parking proposed and subject to minor modifications to the design to minimise any impact on neighbours, the development is considered acceptable.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations at the end of the consultation period and subject to receipt of suitably amended plans the officers named in the Scheme of Delegation to Officers be authorised to approved the application subject to the following conditions and any further conditions considered necessary by officers.

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

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

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

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

6. E16 (Removal of permitted development rights).

Reason: To ensure the development remains of a scale appropriate to the site in the interests of residential and visual amenity and highway safety.

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. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

11. 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.

12. G01 (Details of boundary treatments).

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

13. H02 (Single access - footway).

Reason: In the interests of highway safety.

14. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

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

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

16. H27 (Parking for site operatives).

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

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

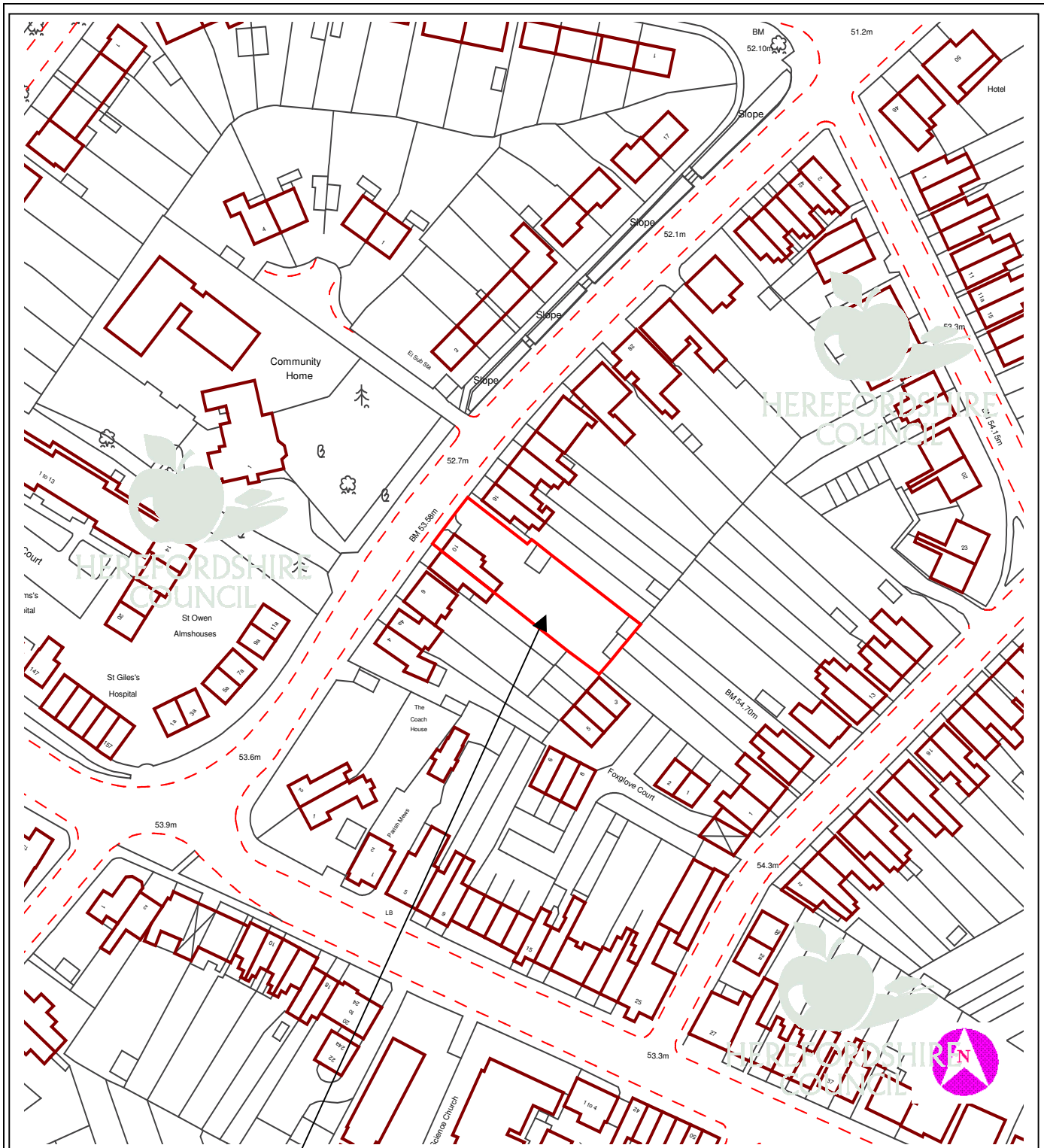
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1209/F

SCALE : 1 : 1250

SITE ADDRESS : 10 Ledbury Road, Hereford, Herefordshire, HR1 2SY

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8 DCCE2007/0609/F - PROPOSED BUNGALOW. LAND BETWEEN ST JAMES'S ROAD AND HAROLD STREET, HEREFORD, HEREFORDSHIRE, HR1 2QU

For: Mrs. T. Thomas, per Mr. N. La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE

Date Received: 27th February, 2007 Ward: Tupsley Grid Ref: 51607, 39462

Expiry Date: 24th April, 2007

Local Member: Councillors M.D. Lloyd-Hayes, A.P. Taylor and W.J. Walling

1. Site Description and Proposal

- 1.1 The site is located to the rear of the Volunteer Public House north of Harold Street and immediately south of Nos. 15 and 17 St James' Road. Fourteen single storey concrete lock-up garages occupy the northern and southern boundaries of the site, each of them has a mono-pitched corrugated sheeted roof. The garage walls form the boundaries of the site to the north and south, the western boundary is enclosed by a 1.5 metre high brick wall with fence panels above and the eastern boundary by a solid fence constructed from corrugated sheeting. A single vehicle width access serves the existing garages off Harold Street which runs alongside the public house and its associated beer garden.
- 1.2 Planning permission is sought for the demolition of all the existing garages and construction of a detached three bedroom bungalow with ground floor accommodation only and associated parking, turning area and private garden. The application has been referred to Committee for consideration at the request of the Ward Councillor.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H16	-	Car parking
T8	-	Road hierarchy
T12	-	Existing parking areas

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions relating to foul and surface water drainage.

Internal Council Advice

- 4.2 Traffic Manager: Whilst the loss of off street parking may be undesirable from an amenity point of view, I do not consider that it provides grounds for refusal on highway safety grounds. The loss of the garages whether as parking or indeed storage will reduce the level of traffic along Harold Street and those streets leading to it and therefore could be argued to be beneficial in terms of highway safety. I therefore recommend approval subject to conditions.

5. Representations

- 5.1 Hereford City Council: Recommends a site visit be undertaken to determine the suitability of the development.
- 5.2 One letter and two e-mailed comments have been received from Jenny Morgan of 29 Harold Street, Mrs. Joynt of 19 St James' Road and Dr. Arnold of 19 Harold Street the main points raised are:
1. Whilst there is no objection to the principle of the development, the existing boundary wall should be retained to ensure privacy and security for surrounding properties.
 2. Adjoining properties rights of way should be retained across the application site.
- 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 an Established Residential Area as identified in the Herefordshire Unitary Development Plan 2007 and is not protected or allocated for any particular use such as a private car park. As such the principle of residential development is acceptable.
- 6.2 The site is overlooked by the rear elevations of properties fronting St James' Road and therefore only a single storey property is likely to be acceptable. The site is large enough to accommodate the proposed dwelling and the design and siting ensures that there will be no loss of amenity through overlooking or loss of light for neighbouring properties. Adequate parking and garden is proposed to serve the size of the property and the general design is considered acceptable. As such the scale, design and siting of the bungalow and its impact on neighbouring properties is acceptable.
- 6.3 The existing access already serves the garages and whilst visibility is sub-standard, the Traffic Manager confirms that it is adequate to serve the development proposed particularly in view of the existing use of the site. The applicant advises that few of the existing garages are used for parking of vehicles, the majority being used for general storage. The applicant advises that the majority of the garages are used by residents

living some distance away and none are let to occupants of properties within Harold Street or St James' Road. Notwithstanding the current usage, the garages could be used to provide off street parking. It is not, however, considered that the loss of the garages will create an increased danger to highway or pedestrian safety as is confirmed by the Traffic Manager. Furthermore, the principle of redeveloping existing private car parks in Hereford is also supported and even encouraged by Policy T12 of the Herefordshire Unitary Development Plan and consent is not ultimately required for the demolition of the garages.

- 6.4 The critical issue is whether the re-development is beneficial as required by policy T12. The existing garages do detract from the visual amenity of the area and the proposal will result in an enhancement. This is evidenced by the fact there are no objections to the development and indeed, immediate neighbours support the proposals subject to safeguards over boundary treatment. On balance, the proposal is therefore considered to be beneficial and in accordance with the relevant Development Plan policies.

RECOMMENDATION

That planning permission be approved for the following reasons:

- 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. E05 (Restriction on hours of use (industrial)).**

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

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

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

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

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

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

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

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

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0609/F

SCALE : 1 : 1250

SITE ADDRESS : Land between St James's Road and Harold Street, Hereford, Herefordshire, HR1 2QU

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9 DCCE2007/0859/O - PROPOSED BUNGALOW FOR A DISABLED PERSON. LAND ADJACENT TO THE OLD VICARAGE, PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE

For: Miss S. Davies, Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD

Date Received: 16th March, 2007

Ward: Hagley

Grid Ref: 56494, 46847

Expiry Date: 11th May, 2007

Local Member: Councillor D.W. Greenow

1. Site Description and Proposal

- 1.1 This application represents the third submission for this proposal. The application again seeks permission for the erection of a single storey dwelling house on land adjacent to the Old Vicarage, Preston Wynne. The site is located within the open countryside and a Public Right of Way runs along the southern boundary of the site.
- 1.2 The proposal seeks Outline Permission for the erection of a single storey dwelling house. All matters are reserved. The site would be accessed via the existing field entrance off the C1118. The application has been submitted with an accompanying statement from the applicant, advising of her disability and wish to be independent but remain in the area.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPS3	-	Housing
PPS7	-	Sustainable development in rural areas
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H7	-	Housing in the open countryside outside settlements
T11	-	Parking provision

3. Planning History

- 3.1 DCCE2006/2453/F - Proposed detached bungalow. Refused.

3.2 DCCE2005/3999/F - Proposed detached bungalow. Refused.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection.

4.2 Welsh Water: No objection.

Internal Council Advice

4.3 Traffic Manager: No objection.

4.4 Public Rights of Way Manager: No objection subject to the protection of the Public Right of Way.

5. Representations

5.1 The Ramblers' Association: No objection subject to the protection of the Public Right of Way.

5.2 Preston Wynne Parish Council: Strongly support the application.

5.3 Local Residents: Letters of support have been received from Mr and Mrs Ball, High Standing, Preston Wynne and R and S Rudd, The Old Vicarage, Preston Wynne. The comments raised can be summarised as follows:

1. The location of the proposed bungalow will not lead to over development;
2. The building would be in keeping with the area;
3. No residential amenity issues exist;
4. Safe access is available;
5. The dwelling will allow a young disabled person to stay in her local community and close to her supportive family;
6. There will be no increase in vehicle movements as the young disabled person already lives in the family home nearby;
7. This will not create a precedent and similar schemes have been approved.

