

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 4th July, 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, Democratic Services,
Tel: 01432 261882*

e-mail: bbaugh@herefordshire.gov.uk

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

To: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice-Chairman)

Councillors PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward.

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by members in respect of items on the agenda.	
3. MINUTES To approve and sign the minutes of the meeting held on 6th June, 2007.	1 - 18
4. ITEM FOR INFORMATION - APPEALS To note the Council's current position in respect of planning appeals for the central area.	19 - 22
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 items 5 to 9 are applications that were deferred for site inspections at the last meeting and the remainder are new applications.	
5. DCCE2007/1209/F - 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY	23 - 30
Residential development together with alterations to 10 Ledbury Road to provide 8 residential units.	
Ward: Tupsley	
6. [A] DCCE2007/0642/F AND [B] DCCE2007/0647/L - LAND ADJACENT TO THE SCIENCE BLOCK, THE HEREFORD CATHEDRAL SCHOOL, THE CATHEDRAL CLOSE, HEREFORD, HR1 2NG	31 - 40
New sports hall and alterations to existing science block.	
Ward: Central	

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| 7. | DCCW2007/1165/F - 17-19 BAGGALLAY STREET, HEREFORD, HEREFORDSHIRE, HR4 0DZ | 41 - 46 |
| | Proposed two storey extension to rear of residential home for the elderly to provide 4 no. single bedrooms. | |
| | Ward: Three Elms | |
| 8. | DCCW2007/0960/F - GARAGE SITE TO REAR OF 48-50 HIGHMORE STREET, WESTFIELDS, HEREFORD, HEREFORDSHIRE, HR4 9PQ | 47 - 54 |
| | 4 no. two bedroom semi detached starter homes with parking. Demolish existing garaging. | |
| | Ward: Three Elms | |
| 9. | DCCE2007/0951/F - SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE | 55 - 60 |
| | Replacement dwelling and continued temporary use of existing outbuilding as full residential accommodation. (Alternative siting of approved dwelling under CE2002/1868/F). | |
| | Ward: Hagley | |
| 10. | DCCE2007/1060/F - STABLEBLOCK ADJACENT TO SILVERDALE, 8 BODENHAM ROAD, HEREFORD, HR1 2TS | 61 - 66 |
| | Conversion of existing building to form dwelling house. | |
| | Ward: Aylestone | |
| 11. | DCCW2007/1382/F - LAND ADJACENT TO STONEY CROFT, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DX | 67 - 72 |
| | Proposed dwelling. | |
| | Ward: Sutton Walls | |
| 12. | DATE OF NEXT MEETING | |
| | Wednesday 1st August, 2007 at 2.00p.m. | |

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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 Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 6th June, 2007 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice-Chairman)

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio) and RJ Phillips

ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

It was noted that Councillor JE Pemberton was elected Chairman and Councillor GA Powell was appointed Vice-Chairman at Annual Council on 25th May, 2007. The Chairman paid tribute to the work of the previous Chairman, D.J. Fleet, and hoped to maintain the same high standards. She welcomed the recently elected and returning Councillors to the Sub-Committee and introduced the officers.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors ACR Chappell and RI Matthews.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Councillor	Item	Interest
MD Lloyd-Hayes	Minute 217, Agenda Item 5 DCCE2007/0163/F 17 Walney Lane, Hereford, Herefordshire, HR1 1JD	Declared a prejudicial interest and left the meeting for the duration of the item.
GFM Dawe and MAF Hubbard	Minute 220, Agenda Item 8 DCCE2007/0609/F Land between St. James's Road and Harold Street, Hereford, Herefordshire, HR1 2QU	Both members declared personal interests during the item.
NL Vaughan and WJ Walling	Minute 223, Agenda Item 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	Both members declared personal interests.

PA Andrews and AM Toon	Minute 224, Agenda Item 12 DCCW2007/1229/F Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS	PA Andrews declared a prejudicial interest and left the meeting for the duration of the item. AM Toon declared a personal interest.
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Mr. P. Clasby, the Senior Planning Officer, declared a prejudicial interest in Minute 225, Item 13 (DCCW2007/0362/F) and left the meeting for the duration of the item.

3. MINUTES

The Minutes of the last meeting were received.

RESOLVED: That the Minutes of the meeting held on 25th April, 2007 be approved as a correct record and signed by the Chairman.

4. ITEM FOR INFORMATION - APPEALS

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

RESOLVED: That the report be noted.

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

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

The Principal Planning Officer reported the following:

- The applicants had undertaken an ecological survey which had not revealed the presence of any protected species on site but advised that bats and badgers were present locally and some mitigation was recommended. Therefore, an additional condition requiring the installation of bat boxes and badger protective boundary fencing was suggested.
- It was recommended that condition 13 be amended to require the development to connect to the mains drain when available.

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

Councillor NL Vaughan, a Local Ward Member, felt that the widening of the existing access could result in additional traffic and indiscriminate parking which would be detrimental to the character of the lane.

Councillor DB Wilcox, the other Local Ward Member, welcomed the reduction in the number of proposed dwellings, from three to two, and commented on the value of the site inspection that had been held. He felt that the main issue was the impact of traffic movements on the lane and questioned the removal of a proposed passing bay from the scheme. He also welcomed the condition in respect of connection to the main drain.

The Area Engineer (South) advised the Sub-Committee that it was considered that a

passing bay in the position suggested would provide negligible benefit and that the revised access and the provision of a turning head would mitigate the impact of the development. In response to a question, he said that a Traffic Regulation Order might be necessary if parking became a problem as a result of the access widening.

In response to questions, the Principal Planning Officer advised that: he was not aware of a section of historic stone wall referred to by the speaker and explained how the widening of the access would be achieved; there was a need to balance the preservation of the character of the lane and highway safety considerations; the Conservation Manager did not have any objections to the proposal; and access for emergency vehicles would be improved through the provision of the turning head.

Councillor AT Oliver, referring to policies S1 (Sustainable development) and S7 (Natural and historic heritage), commented on the importance of preserving local distinctiveness and felt that this site and the residential and visual amenities enjoyed by local residents should be safeguarded.

Councillor AM Toon commented on the potential problems with private drainage systems. She also asked whether any planning contributions could be secured from the developer. The Development Control Manager responded by advising that, under current policies, the scale of development was below the threshold at which contributions could be required.

Councillor PA Andrews did not feel that there were sufficient planning reasons to warrant refusal of this application. She added that the mitigation measures proposed should minimise the impact of the development. A number of members concurred with these views and supported the application.

In response to questions, the Principal Planning Officer explained the circumstances involved which resulted in the imposition of a general Tree Preservation Order on the site and that, following landscape and ecology assessment, it was considered that some trees were not worthy of retention and the design of the proposal had been informed accordingly.

Councillor Vaughan re-iterated concerns about the potential for indiscriminate parking. Councillor Wilcox suggested that any parking restriction works required as a result of the development should be at the applicant's cost.

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. Notwithstanding the submitted details, no development shall take place until 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. The works identified on drawing no. 06061067/09B relating to the widened access off the junction between Aylestone Hill and Walney Lane and new**

turning head access into the site shall be completed prior to work commencing on the construction of the dwellings hereby approved in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of development. The details shall also include measures to prevent/discourage indiscriminate parking in the widened section of Walney Lane and turning head.

Reason: In the interests of highway safety.

4. Prior to the use or occupation of the dwelling identified on drawing number 0606106722 on Plot 2, and at all times thereafter, the window at first floor on the northern and north west elevations on the approved plans shall be glazed with obscure glass only.

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

5. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-5.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected including the retaining structure along the western boundary. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

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

7. 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 those to be retained 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.

8. 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.

9. The landscaping scheme required by condition No. 7 above shall include

the following:

- (a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.
- (b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

10. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:

- (a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level or at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon to be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
- (b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
- (c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
- (d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
- (e) the details of the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
- (f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

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

11. Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority prior to the commencement of development. Where

excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.

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

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

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

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

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

14. Any new access gates/doors shall be set back 8 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety.

15. 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.

Reason: To ensure satisfactory drainage arrangements are provided.

16. No development shall take place until a Wildlife Protection Plan for construction has been submitted to and approved in writing by Herefordshire Council. The plan shall include:

- (a) An appropriate scale plan showing 'Wildlife Protection Zone' where construction activities are restricted and where protective measures will be installed or implemented;
- (b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- (c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season).

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority. An ecological clerk of works shall

be appointed to oversee demolition of the coach house and implementation of the above plan.

Reason: To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with PPS9 and Unitary Development Plan Policies NC6, NC7, NC8 and NC9.

17. No development shall commence until details of the provisions to be made for a bat box have been submitted to and agreed in writing with the local planning authority. The bat boxes shall be provided in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: To ensure the nature conservation interest of the site is protected.