5.4 A letter of qualified comment was also received from R and S Rudd, The Old Vicarage, Preston Wynne. The comments raised can be summarised as follows:

1. No objection if as previously proposed but concern if sited differently.

5.5 The Agent acting on behalf of the applicant submitted a statement in support of this application. The comments can be summarised as follows:

1. The previous applications for this proposal have been refused on the grounds of housing policy and sustainable development. The Council has accepted the development in all other respects;
2. The Council is now asked to consider this proposal having regard to the specific circumstances of the case and all relevant legislation;
3. The applicant is seeking greater independence but her personal circumstances necessitate her remaining in close proximity to her family;

4. The applicant's parent's home (The Glen) cannot be adapted to meet the needs of the applicant, and there is insufficient space for an annexe;
 5. There is no other option but to pursue this bungalow;
 6. Although not in a settlement to which housing is steered in the Herefordshire Unitary Development Plan, the application site is in a small, well contained plot next to an existing dwelling and close to the village hall;
 7. Safe access is available and the site lies within a reasonable distance to the A465, a primary transport route with public transport provision;
 8. The proposal is 'sustainable-neutral' on the basis that the applicant already lives in the area and will use her car no more than she currently does;
 9. The applicant is happy for a condition or legal agreement tying the property to her and any spouse and any dependants she may have;
 10. Article 8 of the Human Rights Act 1998 confers the 'right to a respect for a private and family life'. In this case, this can only be achieved through this proposal. The Council can interfere with these rights only if it is in accordance with the law and only if that interference is proportional to the intended objection;
 11. The applicant's circumstances are unique and, as appropriate 'other material planning considerations'. justify support for this proposal.
- 5.6 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 Preston Wynne is a small hamlet which has no identified settlement status in the Herefordshire Unitary Development Plan 2007. The proposal therefore constitutes housing in the open countryside and Policy H7 outlines the circumstances in which new housing can be supported. These can be summarised as follows:
1. The dwelling is required for essential agricultural and forestry workers;
 2. Replacement dwellings;
 3. The conversion of an existing rural building;
 4. The dwelling is a necessary accompaniment to the growth of a rural enterprise, including tourism and farm diversification; or
 5. The site is providing for the needs of gypsies or other travellers.
- 6.2 The application proposal fails to comply with any of the above criteria.
- 6.3 Notwithstanding the conflict with adopted policy, other material considerations are to be taken into account when considering planning applications and in this case the circumstances of the applicant should be accorded appropriate weight
- 6.4 The applicant is disabled. However she retains and enjoys freedom of movement by car and is not tied to a particular location. A more appropriate location within an identified settlement therefore remains a viable option. Additionally, the provision of this property would be in perpetuity. The agent has suggested a condition or legal agreement tying the new development to the applicant and dependants, having regard to the special circumstances of the applicant. If this proposal were accepted on the basis of the special circumstances of the individual, such an agreement would only be reasonable for a temporary form of accommodation, such as a mobile home. Once the applicant has ceased occupying the dwelling, its justification ceases to exist and the accommodation should be removed. This is not reasonable or practical with a permanent form of accommodation. Temporary accommodation, which can be

removed once the occupier no longer requires it, can be a solution in some circumstances, though not normally on a 'detached' site such as this. Accordingly it is considered that these circumstances cannot justify overriding the restrictive policy stance for new dwellings in the open countryside.

- 6.5 Turning to the issue of sustainability, Preston Wynne provides little more than a village hall. Residents in this area need to travel for the majority of their domestic, professional and personal requirements. The lack of public transport necessitates the use of private transport to meet these requirements. Policy S1 of the Herefordshire Unitary Development Plan 2007 states that:

"Sustainable development will be promoted by..directing necessary new development to strategic locations, settlements and sites that best meet the appropriate sustainable development criteria'.

- 6.6 To facilitate this Herefordshire Council has identified appropriate locations for new developments, including the designation of settlements. Preston Wynne is not such a designated settlement due to the inadequacies of the location to support new development.

- 6.6 As with the previous two applications, in other respects it would appear that an Outline Permission for this dwelling could be viable. Any privacy and amenity issues associated with the orientation of the proposal could be resolved with the front garden area of the Old Vicarage being the sole area to suffer any genuine and direct overlooking. The Public Right of Way would appear to be unaffected and the proposal would appear to satisfy the Traffic Manager. All matters are reserved enabling the Council to ensure a satisfactory form of physical development. Notwithstanding this, however, it remains the case that this scheme is contrary to policy as explained above.

- 6.7 Consideration has been given to the applicant's rights under Article 8 of the Human Rights Act 1998 and particularly the right to respect for a private and family life. This is acknowledged but, having regard to her right of appeal should permission be refused, and the need to balance here personal need with the Council's planning objectives, the planning system does provide adequate safeguards in respect of the applicant's human rights.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The development is contrary to Policy H7 of the emerging Herefordshire Unitary Development Plan 2007, together with advice contained within PPS7 entitled Sustainable Development in Rural Areas, as the site the for dwelling lies outside of a defined settlement and none of the exceptions to new housing in the countryside have been satisfied.**
- 2. The proposed development, by virtue of its remote location, is contrary to PPG3: Housing, PPG13: Transportation, and Herefordshire Unitary Development Plan 2007 Policies S1, S2 and DR2, which seek to prevent unsustainable development and reduce the need to travel.**

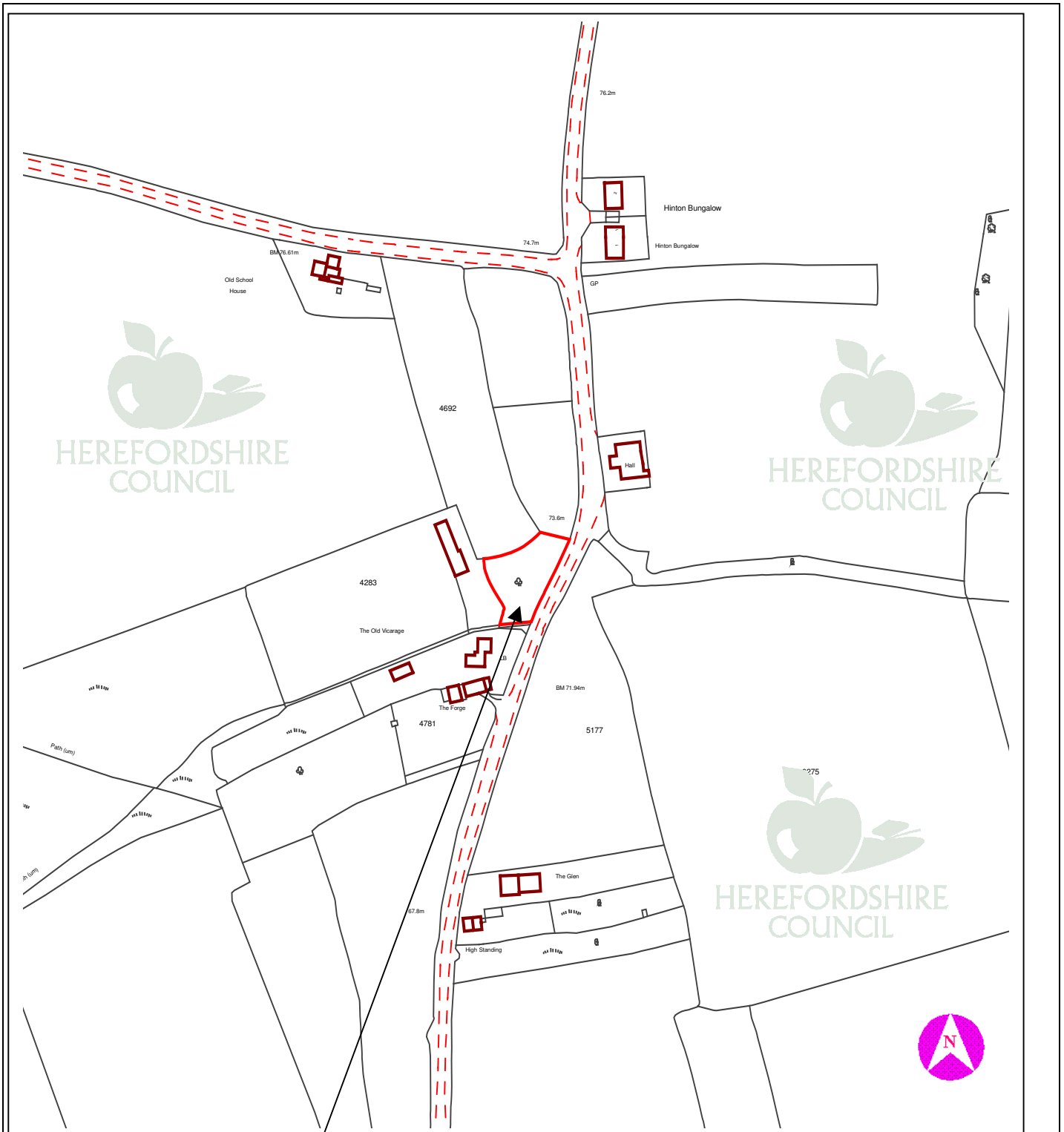
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0859/O

SCALE : 1 : 2500

SITE ADDRESS : Land adjacent to The Old Vicarage, Preston Wynne, Hereford, Herefordshire, HR1 3PE

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10 DCCE2006/1798/O - SITE FOR ERECTION OF MAXIMUM OF 5 DWELLING UNITS. A RESUBMISSION OF APP. NO. DCCE2005/2160/O LAND ADJACENT TO HOLME CROFT, HOLME LACY, HEREFORD, HEREFORDSHIRE, HR2 6LW

For: Mr. & Mrs. Norman, RRA Architects Ltd, Packers House, 25 West Street, Hereford, HR4 0BX

Date Received: 31st May, 2006 Ward: Hollington Grid Ref: 55458, 35694

Expiry Date: 26th July, 2006

Local Member: Councillor G.F.M. Dawe

1. Site Description and Proposal

- 1.1 This application seeks Outline Planning Permission for the erection of five dwellings on land at Stony Yeld, Holme Lacy. The application site is currently home to a single bungalow with a vacant garage and outbuildings associated with the last use of the site, which was a HGV goods yard. The site fronts the main B4399 through Holme Lacy. Holme Lacy is a designated Smaller Settlement in the Herefordshire Unitary Development Plan 2007.
- 1.2 The application seeks Outline Permission only with all matters reserved except the proposed access.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPS3	-	Housing
PPG13	-	Transport
PPS23	-	Planning and pollution control

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H6	-	Housing in smaller settlements
H15	-	Density
H16	-	Car parking
T11	-	Parking provision

2.3 Manual for Streets – March 2007

3. Planning History

3.1 DCCE2005/2160/O - Site for erection of 11 dwelling units. Withdrawn 5th August, 2005.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection subject to conditions.

4.2 Welsh Water: No objection to private drainage system, no comment in respect of intention to connect to the mains system.