18. 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/dormer windows [other than those expressly authorised by this permission] shall be constructed in the north and north west elevation of first floor of Plot 2 as identified on drawing number 06061067-22.

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

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.
6. **DCCE2007/0951/F - SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE [AGENDA ITEM 6]**

Replacement dwelling and continued temporary use of existing outbuilding as full residential accommodation. (Alternative siting of approved dwelling under CE2002/1868/F).

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

Councillor DW Greenow, the Local Ward Member, noted the concerns of an objector and questioned whether the site was prone to flooding. In response, the Principal Planning Officer advised that the site was not in a recognised flood plain.

Councillor PJ Edwards felt that the Sub-Committee would benefit from a site inspection. He also suggested that further discussions be held between officers and

the applicant to assess whether there was any room for compromise in order to address the issues raised in the report.

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.**

7. DCCE2007/1209/F - 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY [AGENDA ITEM 7]

Residential development together with alterations to 10 Ledbury Road to provide 8 residential units.

The Principal Planning Officer reported the following:

- Further letters of objection had been received from M.D. Lloyd Hayes, K. Matthew, J. Whitmore, a letter signed by the occupants of 1, 2, 3 and 4 Templars Lane and a petition with 52 signatures. Additional comments not already detailed in the representations section of the report were summarised.
- Hereford City Council recommended refusal on the grounds of over intensive development of the site with deficient access onto a busy highway.
- The consultation period had expired but some of the requested additional information has not been received, therefore the recommendation remained as set out in the report.

In accordance with the criteria for public speaking, Mrs. Morgan spoke in objection to the application.

In response to a question from the Chairman, the Area Engineer (South) summarised the accident record for the last five years in the vicinity of the site and commented that the Traffic Manager was satisfied that the proposed access was acceptable.

Councillor WJ Walling, a Local Ward Member, commented that the proposed development was imaginative but recognised local concerns about access and parking and felt that a site inspection was warranted.

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.**

8. DCCE2007/0609/F - LAND BETWEEN ST JAMES'S ROAD AND HAROLD STREET, HEREFORD, HEREFORDSHIRE, HR1 2QU [AGENDA ITEM 8]

Proposed bungalow.

Councillor MD Lloyd-Hayes, a Local Ward Member, noted that few of the existing garages were used for the parking of vehicles by local residents and that the re-

development was considered beneficial. However, she stressed the need to protect the privacy of surrounding properties through adequate boundary treatments.

The Principal Planning Officer advised that siting of the development should not have a detrimental impact on the amenities of neighbouring properties and drew attention to condition 5 - GO1 (Details of boundary treatments).

In response to a question, the Principal Planning Officer commented that the applicant had advised that few of the existing garages were used for the parking of vehicles and the majority were used for general storage.

Councillor DB Wilcox felt it was regrettable that off-street parking would be lost as a consequence of this proposal, particularly given the problems in the St. James' Road area.

In response to a question, the Development Control Manager explained that the determination of the planning application would not override any private rights of access that may exist. He noted that there were some cases where developments had been resisted where garages might be lost but this would require hard evidence of significant local use and this was not available in this instance. It was also noted that the traffic generated by the proposed use would be less than the existing use.

A motion to defer consideration of the application to investigate further the current use of the garages was lost and the following resolution was then agreed.

RESOLVED:

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.

9. DCCE2007/0859/O - LAND ADJACENT TO THE OLD VICARAGE, PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE [AGENDA ITEM 9]

Proposed bungalow for a disabled person.

The Central Team Leader reported the following:

- Four further letters of support had been received via the Local Ward Member.

Councillor DW Greenow, the Local Ward Member, advised that he had received fourteen further letters of support before the meeting. He noted that the Ramblers' Association had no objection, that Preston Wynne Parish Council strongly supported the application and that many local residents had expressed support for the development. He drew attention to the Council's guiding principles of 'Putting People First' and 'Providing for our Communities' and felt that these were important in this case. He noted that there were other options but felt that none would suit the specific requirements of the applicant as well as this proposal. Therefore, he felt that the application should be supported and approved.

In response to a question from Councillor SJ Robertson, the Legal Practice Manager outlined the referral process in relation to decisions made contrary to officer recommendation but advised that any further comment would be premature at this stage.

Councillor MD Lloyd-Hayes commented on the special circumstances of the applicant and supported the application. She also felt that the applicant's access to a car was irrelevant.

In response to a question from Councillor DB Wilcox, the Central Team Leader advised that there were no material changes to the applications previously refused (DCCE2006/2453/F and DCCE2005/3999/F refers). He added that other temporary forms of development or ancillary accommodation might be options for consideration by the applicant but any future application would need to be determined on its own merits.

A number of members sympathised with the applicant's situation but felt that the restrictive policy stance for new dwellings in the open countryside had to be maintained. Comments were made about the increasing demand for suitable accommodation and for appropriate policies to address such needs.

In response to a question from Councillor AJM Blackshaw, the Central Team Leader

said that he did not have any information about the orchard at the site, nevertheless there were significant policy objections against the proposal.

Councillor Greenow drew attention to the suggestion that the development be tied to the applicant and any spouse and any dependents she may have. However, some members noted that the property would remain in perpetuity.

A motion to approve the application failed and the resolution below was agreed.

RESOLVED:

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.**

10. DCCE2006/1798/O - LAND ADJACENT TO HOLME CROFT, HOLME LACY, HEREFORD, HEREFORDSHIRE, HR2 6LW [AGENDA ITEM 10]

Site for erection of maximum of 5 dwelling units. A resubmission of app. no. DCCE2005/2160/O.

The Principal Planning Officer reported the following:

- Attention was drawn to the need to correct paragraph 1.1 and 6.6, in that the reference to Stony Yeld was incorrect and should be deleted.

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

In response to comments made by the speaker, the Principal Planning Officer clarified the history of the application, the delays resulting from lack of information provided regarding proof of ownership of some of the land, and the development of planning policy during this time. He drew attention to three key issues: that the Traffic Manager objected on the grounds that the scheme would be detrimental to highway safety; that the application failed to demonstrate any proven local need; and that, although the 'fall back' position was the use of this site as a HGV goods yard, the mitigating circumstances were not considered to outweigh the policy objections in this instance.

Councillor GFM Dawe, the Local Ward Member, recognised that the site would benefit from some form of re-development but felt that affordable housing requirements of Policy H6 (Housing in smaller settlements) had to be upheld. A number of members supported this view.

Some members commented on the historic use of the site and felt that the access was sufficient, particularly if traffic-calming works were undertaken in the vicinity of the site. Councillor DB Wilcox commented that the Traffic Manager had made an explicit objection that inadequate access arrangements were available and as such

this proposal was detrimental to highway safety.

RESOLVED:

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.**

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 [AGENDA ITEM 11]

New sports hall & alterations to existing science block.

The Central Team Leader reported the following:

- The Traffic Manager had confirmed that the revised plans recessing the fire door openings had overcome his initial concerns.
- The consultation period for the revised plans did not expire until 7th June, 2007 and further comments were awaited from Hereford City Council, who objected to the proposal in its original form.
- The recommendation detailed in the report should include reference to the need for the consultation period to expire before the application could be referred to the Secretary of State.

Councillor MAF Hubbard, the Local Ward Member, felt that the Sub-Committee would benefit from a site inspection.

RESOLVED:

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

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

12. DCCW2007/1229/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS [AGENDA ITEM 12]

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.

The Principal Planning Officer reported the following:

- The applicant's agents had requested that further consideration be given to the

commencement of activities in the yard at 0900 to allow sufficient time for the cooling of on-board refrigeration and loading, contrary to the recommendation which stated 1000. Officers had reviewed the matter further and considered that the recommendation reflected an acceptable start time commensurate with the operations at the store.

Councillor PJ Edwards, a Local Ward Member, noted that there were a number of ongoing concerns about the overall management of the store and related trading activities. He commented on the unacceptable noise from the application site, especially when the new acoustic gate was left open contrary to a condition on a previous application. He felt that any further expansion in hours should be resisted and that the 1000 commencement of activities should remain. He requested that the applicant's be reminded of their duty to adhere to conditions and ensure good management of the site.

Councillor GA Powell, also a Local Ward Member, noted that it was difficult to balance commercial needs against the residential amenity considerations. She said that she reluctantly supported the recommendation by officers but asked that the situation be monitored closely by Planning Enforcement and by Environmental Protection.

In response to a question, the Principal Planning Officer confirmed that the twelve-month planning permission granted the previous year (DCCW2006/0869/F refers) had not been implemented and, in light of this, a further temporary planning permission was considered appropriate.