Internal Council Advice

4.3 Forward Planning Manager: Advised that Holme Lacy is defined as a smaller settlement in the Unitary Development Plan (Policy H6) and in such a location residential development is allowed, although controlled, to meet rural housing needs. In this case, the plot and frontage size is such that permission is limited to affordable housing. The need and requirements for affordable housing to meet local housing need needs to be demonstrated. The application has not supplied any such evidence of local affordable housing need and is therefore contrary to Policy H6.

4.4 Environmental Health Manager: No objection subject to conditions.

4.5 Conservation Manager: The Council's Archaeologist has previously advised on this site that a watching brief is necessary and should be secured through the appropriate standard condition.

4.6 Traffic Manager: Objection on the grounds that, notwithstanding the highway improvement works and extant use of the site, inadequate access arrangements are available and as such this proposal is detrimental to highway safety.

5. Representations

5.1 Holme Lacy Parish Council: Raise the following concerns:

1. The access is on a blind bend. The village is on a commuter route through to Rotherwas and there is a large amount of traffic passing through. It is very dangerous to get onto the road from the site;
2. There is a need for affordable housing in the village;
3. The density proposed is of concern and parking restricted. This could lead to inappropriate parking with the associated problems to the access arrangements.

5.2 Local Residents: A single letter of objection has been received objecting to the proposal on the following grounds:

1. Concern over the number of dwellings proposed (11);
2. The access is close to a bend, its use will increase the likelihood of accidents;

3. A 'young mature' oak tree may be lost, this is a healthy tree which contributes positively to the visual amenities of the locality and provides for wildlife;
4. Drainage is a concern;
5. Siting of the houses is of concern;
6. It is suggested that 5 houses or less should be pursued

5.3 It is understood that the above comments were made prior to the number of units on site being clarified as 5. 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

Principle

6.1 Holme Lacy is Smaller Settlement in the Herefordshire Unitary Development Plan 2007. Policy H6 states that proposals for residential development on plots arising from the infilling of small gaps between existing dwellings will be permitted where:

1. the dwelling size is limited to a habitable living space of 90 sq m (3 bedroom house) or 100 sq m (4 bedroom house);
2. the plot size is limited to a maximum area of 350 sq m; and
3. the infill gap is no more than 30 metres frontage.

Where a plot does not comply with the above criteria affordable housing schemes can be pursued where a need has been evidenced. In this case the site fails to comply with the above criteria by reason of the plot sizes and infill gap width between built development.

6.2 Notwithstanding the Policy provisions above, the other material considerations pertinent to this case require consideration. The application site was last used as a HGV goods yard and as such some limited potential exists for a 'fall back' use of this site for this purpose. The site is currently in a relatively poor condition and the existing buildings on site are in a comparably poor state of repair. The site itself is also contaminated due to its historical use. In this respect the benefits of 'cleaning' and redeveloping the site for a residential use are of some note, particularly in respect of the potential visual and residential amenity improvements. The characteristics of Holme Lacy as a settlement also bear consideration. Although not an 'identified' settlement in the Herefordshire Unitary Development Plan 2007, Holme Lacy does offer some local facilities and limited public transport is available through the village.

6.3 In addition to the above considerations, there are two more specific material considerations. Firstly, the Traffic Manager has advised that even with highway improvement works and the provision of the maximum visibility splay available, the site access would be unsuitable for a development exceeding 5 units. This is substantially below the density typically required for a site of this area in accordance with national and local planning policy. On this basis the redevelopment of this site for residential purposes, if supported, is effectively limited to 5 units. Secondly, and as noted briefly above, the site is currently contaminated by virtue of the historic use as a HGV goods yard. The financial implications of remediation works together with the limit on unit numbers imposed by the access limitations, would potentially make an affordable development financially unviable.

- 6.4 The pre-application discussions for this proposal were considered whilst the South Herefordshire District Local Plan was still the adopted Plan. Under the provisions of this Plan, Holme Lacy was an identified 'larger' settlement and as such the proposal was, in principle, in accordance with planning policy. However, the issues associated with this site, principally the access, led to lengthy delays and as a result this application is now considered under the provisions of the Herefordshire Unitary Development Plan 2007. The lengthy delays are most unfortunate but it is nevertheless the case that planning policy has evolved significantly since this application was submitted. The current adopted policy framework is contained within the Herefordshire Unitary Development Plan 2007 and the proposed is contrary to Policy H6 and therefore unacceptable in principle.

Access

- 6.5 The access arrangements for this site have proved to be problematic. The position of this site on a bend is such that the site is unsuitable for a development exceeding 5 units. On the basis of a scheme of 5 units, the Traffic Manager has advised that under current guidance the road conditions/actual vehicle speeds in this location would necessitate an access with visibility splays of 2.4m x 56m. However, in this case there are two mitigating factors. Firstly, highway traffic calming workings are proposed by the agent/applicant to reduce actual traffic speeds in this location. Secondly, the implications of the existing HGV goods yard and the potential traffic generated by this activity require consideration. Having regard to both these factors the Traffic Manager has confirmed that, under the new guidance contained in 'Manual for Streets', he would be prepared to accept a visibility of 2.4m x 40m. This is achievable but requires third party land to the west. Without this land to the west the visibility splay available is reduced to approximately 2.4 x 20m. This is significantly below the required standard, and falls short of the minimum considered necessary by the Traffic Manager with the mitigating factors considered. The agent has not secured the necessary control over the land to the west. On this basis the Traffic Manager objects to the proposal and is of the opinion that this scheme would be detrimental to highway safety.

Other Issues

- 6.6 The Environmental Health and Trading Standards Manager advises that records indicate that the adjacent site was historically used as a sawmill site, for wood preservation and as an engineering works, prior to its development for housing. A site investigation revealed significant levels of contamination on the sawmill site and remediation was required. Due to contaminative land use adjacent to the development plot at Stony Yeld and taking into consideration that the development is for a sensitive land use i.e. houses with gardens, a phased contamination land assessment is required to determine if the site is affected by historical contamination from the adjacent site and to undertake any remedial action, (if necessary) to ensure that the land will be suitable for its new use. These matters could be resolved by condition if necessary.
- 6.7 The scheme originally proposed a private drainage system. However, upon the advise of the Environment Agency, and in accordance with the provisions of PPS23, it was confirmed that a connection to the mains would be pursued. No comment on this proposal has been received from Welsh Water, although they have confirmed no objection to the originally proposed private drainage system. Appropriate conditioning would therefore be necessary to secure acceptable drainage provision on this site.

Conclusion

6.8 The Policy position now in plan is such that this scheme is now contrary to policy. In addition, the inability of the applicant/agent to provide the necessary minimum standard of visibility splays is such that this proposal in its current form is unacceptable and hazardous to highway safety.

RECOMMENDATION

That planning permission is refused for the following reasons:

- 1. The application site lies within a designated Smaller Settlement and the proposal, by reason of the site characteristics, is one where only affordable housing would be permitted. The application fails to demonstrate any proven local need and therefore is contrary to Policy H6 of the Herefordshire Unitary Development Plan.**
- 2. The proposed development would be served by an unsuitable and substandard access which, if allowed, would be detrimental to highway and pedestrian safety. The proposal is therefore contrary to PPG13, Planning Guidance and Advice Document: Manual for the Street – March 2007, and Herefordshire Unitary Development Plan 2007 Policies S1, S2, DR3 and H1.**

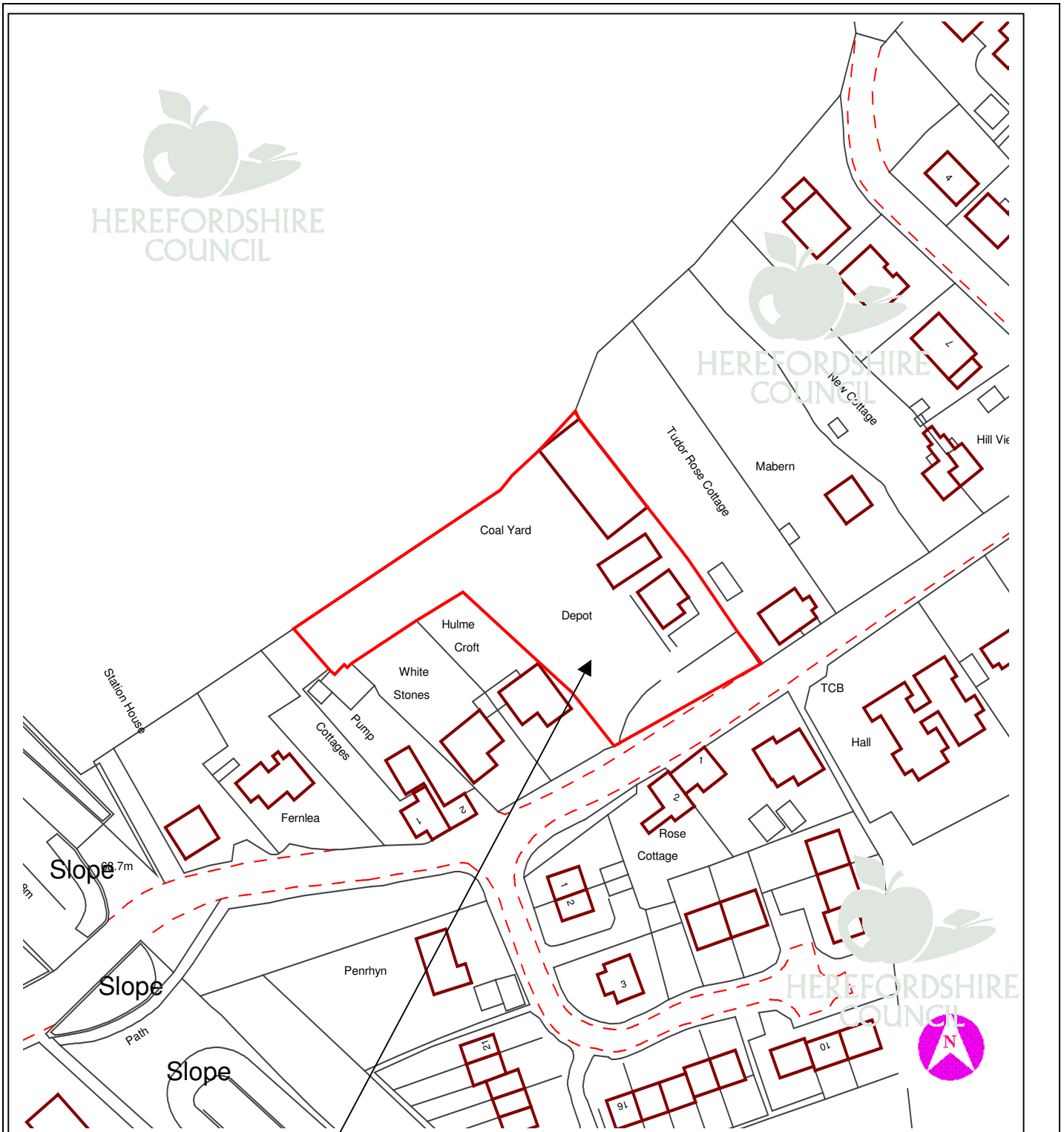
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/1798/O

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Holme Croft, Holme Lacy, Hereford, Herefordshire, HR2 6LW

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11A DCCE2007/0642/F - NEW SPORTS HALL & ALTERATIONS TO EXISTING SCIENCE BLOCK. LAND ADJACENT TO THE SCIENCE BLOCK, THE HEREFORD CATHEDRAL SCHOOL, THE OLD DEANERY, THE CATHEDRAL CLOSE, HEREFORD HR1 2NG

For: The Governors of the Hereford Cathedral School, GAJ UK Ltd, The Old Anglo House, Mitton Street, Stourport-On-Severn, Worcestershire, DY13 9AQ

11B DCCE2007/0647/L - NEW SPORTS HALL & ALTERATIONS TO EXISTING SCIENCE BLOCK. LAND ADJACENT TO THE SCIENCE BLOCK, THE HEREFORD CATHEDRAL SCHOOL, THE OLD DEANERY, THE CATHEDRAL CLOSE, HEREFORD HR1 2NG

For: The Governors of the Hereford Cathedral School, GAJ UK Ltd, The Old Anglo House, Mitton Street, Stourport-On-Severn, Worcestershire, DY13 9AQ

Date Received: 28th February, 2007

Ward: Central

Grid Ref: 51143, 39825

Expiry Date: 25th April, 2007

Local Member: Councillor M.A.F. Hubbard

1. Site Description and Proposal

- 1.1 These applications seek permission for the erection of a new sports block, together with alterations to the existing science block, at the Hereford Cathedral School. The application site is to the rear of East Street between the existing science block and a house, which is a school building, fronting the road. The site is currently used as a school wildlife area, and for the siting of a mobile classroom. An element of a lawn area, used for informal 'play' when weather permits, will also be lost through this proposal. In addition to the new sports hall, alterations to the existing science block and adjacent buildings, including a new entrance feature, are also proposed to facilitate the formation of the schools current and projected accommodation requirements.
- 1.2 The site is located within the Central Conservation Area and is within an Area of Archaeological Importance. A number of Listed Buildings are found in close proximity to the site, 1 Castle Street and the Town Hall, both of which are Grade II*, are of

particular significance. The application site is to the north of the main Cathedral School complex, with the Town Hall found to the north of the site. Harley Court, to the west of the site, is also of historic significance with 4 & 5 being Grade II* Listed, and 1 & 2 Grade II Listed. The site is within the very heart of historic Herford and is therefore particularly sensitive from both historical and architectural perspectives. It forms part of a townscape of particularly high quality.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPG9	-	Biodiversity and geological conservation
PPG13	-	Transport
PPG15	-	Planning and the historic environment

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S7	-	Natural and historic heritage
S8	-	Recreation, sport and tourism
S11	-	Community facilities and services
DR1	-	Design
NC1	-	Biodiversity and development
NC5	-	European and nationally protected species
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
HBA1	-	Alterations and extensions to listed buildings
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas
ARCH1	-	Archaeological assessments and field evaluations
ARCH2	-	Foundation design and mitigation for urban sites
ARCH7	-	Hereford AAI
RST1	-	Criteria for recreation, sport and tourism development
CF5	-	New community facilities

3. Planning History

3.1 Various alterations and improvement works to the school, but none are directly relevant to this application proposal.

4. Consultation Summary

Statutory Consultations

4.1 English Heritage: No objection to revised scheme.

4.2 Sport England: No objection.

Internal Council Advice

4.3 Traffic Manager: No objection subject to recessing the fire door openings.

- 4.4 Conservation Manager: No objection subject to conditions relating to materials, design details, ecology and archaeology.

5. Representations

- 5.1 Hereford City Council: Objection on the grounds that the scheme is too overbearing for the surrounding buildings, out of keeping with the historic Conservation Area, and detrimental to the existing street scene.
- 5.2 Comments on the revised plans are awaited once these have been submitted.
- 5.3 Local Residents: No comments received.
- 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 Hereford Cathedral School currently lacks its own full sized indoor sports facilities or assembly space. The intention of this application is to provide a new facility to accommodate a comprehensive range of indoor sports, as well as an assembly space. Appropriate changing facilities and ancillary accommodation is also provided. The application site also involves revisions to the existing science block, to provide enhanced science laboratories and preparation areas.
- 6.2 National and local planning policy offers support in principle to the provision of enhanced community facilities, including for education and sports. The acceptability or otherwise of this application therefore rests in the details of the scheme.
- 6.3 The application site is located in a sensitive position within a Conservation Area, an Area of Archaeological Importance, and is in close proximity to a number of outstanding Listed Buildings. The site is particularly restricted in size but is one of the few open spaces available to the school. Into this area it is proposed to develop a full sized sports hall, suitably adaptable for use as an assembly/drama venue.
- 6.4 As originally submitted, the proposal included features such as Brie Soleil louvers and a parapet as an attempt to break up the mass of the building and introduce features of visual interest. It was also proposed to re-work the front of the existing science block as part of the redevelopment of the area. Following the initial consultations, however, it was clear that a more 'honest' approach was appropriate in this instance. The proposal has therefore been revised to a more simple uncluttered form.
- 6.5 The scheme as now proposed is set back from the roadside and sits immediately to the rear of 77 East Street. The complete retention of this building is a further revision to this scheme, which originally intended this building to be integrated into the sports hall. Glass towers are proposed on either side of this building. These are functional but perhaps more importantly they act as a contemporary visual link between the historic street frontage and the new block to the rear. The science block is revised and integrated into the side of the sports building with a striking new entrance feature, but the main façade of the building is now unaltered. The retention of this façade is welcomed on the grounds that this building is a good example of the architectural style of its period. In combination, the retention of the historic street scene, the sensitive integration of the science block, and the development of the new sports hall, gives a

bold and challenging character and appearance but it is one that is well constructed and visually linked. The evolution of the site is clear and the history of the various elements respected.

- 6.6 The sports hall is based upon the Sport England recommendations for such facilities and this significantly limits the potential for the building to be adapted to address the sensitivity of the site. The building has been adapted, however, with design queues such as glass bricks to introduce visual interest into the building and give a modestly contemporary character. The alterations that can be carried out to a building such as this are limited and, as noted above, additional features were proposed to add interest. Ultimately, however, a simpler approach is considered preferable. It is considered that through the use of appropriate materials, which will need to be very carefully considered, the new building will appear acceptable in this location and the design is of an appropriately high architectural standard for this sensitive site.
- 6.7 In the context of the nearby Listed Buildings and the wider Conservation Area impact, this is clearly a significant scheme which will be relatively prominent from vantage points in East Street. A key issue in determining this application is whether the proposed development preserves or enhances the character and appearance of the Conservation Area. This is a duty imposed on the local planning authority by the Planning (Listed Building and Conservation Areas) Act 1990 and advice contained in PPG15. PPG 15 states that whilst the character and appearance of Conservation Areas should always be given full weight in planning decisions the objective with preservation can be achieved either by development which makes a positive contribution to an area's character and appearance or by development which leaves the character and appearance unharmed. In this case it is considered that the siting and design, the relationship of this development to the neighbouring buildings will ensure that the setting of the nearby Listed Buildings is preserved. Similarly, the character and appearance of the Conservation Area will be preserved through this development by virtue of the comprehensive and sensitive approach secured for this development. The street scene will, of course, be dramatically altered as a result of this proposal but it is considered that the quality of the visual amenities of the locality, although changed, will be preserved. This represents an acceptable compromise given the design constraints attached to the functional requirements of the building.
- 6.8 Turning to the wider conservation issues, comprehensive landscaping, ecology and archaeological reports were submitted with the application. On the basis of the details submitted, the Council's Ecologist and Archaeologist are satisfied that this development is acceptable subject to appropriate conditions.
- 6.9 Some informal 'play' space is lost as a result of this scheme. However Sport England have raised no objection and, when the sport and recreational benefits of the scheme are considered, this proposal represents a significant enhancement to the schools facilities.
- 6.10 In a case such as this it is considered of note that English Heritage took a significant interest in this scheme. Their initial comments were appropriately reserved but following discussions and revisions they are now satisfied that the proposal is acceptable, subject to appropriate conditioning. This is a challenging scheme in both concept and construction but it is considered that the final scheme is successful and effectively addresses the sensitive issues associated with this site.

6.11 Due to the presence of the Grade II* Listed Buildings the local planning authority can only make a resolution to approve the application. The application will need to be referred to the Secretary of State for his consideration.

RECOMMENDATION

That officers named in the Scheme of Delegation to Officers to be authorised to refer the application to the Secretary of State and approve the applications with such conditions as officers consider appropriate.

Suggested 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. **D01 (Site investigation – archaeology).**

Reason: To ensure the archaeological interest of the site is recorded.

4. **D04 (Submission for foundation design).**

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

5. **Prior to the commencement of development, the first fire escape exit onto East Street shall be revised and recessed in accordance with details to be submitted to, and approved in writing by, the local planning authority. Development shall then be completed in accordance with the approved details.**

Reason: In the interests of pedestrian safety.

6. **The proposals set out in the Mitigation and Compensation section of the ecologist's report shall be followed as detailed. Results of protected species surveys shall be submitted to, and approved by, Herefordshire Council prior to the commencement of development, including appropriate mitigation and enhancement measures. Development shall then proceed in accordance with the approved details.**

Reason: In the interests of nature conservation.

7. **Details of construction, siting and erection of nest boxes for nesting birds shall be submitted to, and approved in writing by, Herefordshire Council in accordance with the proposed recommendations to provide nearby alternative nest sites. This will include a scheme of work to ensure that the birds are not disturbed during nesting from March to September. Development shall then proceed in accordance with the approved details.**

Reason: In the interests of nature conservation.

8. **A habitat enhancement scheme based upon the recommendation of the Mitigation and Compensation section of the ecologist's report shall be specified in a method statement for submission to, and approval by, Herefordshire Council prior to the commencement of development. Development shall then proceed in accordance with the approved details.**

Reason: In the interests of nature conservation.

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

Reason: To protect the amenity of local residents.

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

Reason: To safeguard local amenities.

11. **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.