Councillor AT Oliver did not feel that there was justification for the expansion of activities on Sundays, demonstrated by the fact that the previous temporary permission was not implemented, and felt that the application should be refused.

Councillor PJ Edwards moved that, subject to the necessary amendments and an advisory letter to the applicant, the question be put and this was supported by a number of members.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. The permission hereby granted is for the activities defined in the application (the "permitted operations") and shall endure for a trial period of 12 months. Prior to commencement of the trial period the applicant shall notify the local planning authority in writing of the start date whereupon the local planning authority shall confirm in writing to the applicant the start and end dates of the trial period. The permitted operations shall cease at the end of the trial period.**

Reason: To define the start and end dates of the trial period and to enable the effects of the permitted operations to be assessed against the interests defined in Policy DR4 of the Herefordshire Unitary Development Plan 2007.

- 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.**

13. DCCW2007/0362/F - HOLMER PARK, CLEEVE ORCHARD, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LL [AGENDA ITEM 13]

Proposed change of use of land to car parking.

Councillor SJ Robertson, the Local Ward Member, made the following comments: further capacity could be provided by the proper marking out of the existing car parking area; she was surprised that the Traffic Manager had no objections given that other officers and the police had acknowledged that there were issues about the speed and volume of traffic accessing the site through Cleeve Orchard; it was noted that Holmer Park Health Club and Spa advertised its facilities for conference and other uses and she questioned whether this represented a change of use under planning legislation; concerns were expressed about inconsiderate and dangerous driving by clientele of the club; concerns were expressed about additional traffic on the A49 and Roman Road, particularly given the history of accidents; she was disappointed by the piecemeal development of this site and retrospective applications; the historic significance of the original house and grounds was noted and the weight that a Planning Inspector gave to the character and visual amenity of the area in relation to a previous application. In view of these considerations, she felt that the application should be refused given the detrimental impact on the grounds of highway safety and visual amenity. She added that, if the Sub-Committee was minded to approve the application, it would be beneficial delegate authority to the officers, in consultation with the Chairman and the Local Ward Member, so that a contribution towards traffic calming in the area could be secured.

The Development Control Manager advised that the proposal did not seek to increase the floorspace of the Health Club and Spa and, therefore, the application sought to provide parking for existing traffic. He felt that, given the lack of objection from the Traffic Manager subject to conditions, it could be difficult to sustain a refusal reason based on highway safety. He noted, however, that a judgement needed to be taken on the visual impact of the proposal on the historic grounds.

The Principal Planning Officer summarised the history of the site and the change of use from a social club to a health and spa club. He advised that occasional conferences and funeral wakes had been accommodated and these uses were considered to be ancillary to the main health and spa use of the establishment.

Councillor Robertson commented on meetings with highways officers and the police that had identified problems with the traffic generated by the facility. However, she acknowledged the Development Control Manager's advice and felt that impact on visual amenity was a significant consideration.

Some members felt that the application was contrary to the spirit of sustainable development and modes of transport.

Councillor PA Andrews noted the assertion that 'plastic grasscrete', as had been used elsewhere on the site, was not suitable in this location but commented that there were more robust types of grass paving and felt that this should be pursued. Councillor DB Wilcox also felt that this would help to mitigate the visual amenity issue and noted that refusal of planning permission could lead to increased parking and congestion in Cleeve Orchard.

Councillor PJ Edward commented that the proposal represented a significant increase in parking provision and felt that this would inevitably result in the intensification of use of the facility.

Councillor MD Lloyd-Hayes noted local concerns but also felt that the needs of the business and economic development issues had to be considered.

A motion to refuse the application was lost and the resolution below was then agreed.

Councillor Robertson asked that consideration be given to traffic calming in Cleeve Orchard. The Development Control Manager noted that the recommendation in the report had been agreed but said that officers would be happy to explore the issues with the Local Ward Member. Councillor DB Wilcox also emphasised the need to investigate appropriate forms of surfacing.

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 development hereby approved shall be carried out strictly in accordance with the amended plans received by the local planning authority on 8th May, 2007.**

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

- 3. 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.

- 4. This permission does not authorise any works to trees included in the 243 Tree Preservation Order. Any work shall be the subject of an application**

for consent to the local planning authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.

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

5. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:
 - (a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.
 - (b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.
 - (c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.
 - (d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

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

6. Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.

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

7. 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.

8. 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.

Informatives:

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

Drawings received and date stamped 8th May, 2007.

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:

S1 - Sustainable Development
S6 - Transport
S8 - Recreation, Sport and Tourism
DR1 - Design
T11 - Parking Provision
HBA4 - Setting of Listed Buildings
HBA8 - Locally Important Buildings

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).

14. **DCCW2007/0960/F - GARAGE SITE TO REAR OF 48-50 HIGHMORE STREET, WESTFIELDS, HEREFORD, HEREFORDSHIRE, HR4 9PQ [AGENDA ITEM 14]**

4 no. two bedroom semi detached starter homes with parking. Demolish existing garaging.

In accordance with the criteria for public speaking, Mr. Davies had registered to speak in support of the application but decided not to speak on this occasion.

Councillor PA Andrews, a Local Ward Member, felt that the Sub-Committee would benefit from a site inspection.

RESOLVED:

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

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

**15. DCCW2007/1165/F - 17-19 BAGGALLAY STREET, HEREFORD,
HEREFORDSHIRE, HR4 0DZ [AGENDA ITEM 15]**

Proposed two storey extension to rear of residential home for the elderly to provide 4 no. single bedrooms.

The following update was provided:

- Comments had been received from Hereford City Council (recommending refusal).
- The applicant's agent had submitted a revised design which was considered to improve the visual appearance of the proposed development within the streetscape.
- An additional informative note was recommended as follows: 'The applicant is advised that the property has now reached the limit of its capacity for alteration and extension; therefore there is no scope for any further development beyond that approved.'

Councillor PA Andrews, a Local Ward Member, felt that the Sub-Committee would benefit from a site inspection.

In accordance with the criteria for public speaking, Mrs. Jenkins spoke in objection to the application.

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.**

16. DATE OF NEXT MEETING

Wednesday 4th July, 2007 at 2.00 p.m.

The meeting ended at 5.15 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCCE2007/0624/A**

- The appeal was received on 25th 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 Suzuki GB Plc.
- The site is located at Stirlings Suzuki, Callow, Hereford, Herefordshire, HR2 8BT.
- The development proposed is Four internally illuminated fascia panels and one internally illuminated totem pole sign.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957**Enforcement Notice EN2007/0035/ZZ**

- The appeal was received on 23rd 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. A.R. Badham.
- The site is located at 59 St. Owen Street, Hereford, HR1 2JQ.
- The breach of planning control alleged in this notice is:
Without planning permission, the erection of steel security shutters on the shop front of the commercial property situated on the land.
- The requirements of the notice are:
 - Remove the security shutters and associated galvanized steel housing, side runners and brackets from the building.*
 - Restore the shop front to its condition prior to the unauthorized works being carried out.*
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957**Enforcement Notice EN2007/0033/ZZ**

- The appeal was received on 5th June, 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. K. Lancett.
- The site is located at Marshfield Cottage, Cross Keys, Withington, Hereford.
- The breach of planning control alleged in this notice is:
On 14th January, 2004 planning permission was granted for the change of use of the land to domestic cartilage, subject to conditions. One of those conditions removed the permitted development rights relating to development within the cartilage of a dwelling house. It appears to the Council that the condition has not been complied with, because a gazebo has been erected without planning permission.
- The requirements of the notice are:
 - Remove the unauthorized gazebo from the land.*
 - Restore the land to its condition prior to the commencement of the building operations.*
- The appeal is to be heard by Hearing

Case Officer: Ed Thomas on 01432 261961

Application No. DCCE2007/0610/A

- The appeal was received on 15th June, 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. P. Butt.
- The site is located at Chadds Commercial Street Hereford HR1 2DH.
- The development proposed is 8 x projecting banners - retrospective.
- The appeal is to be heard by Written Representations.

Case Officer: Ed Thomas on 01432 261961

APPEALS DETERMINED**Application No. DCCW2006/1780/F**

- The appeal was received on 13th September, 2006.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Front South Ltd. & Bovale Ltd.
- The site is located at Land off Faraday Road, Hereford HR4 9NS.
- The application, dated 3rd May, 2006, was refused on 7th August, 2006.
- The development proposed was Development to provide total care village for the elderly - use class C2 (residential institution) and associated infrastructure.
- The main issues are firstly whether the site should be retained for employment uses, secondly whether the proposal would provide satisfactory living conditions for future residents because of odour and whether that factor might prejudice future operations at a nearby chicken processing plant, and thirdly whether the proposal should make any provision for affordable housing.

Decision: The appeal was DISMISSED on 17th May, 2007.