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

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

13. **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. **N06 – Listed Building Consent.**
4. **ND2 – Area of Archaeological Importance.**
5. **N11A – Wildlife and Countryside Act 1981 (as amended) – Birds.**
6. **N11B – Wildlife and Countryside Act 1981 (as amended) and Conservation (Nat. Habitats and C) Regs 1994 – Bats.**
7. **All ecological mitigation work should be overseen by a relevantly qualified and experienced ecological clerk of works (or consultant engaged in that capacity).**
8. **N15 – Reasons for the Grant of PP/LBC/CAC.**
9. **N19 – Avoidance of doubt.**

DCCE2007/0647/L:

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

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

- 2. **C02 (Approval of details).**

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

- 3. **C11 (Specification of guttering and down pipes).**

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

- 4. **C17 (Samples of roofing materials).**

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

Informatives:

- 1. **Access for all.**
- 2. **NC1 – Alterations to submitted/approved plans.**
- 3. **N15 – Removal for the grant of PP/LBC/CAC.**
- 4. **N19 – Avoidance of doubt.**

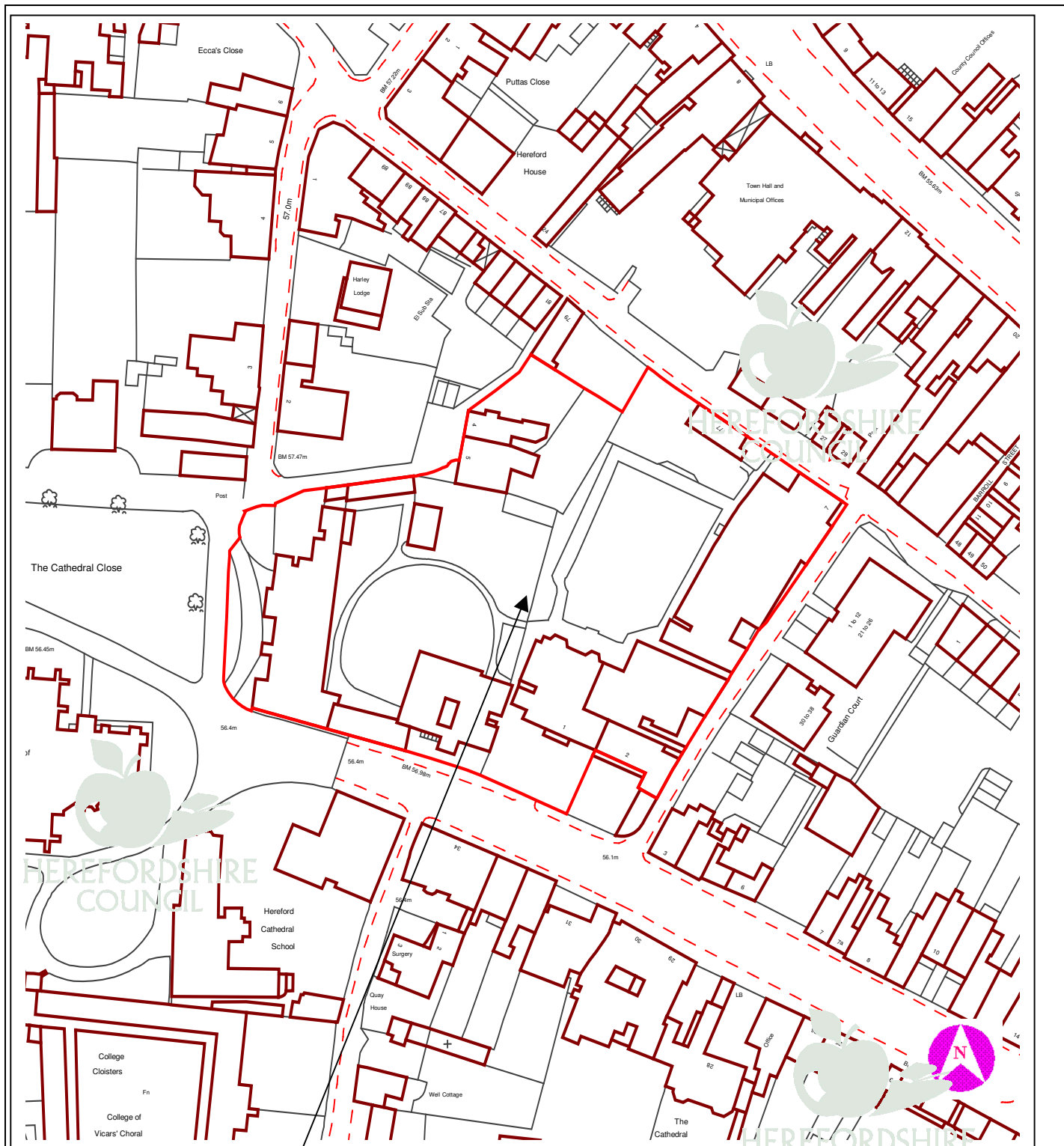
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0642/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to the science block, The Hereford Cathedral School, The Old Deanery, The Cathedral Close, Hereford HR1 2NG

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12 DCCW2007/1229/F - VARIATION OF CONDITION 8 OF PLANNING PERMISSION DCCW2004/1679/F TO ALLOW FOR DOT.COM OPERATIONS ON SUNDAYS BETWEEN THE HOURS OF 9.00AM AND 4.30PM AT TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS

For: Tesco Stores Limited per Development Planning Partnership, 14 Windsor Place, Cardiff, CF10 3BY

Date Received: 18th April, 2007 Ward: Belmont Grid Ref: 49325, 38452

Expiry Date: 13th June, 2007

Local Members: Councillors H. Davies, P.J. Edwards and G.A. Powell

1. Site Description and Proposal

1.1 This application site comprises the Tesco Supermarket at Belmont, Hereford.

1.2 The planning application seeks permission to vary condition no. 8 of the planning permission DCCW2004/1679/F to permanently allow for dot.com operations (home shopping/delivery service) on Sundays between the hours of 0900 and 1630.

1.3 The existing condition states:

"No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 0700 on weekdays and Saturdays nor after 2300 on weekdays nor at any time on Sundays, Bank or Public Holidays."

The reason for the condition was to safeguard the amenity of the area.

1.4 Temporary planning permission was granted last year (DCCW2006/0869/F) for the condition to be varied which included the erection of a new acoustic gate onto Abbotsmead Road. Whilst this gate has been erected no Sunday operation of the dot.com service has operated.

1.5 Included with the submission of this planning application is an Environmental Noise Assessment.

2. Policies

2.1 National:

PPG24 - Planning and Noise

2.2 Herefordshire Unitary Development Plan 2007:

Policy DR13 - Noise

2.2 Belmont Parish Plan.

3. Planning History

3.1 There is a detailed and complex planning history associated with the site since the store was first approved under reference SH881340RM in December 1988. This planning application is for amendment to a condition attached to planning permission DCCW2004/1679/F pertaining to the dot.com service.

3.2 DCCW2004/1679/F Amendment to planning permission reference CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free-standing canopy in association with home delivery service. Approved 28th July, 2004.

3.3 DCCW2006/0869/F Variation of condition 8 of planning permission DCCW2004/1679/F to allow for dot.com operations on Sundays between 9am and 4.30pm. Temporary permission 3rd May, 2006.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Head of Environmental Health & Trading Standards: "With reference to the above, I confirm that Environmental Health have not received any complaints regarding the dot.com centre during the temporary planning permission period. I note, however, that the dot.com service has not been running on a Sunday during this temporary period.

We have received a complaint previously regarding the noise emanating from the metal gates used within the dot.com area, however, this was resolved and no further complaints have been received by Environmental Health.

As the main store is currently operational on a Sunday, I cannot envisage a significant increase in noise levels from this operation. I would, however, recommend that the hours are kept to the same as the main store opening hours i.e. 10.00am instead of the requested 9.00am, especially with it being a Sunday."

4.3 Traffic Manager: No objection.

5. Representations

5.1 Belmont Parish Council: "With reference to the above planning application, Belmont Rural Parish Council has considered this application and wishes to object to these proposals on the grounds that we feel strongly that local residents should not be subjected to additional noise and disruption from the extension of this operation on Sundays. Increased vehicle movements would have a detrimental impact on the quality of life for those living in the immediate vicinity in this quiet residential housing estate."

5.2 Two letters of objection have been received from Mr. & Mrs. T. Smith, 8 Prinknash Close, Belmont and Mr. S.K. Jones, 4 Whitefriars Road, Belmont.

The main points raised:

1. Opposed to further noise and fumes on a Sunday which is put up with Mondays to Saturdays.
2. Previous complaints related to a metal gate used to gain access from the main car park. This use ceased but has recently re-commenced.
3. Vans have been pressure washed in this area with added noise.
4. Surely we are entitled to one day a week free of the noise.

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 issue for consideration in relation to this planning application is the impact on the amenities of adjoining occupiers associated with delivery vehicle activity between 1100 hours and 1600 hours together with external activities including the operation of refrigerated compartments and their loading and unloading between 0900 hours and 1630 hours on a Sunday.

6.2 It is acknowledged that the proposal will increase activity at the rear of the store. This is recognised in the acoustic report, which identified the need for a replacement gate onto Abbotsmead Road which have now been installed under the previous temporary planning permission for the extended dot.com service on a Sunday. Although the extended period has not been utilised by the applicant.

6.3 The Head of Trading Standards and Environmental Health raises no objection and confirms that no objections have been received regarding the dot.com centre during the temporary planning permission period. Complaints were received previously regarding the use of the metal gate. However these were resolved and no further complaints have been received since.

6.4 The store is open 24 hours save for the normal restrictions on a Sunday which are 1000 hours to 1600 hours and Members will note that the Head of Trading Standards and Environmental Health is recommending that the hours are kept the same as the store, particularly the commencement of 1000 hours rather than 0900 hours. This advice has been incorporated into the recommendation.

6.5 Finally, it should be noted that the 12 month planning permission granted last year to enable the use to be monitored and assessed was not implemented. In light of this a further temporary planning permission for 12 months is considered appropriate.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. This planning permission shall expire on 6th June, 2008 unless further permission is granted in writing by the local planning authority prior to the end of that period.

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

- 2. No machinery shall be operated or delivery vehicles loaded in association with the dot.com deliveries before 0700 hours or after 2300 hours on weekdays and Saturdays or outside the hours of 1000 hours - 1630 hours on a Sunday or at any time on a Bank or Public Holiday.

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

- 3. On a Sunday no dot.com delivery vehicles shall leave or enter the premises outside the hours of 1100 hours – 1600 hours.

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

- 4. All access to the dot.com services area on Sundays shall be via Abbotsmead Road access which shall not be open until 1100 hours and thereafter shall be kept closed at all times other than to allow the immediate entry and exit of delivery vehicles and unless otherwise agreed in writing by the local planning authority.

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

Informatives:

- 1. For the avoidance of doubt the term dot.com delivery service refers to the internet home shopping and delivery services operated by the applicant.
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC

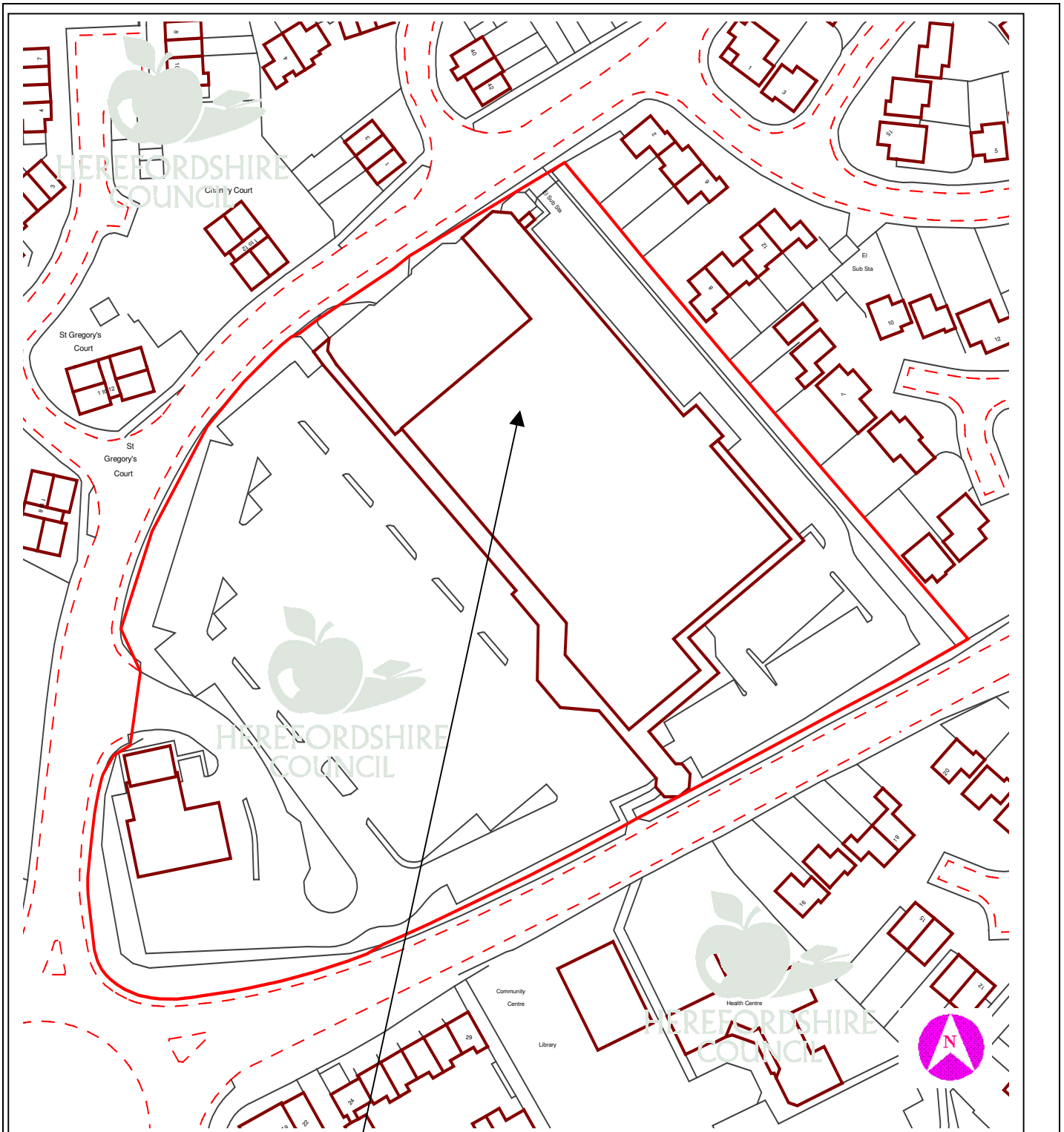
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/1229/F

SCALE : 1 : 1250

SITE ADDRESS : Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS

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13 DCCW2007/0362/F - PROPOSED CHANGE OF USE OF LAND TO CAR PARKING AT HOLMER PARK, CLEEVE ORCHARD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LL

For: Mr. D. Edwards per David Edwards Associates, Station Approach, Barrs Court, Hereford, HR1 1BB

Date Received: 2nd February 2007

**Ward: Burghill,
Holmer & Lyde**

Grid Ref: 50768, 42273

Expiry Date: 30th March 2007

Local Member: Councillor 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 from which pedestrian and cycle access is available for members of the club.
- 1.2 Planning permission is sought to extend the car parking with 34 permanent and 4 temporary spaces (grasscrete surface) to the west of the existing car park and retain the temporary (grasscrete) parking area to the east of the driveway near the entrance.
- 1.3 The plans have been amended since submission to reduce the amount of temporary parking adjacent to the main car park.
- 1.4 The form and layout of the car parking will match the existing car parking. Additional trees will be planted on the southern boundary.
- 1.5 A Business Travel Plan has also been submitted in support of the application.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S6	-	Transport
Policy S8	-	Recreation, Sport and Tourism
Policy DR1	-	Design
Policy T11	-	Parking Provision
Policy HBA4	-	Setting of Listed Buildings
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 dwellings. 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 19/10/2002.
- 3.6 DCCW2007/0187/F External fire escape staircase from ground floor to first floor (retrospective). Approved 25/04/2007.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.
- 4.3 Conservation Manager (Landscape): "The grounds of Holmer Park contain a number of visually significant trees protected by the provisions of a Tree Preservation Order (TPO). Whilst I acknowledge the attempts made by the applicant to avoid any detrimental impact on these trees when considering the layout of the proposed parking, I am concerned that a small number will encroach into the rooting areas of the trees.

BS5837: Trees in Relation to 'Construction, 2005 provides a simple formula for calculating Root Protection Areas (RPSs) or areas where development should be avoided. In this situation the western most bay (or two) of each line of parking would fall within the RPA of a TPO tree and are considered unacceptable. I do not consider a reduction by six (resultant total 89) in the number of parking bays applied for to be unreasonable, the applicants own parking survey demonstrates a maximum number of cars at 87 at the busiest times.

I would recommend attaching a condition to any permission given requiring a 'no-dig' method of construction to be employed for the new parking areas. This is often a quicker and cheaper method of surfacing and will ensure no detrimental impact on the specimen trees in proximity to the parking areas results. Furthermore the opportunity should be taken to require the planting of at least two new trees as part of the scheme to help reduce the visual impact of the increase in the number of cars occupying the site and ensure continuity of tree cover for the site."

- 4.4 Conservation Manager (Historic Buildings Conservation): "As a car park already exists between application site and listed building, this proposal to extend the parking area is unlikely to affect setting of the summerhouse."

5. Representations

- 5.1 Holmer Parish Council: "The Parish would be concerned with regard to the extra lighting. The extension of the car park should be discouraged in view of the Inspector's comments when there was an application to build in this area."
- 5.2 One letter of objection has been received from the occupants of 58 Cleeve Orchard, Holmer.

The main points raised:

1. Members should question why there is a need to increase parking by over 100%.
2. Previous applications have mentioned conference facilities but this is omitted for this proposal. The website identifies conference facilities for up to 50 delegates. This I believe is the main cause for the present overcrowding of the existing car park.
3. No planning permission has been granted, if required, for the conference facilities.
4. The applicant's figures only confirm an average parking requirement of 43 spaces well within the original Traffic Assessment of 48.
5. The proposal is therefore not a sustainable development as required by the Herefordshire Unitary Development Plan 2007.
6. The original house and grounds are documented as being of local interest as far back as 1867. The parkland setting which is one of its features should therefore be retained and not developed. This is supported by covenant guidance and in a previous appeal in 1998, the Inspector considered that Holmer Park made an important contribution to the wider locality.
7. Trees are protected by a TPO and should not be impacted by the proposal.
8. It should also be noted that, in part, this application is retrospective and continues the creeping urbanization of this site.

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 Holmer Park Spa & Health Club has now been open since the Spring of 2006 and the facility has developed and it is understood that the occasional conference and funeral wake has been accommodated. These uses are considered to be ancillary to the main Spa and Health use of the facility and therefore do not require planning permission. This occasional usage together with the increasing use of the establishment has in some instances resulted in a lack of car parking. The applicant tried to overcome this problem with the use of temporary surfacing and whilst this has been successful to the east of the driveway adjacent to the swimming pool, it has not been to the west of the existing car parking. Hence the submission of this planning application.

- 6.2 The small car park to the east of the driveway is approximately 6 metres deep by 21 metres wide and is constructed of “plastic grasscrete” (Turfguard). The nearest property is approximately 20 metres away behind trees, fencing and hedges. This small overspill car park is not considered to hinder the appearance of the main building, its parkland setting and trees or the amenity of adjoining neighbours.
- 6.3 The extension of the main car park follows the same form and design as the existing approach. The Council’s Landscape Officer has assessed the planning application and confirms that subject to suitable conditions the proposal is acceptable. The Historic Buildings Conservation Officer has also confirmed that there is no detrimental impact on the setting of the listed summerhouse. It is also considered that the car park extension will not intrude into the open setting of the parkland as it will still remain open to views. The appeal referred to by the objection related to the development of the parkland with a building and is therefore materially different to the current proposal.
- 6.4 Finally, the planning application has been fully assessed by the Council’s Traffic Manager who raises no objection and is supporting the applicant with the preparation of his Green Travel Plan.
- 6.5 In conclusion it is considered that expansion of car parking whilst increasing current parking capacity by over 100% can be achieved without detriment to the setting of the listed building, main building, parkland and neighbours. In addition, conditions controlling the construction will ensure protection of the trees.

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. None of the existing trees within the site shall be removed, felled, lopped or pruned or damaged in any way without the prior written consent of the local planning authority.**

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

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

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

- 4. 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.

- 5. G21 (Excavations beneath tree canopy).**

Reason: To prevent the unnecessary damage to or loss of trees.

- 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.

Informatives:

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

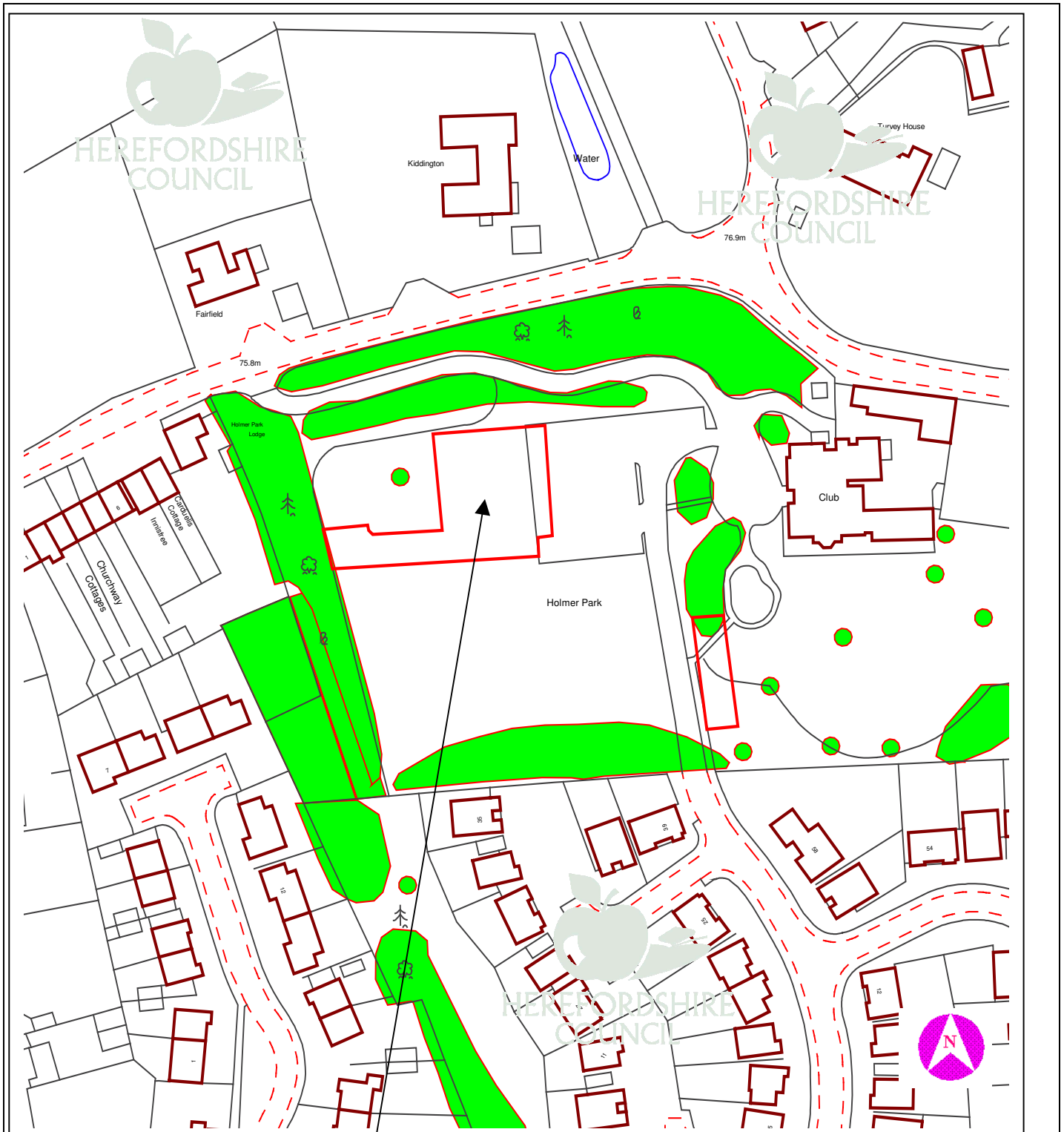
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/0362/F