Case Officer: Kevin Bishop 01432 261946

EN2005/0119/ZZ

- The appeal was received on 24th August, 2006.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of **two** Enforcement Notices.
- The appeal is brought by Mr. T.W Jones.
- The site is located at Small Ashes Farm, Marden, Herefordshire, HR1 3DA.
- The breach of planning control alleged in these notices are:
 - (i) *Without planning permission, the importation of material onto the land known as Small Ashes Farm, Marden to create tracks and hard standing and bunding which are not reasonably necessary for agricultural purposes causing operational development to take place.*
 - (ii) *Without planning permission, the unauthorized change of use of the land as a site for the operation of heavy goods vehicles and also as an aggregate distribution centre.*
- The requirements of the notices are:
 - (i) *Permanently remove all material used to consolidate accesses, internal tracks and hard standing from the site, this material should then be disposed of in a responsible manner and return the land to it's former condition.*
 - (ii) *Permanently cease the use of the land as a site for heavy goods vehicle operations and also as an aggregate distribution centre.*

- The main issues are whether the project conforms with policies relating to the location of development (in particular location of development in the countryside), whether it is likely to cause material detriment to the amenity of neighbours or to the character and appearance of the locality and whether it would be detrimental to highway safety.

Decision: The appeal was DISMISSED on 13th June, 2007.
The Enforcement Notice was upheld with corrections.

Case Officer: Peter Clasby on 01432 261947

Enforcement Notice EN2005/0068/ZZ

- The appeal was received on 26th October, 2006.
- 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. Kingsley.
- The site is located at Riverside House, Lugg Bridge Mills, Hereford.
- The breach of planning control alleged in this notice is:
Without planning permission, the erection of a wooden first floor balcony on the western elevation of Riverside House, Lugg Bridge.
- The requirements of the notice are:
 - (i) *Remove from the land the balcony, platform, railings, supporting pillars and any other associated brackets.*
 - (ii) *Any harm caused to the building through the construction of the balcony should be made good.*
- The main issue is the effect of the development on the setting and character of the area.

Decision: The appeal was DISMISSED on 14th June, 2007.

Case Officer: Russell Pryce on 01432 261957

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

5 DCCE2007/1209/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 MD Lloyd-Hayes, AP Taylor and WJ Walling

This application was deferred at the Central Area Planning Sub-Committee on 6th June, 2007 to allow members to conduct a site visit. The report has also been updated. The main change to the development is that the applicants now propose to delete the proposed two one-bedroom bungalows to the rear of the site. However, no plans have been provided at the time of writing this report and therefore the report has not been changed accordingly but a written and verbal update including amended plans will be presented at Committee on the 4th July, 2007.

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: Recommend refusal on the grounds of over intensive development of the site with deficient access onto a busy highway

5.2 Eleven letters of objection have been received including a petition with 52 signatures. 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.
10. Over development of the site,
11. Abuse of existing residents parking restrictions and illegal parking reduces visibility at local junctions, on street parking creates a pinch point in the road and no space for buses to pick up/drop off and proximity of the access to existing busy junctions all leading to increased danger to highway and pedestrian safety
12. Over 150 dwellings have been approved in the locality over the last year or so and residential development along Ledbury Road has reached saturation point
13. The loss of a further green space in the city will further reduce urban wildlife
14. The parking area will reduce the enjoyment of neighbouring gardens.
15. The development is contrary to Herefordshire's Community Strategy, which states that it will 'Putt People First'

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. Officer's 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 receipt of suitably amended plans illustrating the reduction in the number of units from 8 to 6 through the removal of the two bungalows to the rear of the site 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.

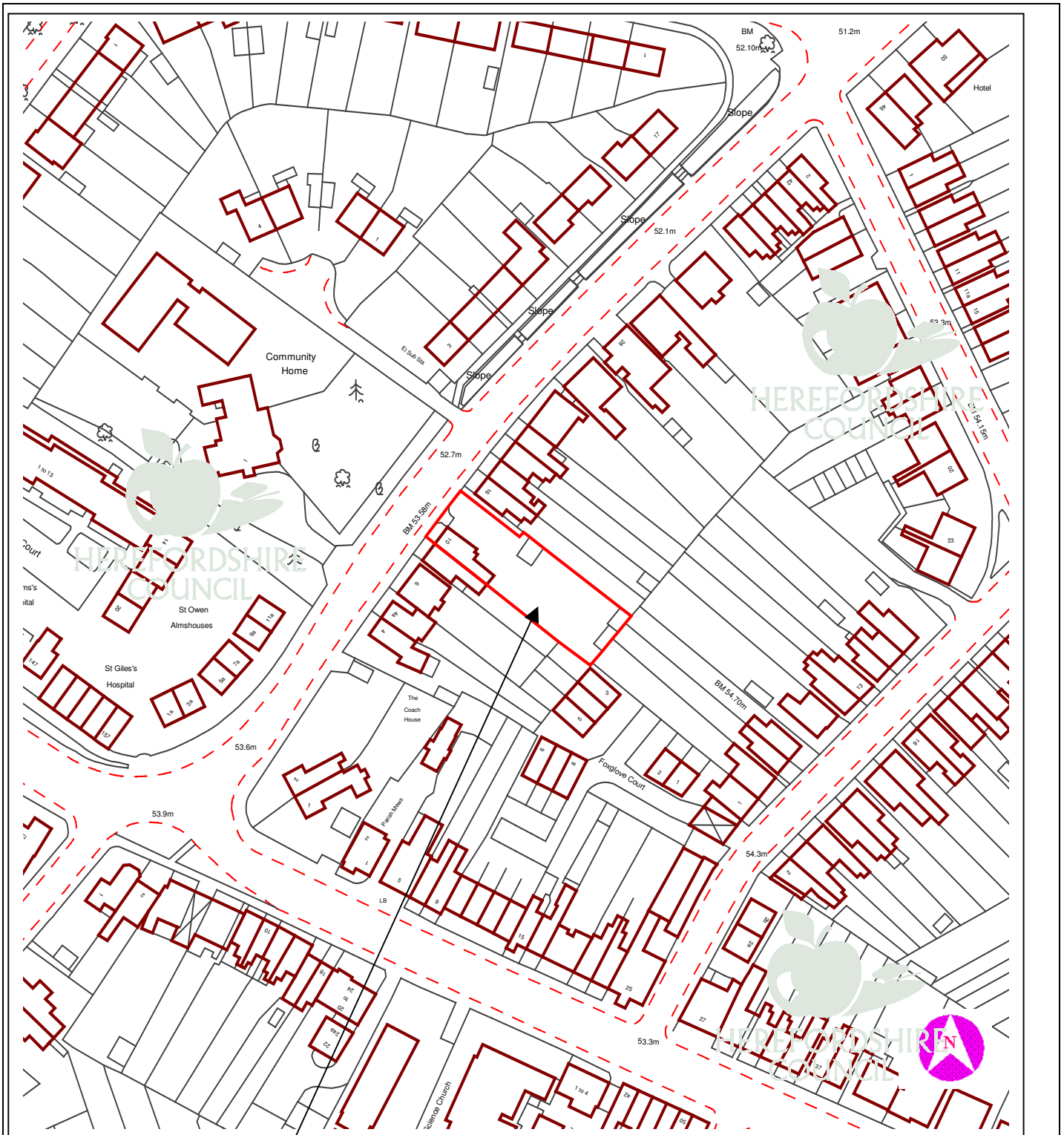
Decision:

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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6A 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

6B 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 MAF Hubbard

Introduction

This application was deferred at the Central Area Planning Sub-Committee meeting on 6th June, 2007 to enable members to conduct a site visit. The report has been updated and more specifically comments from English Heritage and Hereford City Council in respect of the revised proposals have been incorporated.

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: (Comments on revised plans): We note that the remaining elevation of the science block will retain its original treatment and thus our previous reservations are satisfied. We are happy for archaeology to be dealt with by your own archaeological colleagues.

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: (Comments on original proposal): 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 Hereford City Council: (Comments on the revised plans): The City Council has no objections to this bold new building in the city centre.

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. Officer's 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.