SCALE : 1 : 1250

SITE ADDRESS : Holmer Park, Cleve Orchard, Holmer, Hereford, Herefordshire, HR1 1LL

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14 DCCW2007/0960/F - 4 NO. TWO BEDROOM SEMI DETACHED STARTER HOMES WITH PARKING. DEMOLISH EXISTING GARAGING AT GARAGE SITE TO REAR OF 48-50 HIGHMORE STREET, WESTFIELDS, HEREFORD, HEREFORDSHIRE, HR4 9PQ

For: Mr. R. Davies per Mr. P.T. Gill, 13 Vaughan Street, Hereford, HR1 2HD

Date Received: 23rd March, 2007 Ward: Three Elms Grid Ref: 49648, 41701

Expiry Date: 18th May, 2007

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

1. Site Description and Proposal

- 1.1 The application site is comprised of a block of 12 single storey garages and workshop buildings with associated hard standing which in total extends to approximately 0.08 hectares. It is situated on the western side of Highmore Street within an established residential area of the City of Hereford known as Westfields.
- 1.2 The application seeks permission to construct four dwellings, each comprising two bedrooms and bathroom above a kitchen and reception rooms on the ground floor. Private amenity space as well as off-road parking will serve each of the dwellings.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S8	-	Recreation, Sport and Tourism
Policy S10	-	Waste
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR4	-	Environment
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy T11	-	Parking Provision
Policy CF1	-	Utility Services and Infrastructure
Policy CF2	-	Foul Drainage

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to the imposition of standard conditions.

Internal Council Advice

- 4.2 Traffic Manager: Although the access has substandard visibility due to footway width (and parking) in view of the current permitted use as garages and workshop, there is not likely to be any greater amount of traffic from the proposed development than for the extant use. If approved, I would suggest two spaces are allocated to each unit and the access is surfaced full width at one level to allow vehicles to pass.

5. Representations

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

- 5.2 Seven letters of objection have been received from Mrs. Badham, 50 Highmore Street; Mr. Badham, 54 Highmore Street; Mr. Morris, 15 Westfield Street; Mr. Edwards, 48 Highmore Street; Mr. Roche, 52 Highmore Street; Mr. Moody, 17 Westfield Street; Mr Griffiths, 44 Highmore Street; which are summarised as follows:

- Low water pressure.
- Insufficient sewerage provision.
- Inadequate access.
- Increased traffic.
- On street parking is at capacity.
- Two access on opposite side of the highway.
- Pedestrians may be at risk using the pavement.
- Damage to adjoining properties due to narrow access width.
- Potential overlooking and loss of privacy.
- External lighting may harm amenity.
- Will the new dwellings be energy efficient.
- Cheap starter-homes out of character with other dwellings in the locality.
- Existing property prices will be devalued.
- Removal of garages will leave adjoining boundaries becoming insecure.

- 5.3 In addition a petition signed by 69 residents of Highmore Street has been received, which is summarised as: With low water pressure and inadequate sewerage already characterising the area, and the very poor access from a street which is already often congested by parked vehicles, has two access points almost opposite and a narrow pavement we strongly object to the application.

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 Having regard for the relevant policies, the primary issues in determining this application are considered to be:
- The Principle of Development
 - Design and layout
 - Residential amenity
 - Water and Sewerage
 - Access and Highways Issues

Principle of Development

- 6.2 The application lies within the settlement boundary for the City of Hereford and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development within this area providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore the proposal to erect 4 new dwellings is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout of the Development

- 6.3 The pattern of residential development along the eastern side of Highmore Street is generally characterised by semi-detached and detached dwellings arranged in a linear formation, properties front onto the adjoining highway, with large private gardens laying to the rear. However this general pattern is not replicated in the more immediate vicinity of the application site. To the north and south of the application site a total of 6 bungalows have been built to the rear of existing dwellings
- 6.4 The proposed development will comprise two, two storey buildings each forming a pair of semi-detached dwellings, which will be orientated north-south onto a central courtyard with private amenity space to the rear.
- 6.5 Having regard to the size and shape of the application site, the design, bulk and massing of the proposed development is considered to be acceptable, whilst the siting and orientation takes appropriate account of the position and orientation of the adjoining properties, and is reflective of the backland development that has taken place in the vicinity
- 6.6 Overall the design and layout is considered acceptable, as proposed development would not appear out of character with the mixed urban grain of wider locality.

Residential Amenity

- 6.7 A number of existing dwellings have gardens that back onto or abut the boundaries of the application site, and it is acknowledged that the proposed development will inevitably altered their setting and outlook. However it is not considered that the proposal will result in an unacceptable level of overlooking or overbearing impact.
- 6.8 The separation distances between existing and proposed dwellings is considered to be acceptable with the closest distance between the proposed properties and the nearest dwelling being 30 metres. This separation distance is greater than that experienced by the bungalows to the north and south of the application site with their closest neighbours.

- 6.9 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, the orientation of the proposed dwellings means that their flank walls will face the adjoining properties in both Highmore Street and Westfield Street, and these flank elevations only contain a small window serving the stairwell at first floor level.
- 6.10 However, as there is a potential issue of overlooking arising from these windows, it is considered expedient to condition the use of obscured glass. It is also considered expedient to remove the permitted development rights to insert windows in this elevation to ensure the continued satisfactory relationship between the proposed dwellings and their neighbours.
- 6.11 With regard to the concerns raised about potentially insecure boundaries, appropriate conditions are recommended requiring the prior approval of boundary treatments
- 6.12 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality, however in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.

Water and sewerage

- 6.13 Whilst the concerns raised in the letters of representation are noted about the perceived lack of water pressure and limited capacity of the sewerage system are noted, Welsh Water have raised no objection to the proposed development, subject to the impositions of standard drainage conditions
- 6.14 In the absence of any objection from the Welsh Water, it is not considered that the concerns raised in the letters of representation can be substantiated as grounds for refusal.

Access and Highways

- 6.15 The property is served by an existing vehicular access, which traverses a short section of private driveway, prior to entering onto the public highway known as Highmore Street. The proposed dwellings will continue to be served by this access, with a total of 6 parking spaces being provided within the curtilage of the application site.
- 6.16 In principle the Traffic Manager has no objection to the access and parking arrangements, having consideration for the existing use of the property, but comments that two parking spaces should be allocated per dwelling, as well as stating that the access should be level surfaced throughout to allow for vehicles to pass is required. These comments are considered reasonable and the appropriate conditions are recommended.
- 6.17 Whilst the concerns of the neighbours whose properties immediately abut the private driveway are noted, the potential for damage to their boundaries arising from vehicle movement already exists and may be exacerbated if the commercial use of the property were to recommence.

6.18 In the absence of any objection from the Traffic Manager, it is not considered that the concerns raised in the letters of representation can be substantiated as grounds for refusal on highway safety grounds.

Conclusion

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

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **A07 (Development in accordance with approved plans).**

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

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

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

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

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

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

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

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

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

7. **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.

8. **H05 (Access gates).**

Reason: In the interests of highway safety.

9. **F17 (Scheme of foul drainage disposal).**

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

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

Reason: To safeguard residential amenity.

Informatives:

- 1. N01 - Access for all.
- 2. N03 - Adjoining property rights.
- 3. N14 - Party Wall Act 1996.
- 4. HN05 - Works within the highway.
- 5. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'.
- 6. N19 – Avoidance of doubt.
- 7. N15 - Reason(s) for the Grant of PP/LBC/CAC

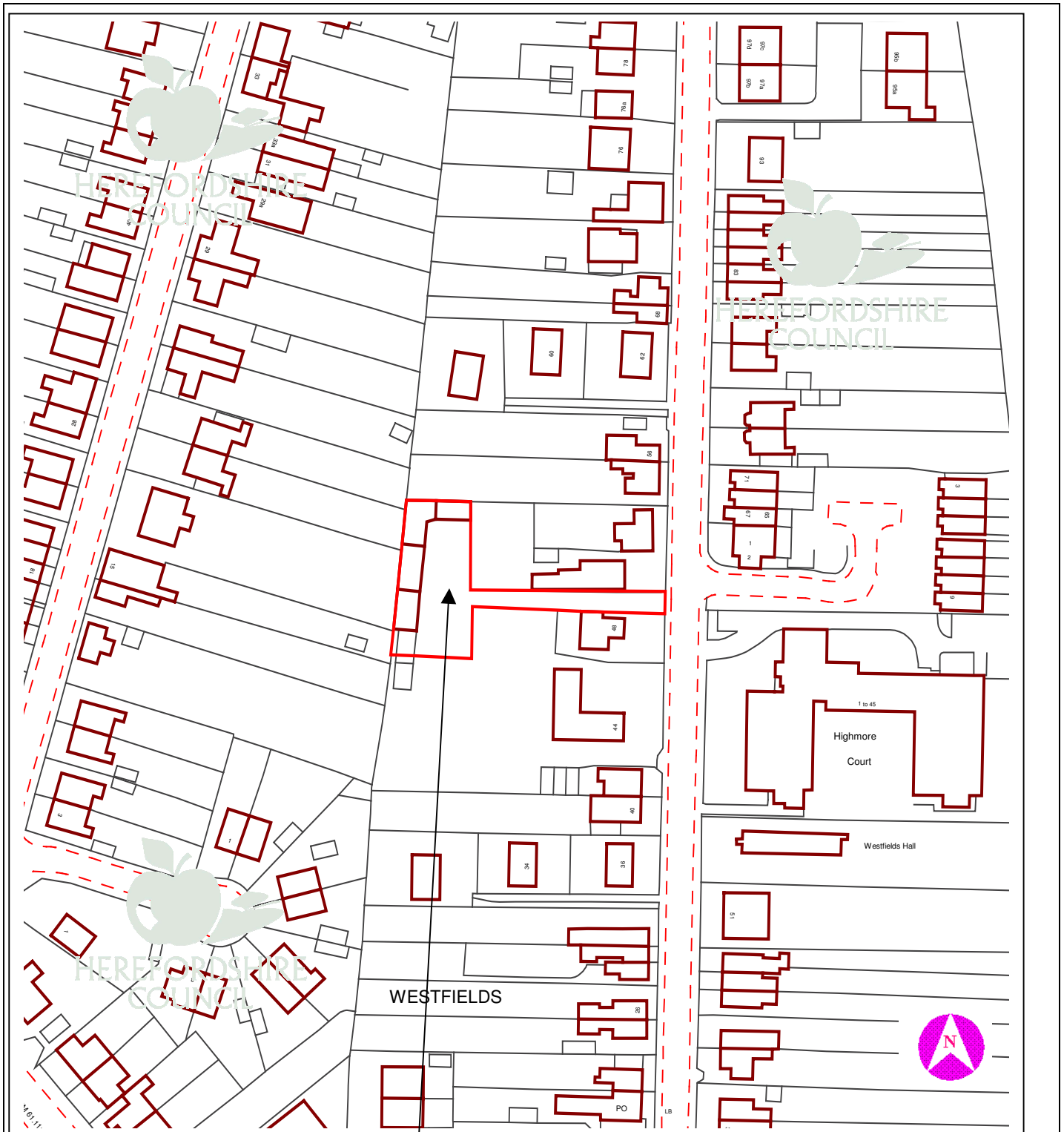
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/0960/F