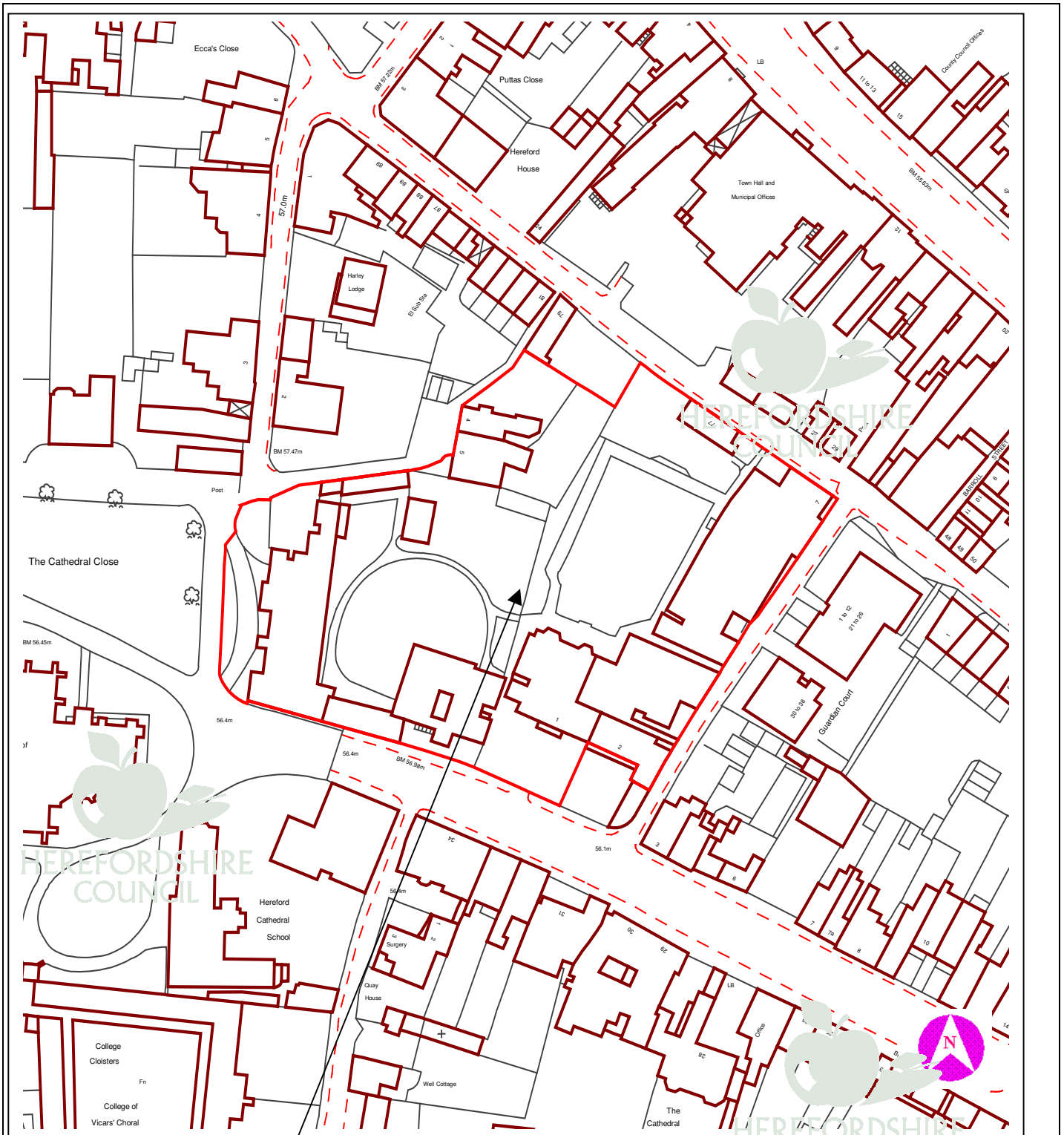
Decision:

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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7 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 PA Andrews, SPA Daniels and AM Toon

This application was deferred at the Central Area Planning Sub-Committee meeting on the 6th June, 2007 to enable members to conduct a site visit. The report has also been updated.

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 single bedrooms, two on each floor served by shared toilet and washing facilities. However this will only provide one additional bedroom in real terms as the overarching need for the proposed extension is to move residents out of twin rooms into single rooms. Therefore the provision of these additional single rooms will afford 6 existing residents a degree of privacy not presently provided by having to share twin rooms, with three being reaccomodated in the proposed extension.

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. Officer's 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 has submitted a revised to the design of this elevation to improve its contribution to the wider streetscape.

- 6.8 The revised design incorporates a gabled roof above a ground floor bay window, which mirrors the appearance the main building. These revisions will allow the proposed extension to make a positive contribution within the streetscape.

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

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. **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.**

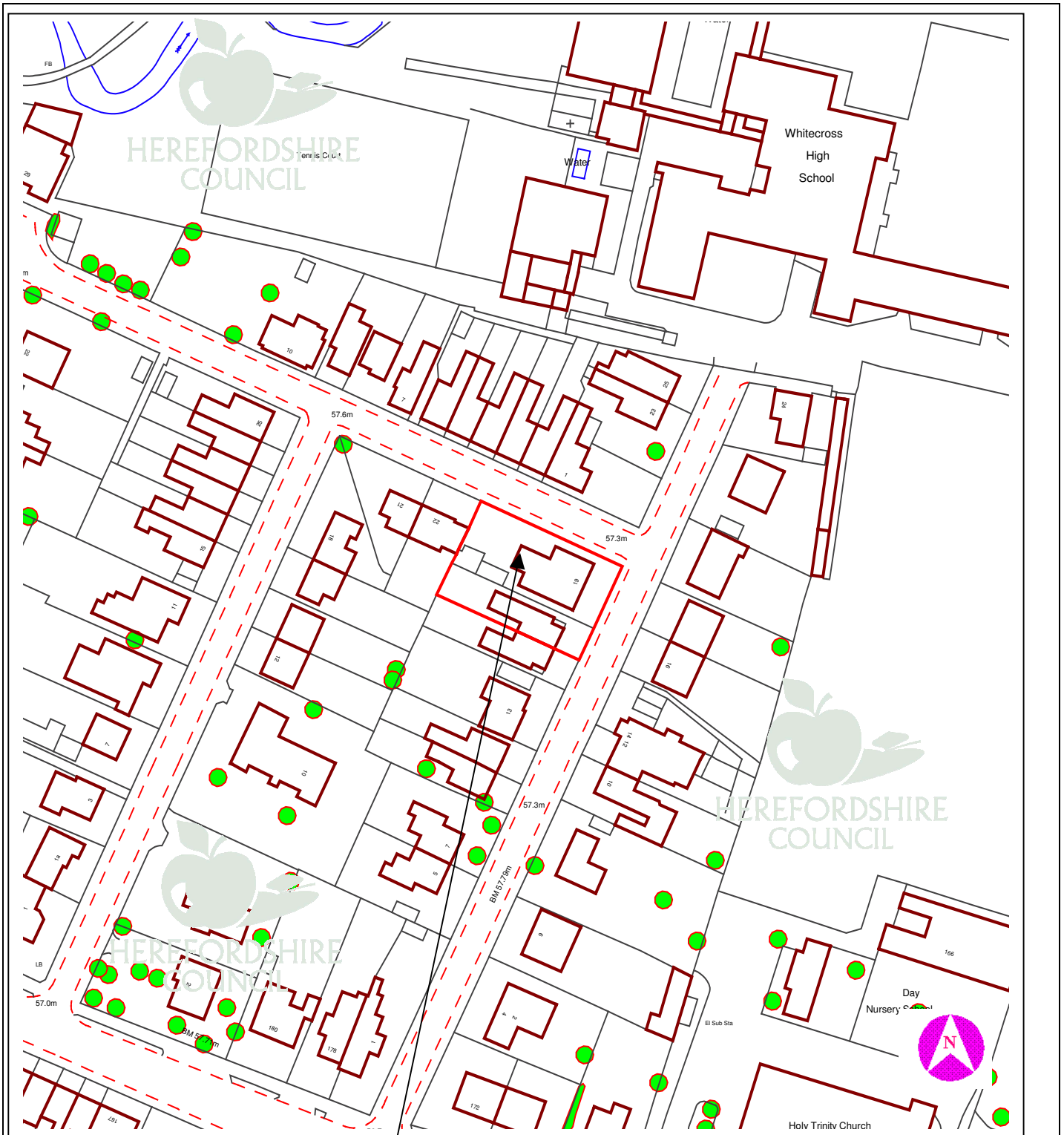
Decision:

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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8 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 PA Andrews; SPA Daniels and AM Toon

This application was deferred at the Central Area Planning Sub-Committee Meeting on the 6th June, 2007 to enable members to conduct a site visit. The report has also been updated.

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. Officer's 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; which has an overall width of approximately 5 metres, 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

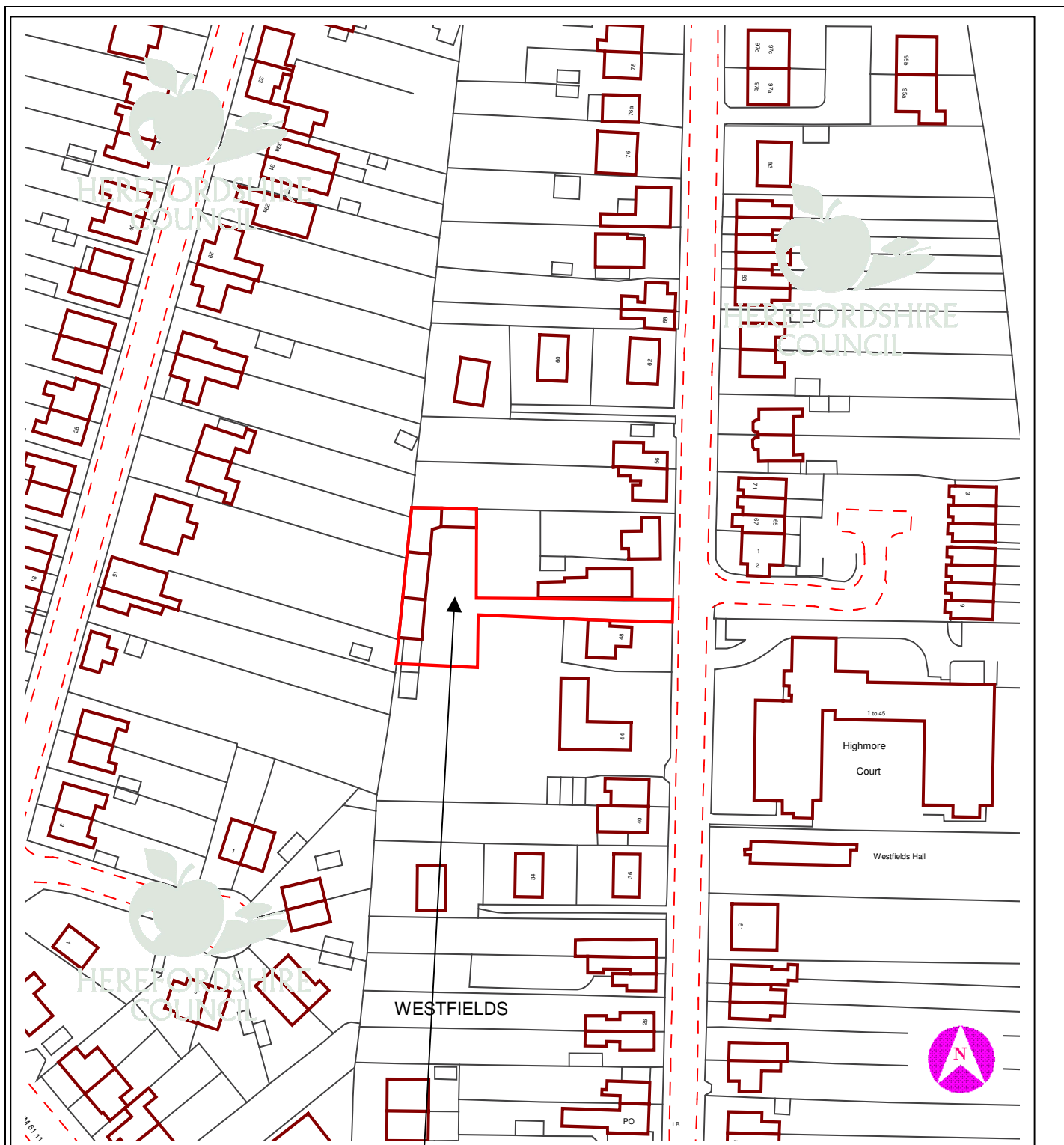
Decision:

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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9 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 DW Greenow

This application was deferred at the Central Area Planning Sub-Committee on 6th June, 2007 to allow members to conduct a site visit. There are no updates to the report.

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 Bartheestree 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. Officer's 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.**

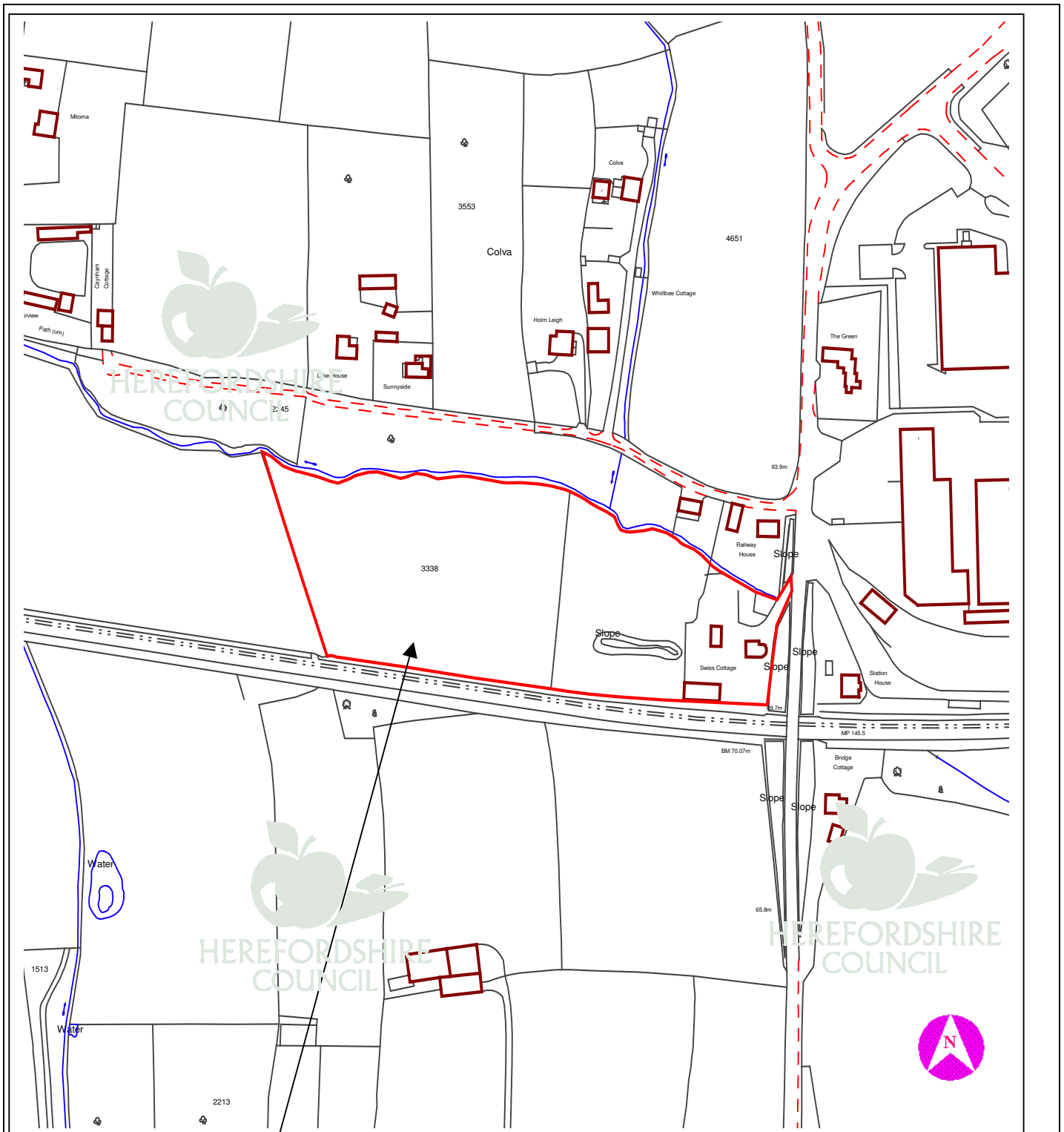
Decision:

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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10 DCCE2007/1060/F - CONVERSION OF EXISTING BUILDING TO FORM DWELLING HOUSE. STABLEBLOCK ADJACENT TO SILVERDALE, 8 BODENHAM ROAD, HEREFORD, HR1 2TS

For: Mr. & Mrs. B. Garbutt, Mundy Construction Services, 5 Upper Court, Luston, Leominster, Herefordshire, HR6 OAP

Date Received: 3rd April, 2007

Ward: Aylestone

Grid Ref: 52033, 40319

Expiry Date: 29th May, 2007

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

- 1.1 The site is located on the south western side of Bodenham Road, approximately 50 metres south east of the junction with Southbank Road in Hereford. A single storey red brick building under a mono-pitched pantile roof presently occupies a central position within the site which is used as garaging and general storage in association with the applicant's property. Immediately to the north east adjacent to the road is an electricity sub-station and immediately south west in front of the building is a tarmac area used for the parking and turning of vehicles. The existing dwellings to the south west of the site are Grade II Listed. Ground levels rise relatively steeply from the north east with the road level being approximately 2 metres higher than the ground floor level of the building.
- 1.2 Planning permission is sought for the conversion and extension of the existing building to create a two bedroom dwelling. The footprint is to remain as existing but the pitch of the roof is to be changed to a steeper pitch resulting in an increase in height at the highest point of the roof by 750 millimetres. Also proposed is the introduction of two dormer windows within the roof. This development will provide an integral garage, dining area, kitchen, living room on ground floor and two bedrooms and bathroom at first floor along with a small paved area for amenity purposes.