SCALE : 1 : 1250

SITE ADDRESS : Garage site to rear of 48-50 Highmore Street, Westfields, Hereford, Herefordshire, HR4 9PQ

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15 DCCW2007/1165/F - PROPOSED TWO STOREY EXTENSION TO REAR OF RESIDENTIAL HOME FOR THE ELDERLY TO PROVIDE 4 NO. SINGLE BEDROOMS AT 17-19 BAGGALLAY STREET, HEREFORD, HEREFORDSHIRE, HR4 0DZ

For: Mrs. L. Rushgrove & Mrs. J. Jones per The Design Partnership, 41 Millbrook Street, Hereford, HR4 9LF

Date Received: 13th April, 2007 Ward: Three Elms Grid Ref: 49793, 40541

Expiry Date: 8th June, 2007

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

1. Site Description and Proposal

- 1.1 The application site is comprised of a large three storey property, which is located at the northern end of Baggallay Street at its junction with Gruneisen Street within an established residential area of Hereford. The property originally comprised two separate dwellings, which have been interlinked and converted to form a private nursing/care home.
- 1.2 The application seeks permission to construct a two storey rear wing, the northern elevation of which will front directly onto Gruneisen Street. The proposed extension will provide four additional bedrooms, two on each floor served by shared toilet and washing facilities.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR4	-	Environment
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy CF5	-	New Community Facilities
Policy CF7	-	Residential Nursing and Care Homes
Policy CF1	-	Utility Services and Infrastructure
Policy CF2	-	Foul Drainage

3. Planning History

- 3.1 HC890577PF Extension on existing nursing home to form 4 no. additional single rooms, erection of lift shaft and conversion of 2nd floor to form 2 double bedrooms. Approved November 1989.

- 3.2 HC910345PF Proposed extension to dining room to residential home. Approved September 1991.
- 3.3 HC940001PF Conversion of 17 Baggallay Street to a residential care home and an extension including lift shaft to form link with 19 Baggallay Street. Approved March 1993.
- 3.4 DCCW2004/3202/F Two storey extension to rear of residential accommodation for elderly people. Withdrawn June 2005.
- 3.5 DCCW2005/2803/F Proposed two storey extension to rear of residential accommodation for the elderly. Withdrawn October 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.

5. Representations

- 5.1 Hereford City Council: Comments awaited.
- 5.2 Four letters of objection have been received from Mr. Bell, Greylands, 1 Gruneison Street; Mr. Myatt, Flat 1 3 Gruneison Street; Mr. Jenkins, 22 Gruneison Street; Mrs. Hunt-Davies, 21 Gruneison Street, which are summarised as follows:
- The property has already been extended and has reached the capacity of the site. The business has outgrown property.
 - Scale of the proposed extension is too large/overbearing.
 - Inadequate access and parking.
 - On street parking is at capacity.
 - Delivery vehicles already obstruct the highway.
 - Insufficient sewerage provision.
 - Loss of views and light.
 - The only benefit of the extension is for the financial gain of the nursing home.
 - Loss of garden area enjoyed by residents.
 - Existing property prices will be devalued.

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 Having regard for the relevant policies, the primary issues in determining this application are considered to be:
- The Principle of Development

- Design and layout
- Residential amenity
- Access and Highways Issues

Principle of Development

- 6.2 The application lies within the settlement boundary for the City of Hereford and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development, including the provision and/or improvement of nursing and care homes within this area, providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore the proposal to extend the existing community facility is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout of the Development

- 6.3 The applicant has previously sought permission in 2004 and again in 2005, to further extend the existing facilities to meet the current standards required for residential nursing homes. Both of these applications proposed an extension above an existing single storey rear extension sited centrally between the 17 and 19 Baggallay Street. Consequently the proposals were considered to give rise to an unacceptable degree of overbearance, which would have harmed the amenity of the adjoining dwellings, and both were subsequently withdrawn.
- 6.4 The present application proposes an extension which will form an enlarged rear wing; adding to an earlier two storey extension, which will front onto Gruneison Street and it is considered that this overcomes the earlier objections regarding amenity impact.
- 6.5 Having consideration for the character and appearance for the existing property, the scale, and massing and general design of the proposed extension are thought to be acceptable. However it is acknowledged that the property has been subject to a significant degree of alteration and extension.
- 6.6 Therefore whilst cumulatively the overall scale including the present proposal is acceptable, it is considered expedient through the use of an appropriate informative to advise the applicant that the capacity of the site has been reached.
- 6.7 Turning to the design of the façade fronting onto Gruneison Street. There was a concern that the plans as submitted would lack a sufficient degree of architectural interest when related to the Victorian villas opposite. Therefore following recent negotiations the applicant's agent is currently considering revisions to the design of this elevation to improve its contribution to the wider streetscape.
- 6.8 Subject to receipt of acceptable amendments, the design and layout is considered acceptable as the proposed development would not appear out of character within the wider locality.

Residential Amenity

- 6.9 It is acknowledged that the proposed extension will inevitably alter the setting and outlook of the neighbouring properties, particularly those on the opposite side of Gruneison Street and the immediate neighbour to the west. However, having consideration for the wider urban pattern of development it is not considered that this

altered relationship will be unacceptable. More specifically the proposed extension will not give rise to an unacceptable level of overlooking or be overbearing.

- 6.10 With regard to the concerns raised in the letters of representation about the loss of amenity for the residents of the application site itself, an area of open amenity space will remain to the rear of 17 Baggallay Street for their enjoyment.
- 6.11 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.

Access and Highways

- 6.12 Whilst the concerns about the existing level of on street parking congestion and the problems with delivery vehicles are noted, it is not considered that the modest increase in capacity of the nursing home will materially alter these pre-existing highway conditions.
- 6.13 In the absence of any objection from the Traffic Manager, it is not considered that the concerns raised in the letters of representation can be substantiated as grounds for refusal on highway safety grounds.

Conclusion

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

RECOMMENDATION

Subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

- 2. A07 (Development in accordance with approved plans).**

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

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

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

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

Reason: To safeguard residential amenity.

Informatives:

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **N14 - Party Wall Act 1996.**
4. **HN05 - Works within the highway.**
5. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'.**
6. **N19 - Avoidance of doubt.**
7. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

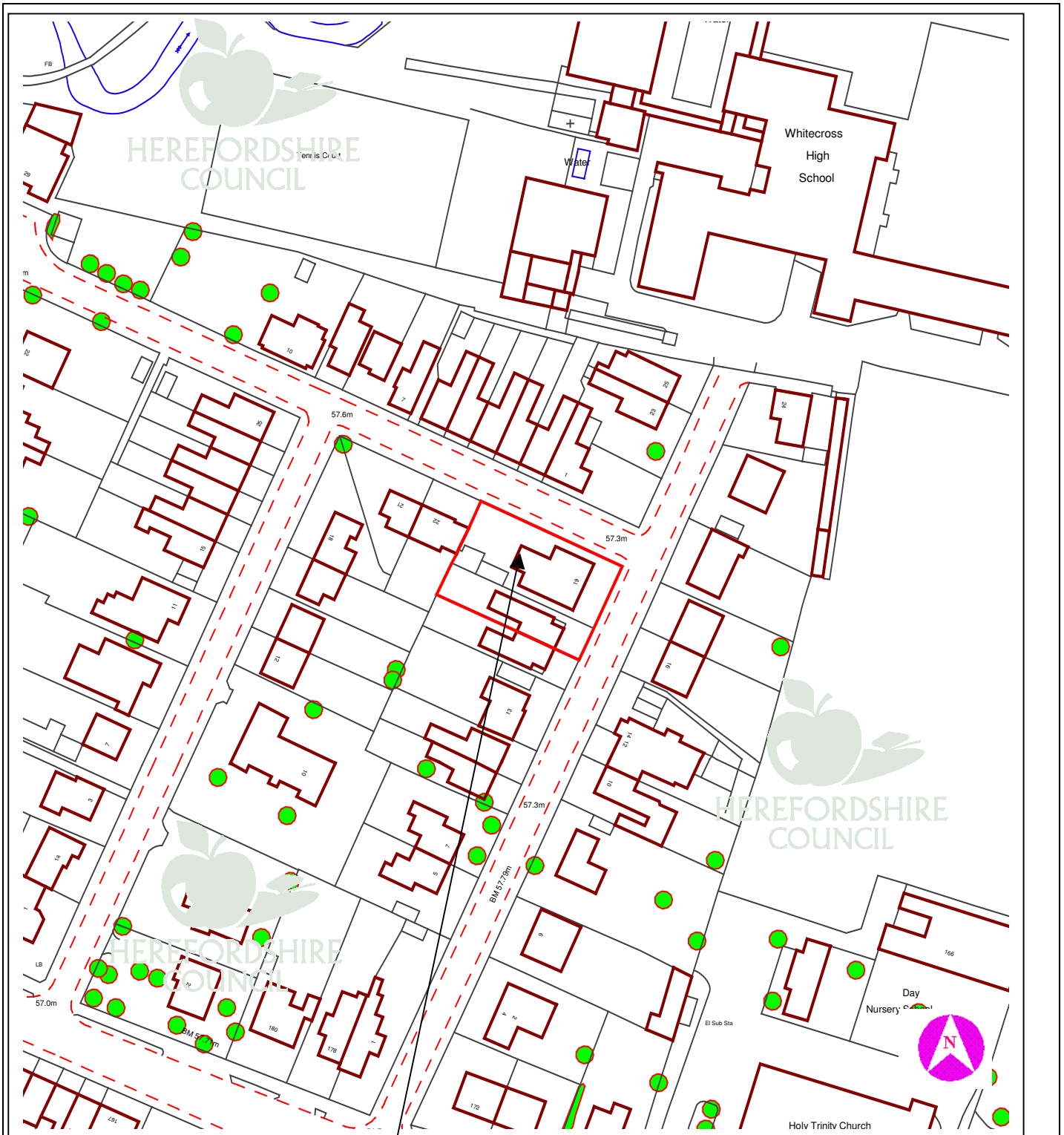
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/1165/F

SCALE : 1 : 1250

SITE ADDRESS : 17-19, Baggallay Street, Hereford, Herefordshire, HR4 0DZ

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