2. Policies

Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H16	-	Car parking
HBA4	-	Setting of listed buildings
HBA5	-	Designation of conservation areas

3. Planning History

- 3.1 HC940173PF/E – Residential conversion of stables into 3 bed dwelling, Planning Permission refused 23rd June, 1994.
- 3.2 HC940174LE/E – Demolition and re-building of front wall, raising roof using existing materials, Conservation Area Consent refused 23rd June, 1994.

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

- 4.2 Traffic Manager: Adequate off street parking exists for the applicant's existing property along with the proposed dwelling. Therefore no objections subject to conditions.
- 4.3 Conservation Manager: The building appears to have originally been a stable block associated with No. 26 Southbank Road although constructed at a later date. It has substantial modern alterations and retains little of the historic fabric apart from the external walls. We believe the proposal will enhance the building and setting of Listed Building and will create a stable feel thereby improving the appearance of the group of buildings. We therefore recommend approval of the application.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 One letter of objection has been received from Mr. Philip Burford of Hook Mason on behalf of Mrs. G. Wilson of 30 Southbank Road the main points raised are:
1. The proposal would lead to an undesirable and cramped form of development with inadequate amenity space for a two bedroom unit.
 2. There is inadequate space for the parking of two cars along with the turning to enable a car to enter and leave the site in forward gear.
 3. Part of the proposed turning area is outside the applicant's ownership.
 4. The applicant's have not been served with the appropriate notice as the access road serving the development is not owned by the applicant's.
 5. If planning permission is granted, the construction process and associated traffic will be a very difficult problem.
 6. Any increase in height of the wall would cause shadow in the late evening for the neighbouring property's garden.
- 5.3 The full text of this letter can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The site falls within an Established Residential Area and is also designated as a Conservation Area. As such the principle of a new residential use whether by conversion of an existing building or new build development is acceptable in principle.

- 6.2 Whilst the building is of limited historic and architectural merit, it is considered to be worthy of retention. The proposed works to create a steeper roof pitch and the introduction of dormer windows assist in creating a stable like appearance in line with the historic use of the building and are supported by the Conservation Manager. Elsewhere, the alterations are relatively minor and principally amount to internal alterations and replacing one garage door with glazed patio doors. Overall, the alterations to the building are considered acceptable.
- 6.3 The proposals will create a two bedroom property. The Traffic Manager confirms adequate parking can be provided along with vehicle manoeuvring and turning area. In terms of amenity space, this is limited to an outside patio area screened from the neighbouring property by a 2.4 metre high wall. Although small, it is considered adequate and will provide a worthwhile and private outdoor area.
- 6.4 Planning Permission and Conservation Area Consent were refused in 1994 for the alteration of the building the subject of this application to create a three bedroom dwelling. However, the refused development was effectively for the part demolition of the existing building and construction of a full first floor tantamount to an entirely new building unlike this application, which is principally a conversion of the existing building.
- 6.5 The introduction of residential use will inevitably have some additional impact on the immediate neighbour but it is not considered there will be any harmful impact on their amenity. There is some dispute between the applicants and the objector with regards to land ownership. This ordinarily is a civil matter but may in this instance effect the land available for turning and manoeuvring of vehicles and therefore is a material planning consideration. Subject to this matter being resolved, the proposals are considered acceptable and will enhance the character and appearance of the Conservation Area whilst providing a modest two bedroom property in a sustainable location.

RECOMMENDATION

Subject to clarification regarding the ownership of part of the application site, 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. **B01 (Samples of external materials).**

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

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

Reason: To enable the local planning authority to give further consideration to the acceptability of any extensions or alterations in the interests of visual and residential amenity.

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

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

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

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

- 6. **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.

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

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

- 8. **E09 (No conversion of garage to habitable accommodation).**

Reason: To ensure adequate off street parking arrangements remain available at all times.

Informatives:

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

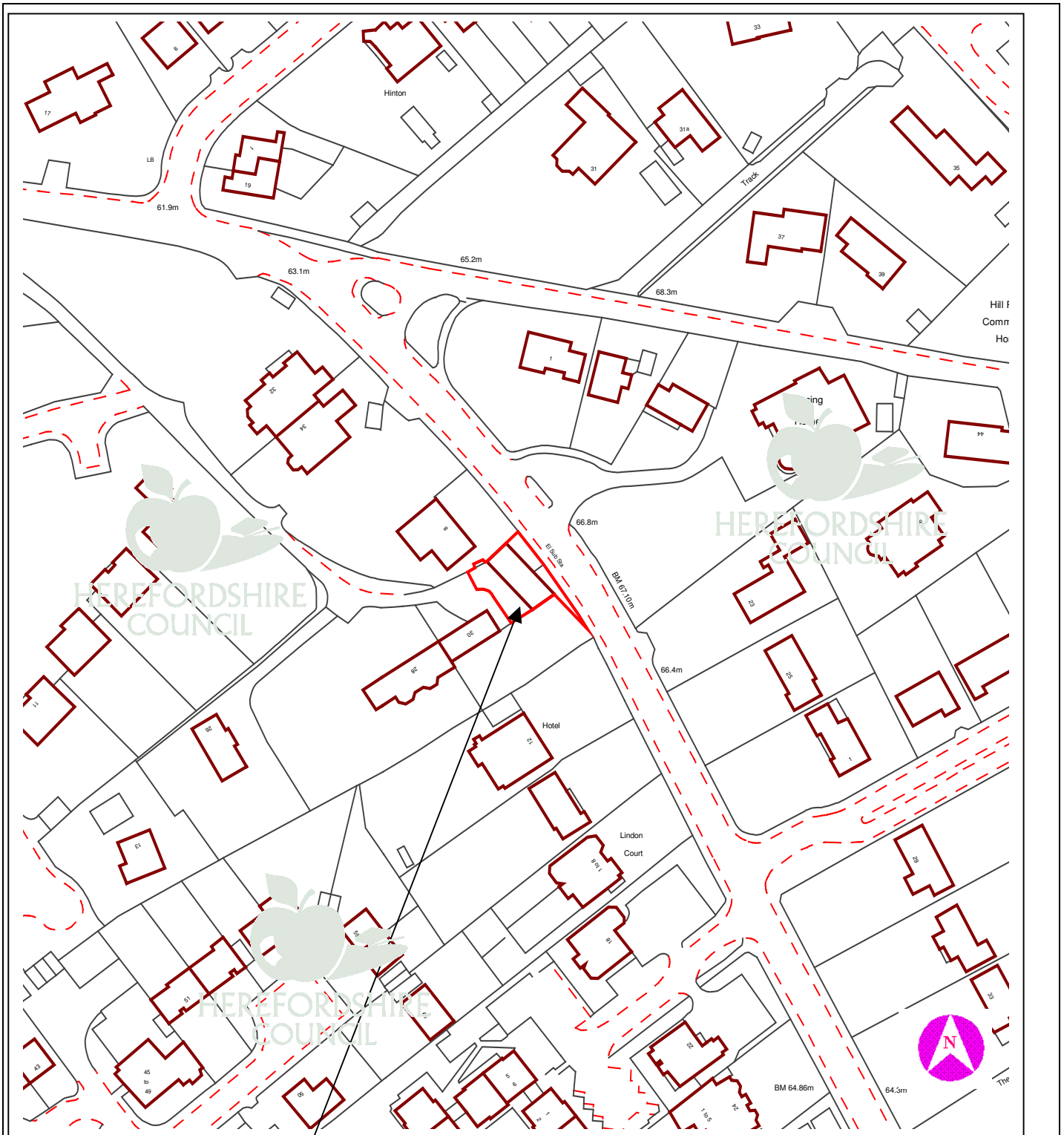
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1060/F

SCALE : 1 : 1250

SITE ADDRESS : Stableblock adjacent to Silverdale, 8 Bodenham Road, Hereford, HR1 2TS

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11 DCCW2007/1382/F - PROPOSED DWELLING AT LAND ADJACENT TO STONEY CROFT, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DX

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

Date Received: 2nd May, 2007 Ward: Sutton Walls Grid Ref: 52507, 47677

Expiry Date: 27th June, 2007

Local Member: Councillor K.S. Guthrie

1. Site Description and Proposal

- 1.1 Stoney Croft is located on the northern side of Walkers Green at its junction with the Sutton St. Nicholas to Bodenham road in the village of Marden.
- 1.2 Stoney Croft is a one and a half storey dwelling with twin gables. Two large dwellings are located to the rear (north), Mo-I-Rana and Berbsholme and front onto Walkers Green. Stoney Cross is an extended detached dormer bungalow located to the east. An extensive roadside hedge forms the southern boundary.
- 1.3 The proposal is to construct a dwelling between Stoney Croft and Stoney Green with access to the north between Mo-I-Rana and Stoney Croft onto Walkers Green. This full planning application proposes a one and half storey dwelling comprising three bedrooms with a lounge, dining room and kitchen and conservatory on the ground floor. The existing roadside hedge and hedge between the plot and Stoney Cross are to remain with a new 1.5 metre close boarded fence between the plot and Stoney Croft.
- 1.4 Outline planning permission was granted last year (DCCW2006/1071/O) for one dwelling in the rear garden of Stoney Croft and conditions attached thereto require the improvement to the access between Mo-I-Rana and Stoney Croft.
- 1.5 The site is contained within the settlement boundary for Marden as identified in the Herefordshire Unitary Development Plan 2007.

2. Policies

2.1 Herefordshire Unitary Development Plan (2007):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy H4	-	Main Villages: Settlement Boundaries
Policy T11	-	Parking Provision

3. Planning History

3.1 None on this plot but the following application to the rear.

DCCW2006/1071/O Proposed dwelling and garage. Approved 31/05/2006.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: Recommends conditions.

Internal Council Advice

4.2 Traffic Manager: Recommends conditions as per previous application.

5. Representations

5.1 Marden Parish Council: "The Parish Council was opposed to an earlier Outline application for a dwelling on an adjoining site no. DCCW2006/1071/O. The Parish Council is opposed to this application for the same reasons, i.e. the narrowness and danger of access from the public highway on a bend in the highway, over-development of the site and reported probable problems with drainage from neighbouring properties. This application for a second dwelling reinforces and underlines these objections."

5.2 Four letters of objection have been received from Dr. T.W. Poole, Stoney Cross, Marden; Miss D. Watkins, Berbsholme, Marden; Mr. & Mrs. A. & E. Harray, 22 Walkers Green, Marden and Mr. & Mrs. Edge, Mo-I-Rana, Walkers Green, Marden.

The main points raised are:

1. Access and egress is on a dangerous bend and pruning of trees is unlikely to make the junction better.
2. The dwelling will dominate adjacent properties and is forward of the established building line.
3. The style of the dwelling is out of character with neighbouring dwellings.
4. The proposal represents an overdevelopment of the site.
5. Two mature fir trees would be lost.
6. The improvement of the access would only encourage road users to cut the corner of the junction onto the Bodenham Road.
7. The removal of trees and hedges to improve the access will change the character of the area and may cause problems from the root systems with subsidence and heave.
8. Sewerage connections would be a problem. Properties adjoining have to pump to the mains.

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. Officer's Appraisal

- 6.1 This site is located within the settlement boundary for Marden as identified in the Herefordshire Unitary Development Plan 2007. Therefore the principle of residential development is accepted subject to criteria relating to access and impact on adjoining dwellings.

Access

- 6.2 The proposal is to use the access off Walkers Green which at present has a substandard visibility southeast towards the junction with the Bodenham Road. However, the access details include a new visibility line across the garden to the side of Stoney Croft which will not only improve the access splay to the proposed site but also visibility to the second access serving Stoney Croft. Members will note that the Traffic Manager raises no objection to the improved access.

Impact on Adjoining Dwellings

- 6.3 The new dwelling will sit forward of the dwellings either side but forms a natural step forward in terms of its position with Stoney Croft. It will also be forward of Stoney Cross which is set back from the road, however Stone Cottage on the east is set forward. Accordingly the siting of the new dwelling is not considered detrimental to the amenity or street scene of the area.
- 6.4 The access drive will pass between Stoney Croft and Mo-I-Rana, however Mo-I-Rana has a blank wall (former garage) adjacent to the driveway and as such any impact on residential amenity will be reduced to an acceptable level. The increase in use of the access is also considered to be acceptable.

Conclusion

- 6.5 The site is located within the settlement boundary and improvements to the access will also provide an improved access and increased highway safety. The impact on the neighbours and street scene has been assessed and subject to conditions withdrawing permitted development for future alterations, the proposal is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3. E16 (Removal of permitted development rights).

Reason: In order to maintain control over any extensions or alterations to the property which would detract from the amenities of the site and neighbouring properties and to secure compliance with Policy H13 of the Herefordshire Unitary Development Plan 2007.

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

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. F18 (Scheme of foul drainage disposal).

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

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

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

8. 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.

9. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

10. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site as shown on the 1:500 scale block plan submitted with the application. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

11. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

12. H08 (Access closure).

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

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

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

- 14. H27 (Parking for site operatives).

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

- 15. H12 (Parking and turning - single house).

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

Informatives:

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

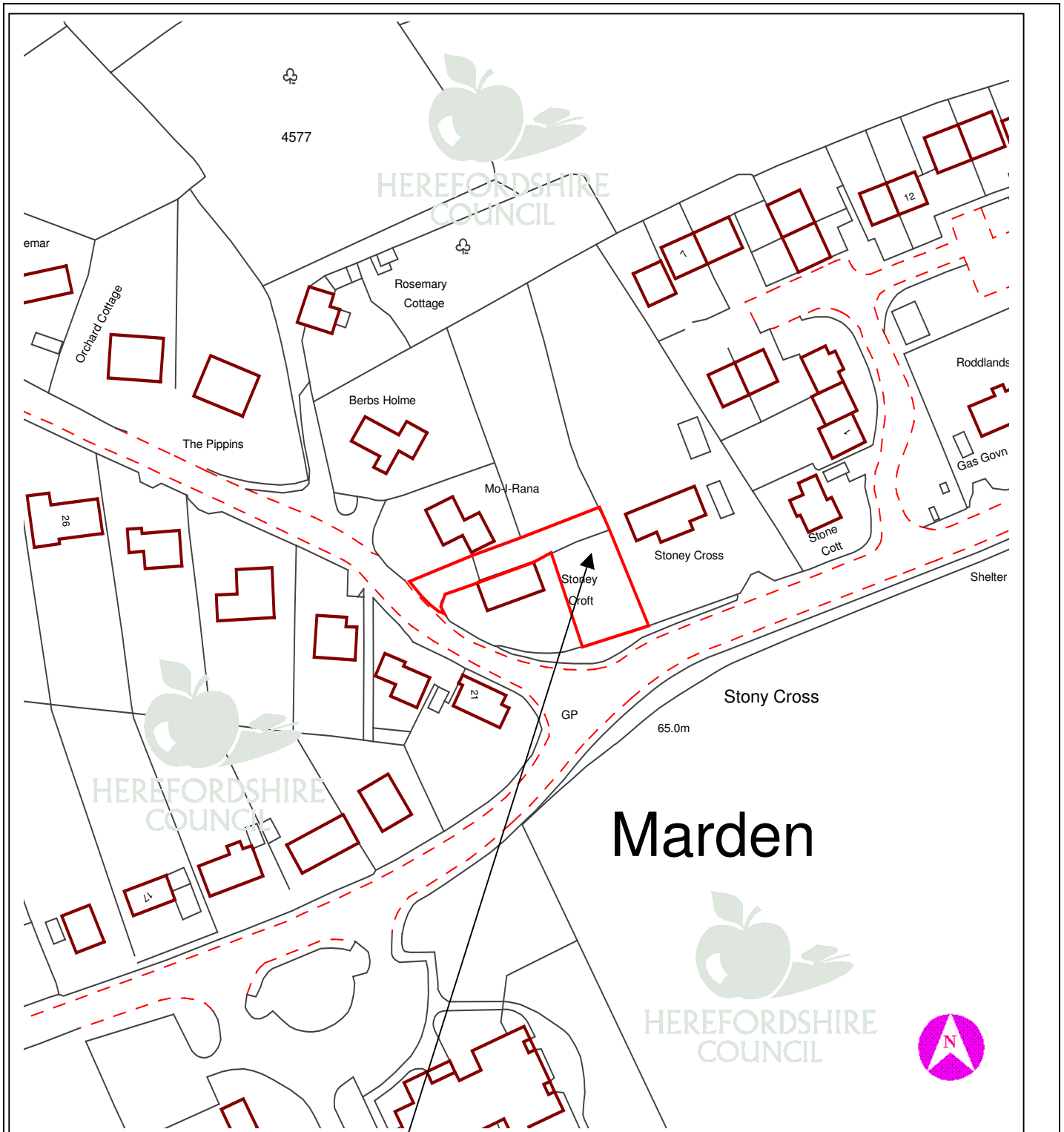
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/1382/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Stoney Croft, Marden, Hereford, Herefordshire, HR1 3DX

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