

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday 1st August, 2007**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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**County of Herefordshire  
District Council**



# 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. <b>APOLOGIES FOR ABSENCE</b><br>To receive apologies for absence.   |         |
| 2. <b>DECLARATIONS OF INTEREST</b><br>To receive any declarations of interest by members in respect of items on the agenda.  |         |
| 3. <b>MINUTES</b><br>To approve and sign the Minutes of the last meeting.  | 1 - 14  |
| 4. <b>ITEM FOR INFORMATION - APPEALS</b><br>To note the Council's current position in respect of planning appeals for the central area.  | 15 - 16 |
| <b>Applications Received</b>   |         |
| To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. |         |
| 5. <b>DCCE2007/1209/F - 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY</b><br>Residential development together with alterations to 10 Ledbury Road to provide 6 residential units.<br>Ward: <b>Tupsley</b>  | 17 - 24 |
| 6. <b>DCCE2007/1825/F - LAND OFF WITHIES ROAD, WITHINGTON, HEREFORD, HR1 3PX</b><br>Erection of 20 dwellings and associated parking, roadworks, services and drainage.<br>Ward: <b>Hagley</b>  | 25 - 38 |

- |     |  |         |
|-----|--|---------|
| 7.  | <b>DCCE2007/1961/F - 1-3 PEREGRINE CLOSE, HEREFORD, HEREFORDSHIRE, HR2 6BS</b>   | 39 - 44 |
|     | Conversion and extension of garage/preparation area to single storey dwelling and extension of take-away preparation area. Formation of parking area for existing flats. |         |
|     | Ward: <b>St. Martins &amp; Hinton</b>  |         |
| 8.  | <b>DCCE2007/1763/F - 7 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR</b>  | 45 - 56 |
|     | Extension and conversion of three (3) number existing apartments into six (6) number self contained studio apartments.   |         |
|     | Ward: <b>Aylestone</b>   |         |
| 9.  | <b>DCCE2007/1930/F - FROME COURT (FORMER BARTESTREE CONVENT), BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BF</b>   | 57 - 66 |
|     | Erection of a terrace of 4 cottages. Amendment to parking areas. (Revised scheme)  |         |
|     | Ward: <b>Hagley</b>  |         |
| 10. | <b>DCCW2007/1234/F - 4 HAZEL GROVE, HEREFORD, HEREFORDSHIRE, HR2 7JX</b>   | 67 - 72 |
|     | Proposed extension after demolition of garage.   |         |
|     | Ward: <b>St. Martins &amp; Hinton</b>  |         |
| 11. | <b>DATE OF NEXT MEETING</b>  |         |
|     | The next scheduled meeting is Wednesday 29th August, 2007.   |         |

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 4th July, 2007 at 2.00 p.m.**

**Present:** Councillor JE Pemberton (Chairman)

**Councillors:** PA Andrews, WU Attfield, DJ Benjamin, ACR Chappell, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AM Toon, WJ Walling, DB Wilcox and JD Woodward

**In attendance:** Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

**17. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors AJM Blackshaw, SPA Daniels, MD Lloyd-Hayes, GA Powell, AP Taylor and NL Vaughan.

**18. DECLARATIONS OF INTEREST**

| Councillor                | Item  | Interest   |
|---------------------------|---|--|
| DW Greenow and WJ Walling | Minute 22, Agenda Item 6<br>[A] DCCE2007/0642/F and<br>[B] DCCE2007/0647/L<br><b>Land Adjacent to the Science Block, The Hereford Cathedral School, The Old Deanery, The Cathedral Close, Hereford, HR1 2NG</b> | Both Members declared personal interests.  |
| AM Toon                   | Minute 24, Agenda Item 8<br>DCCW2007/0960/F<br><b>Garage Site to Rear of 48-50 Highmore Street, Westfields, Hereford, Herefordshire, HR4 9PQ</b>  | Declared a personal interest.  |
| SJR Robertson             | Minute 27, Agenda Item 11<br>DCCW2007/1382/F<br><b>Land adjacent to Stoney Croft, Marden, Hereford, Herefordshire, HR1 3DX</b>  | Declared a prejudicial interest and left the meeting for the duration of the item. |

**19. MINUTES**

The minutes of the meeting held on 6th June, 2007 were received. It was noted that, under Declarations of Interest, the entry relating to Councillor MD Lloyd-Hayes should relate to planning application DCCE2007/1209/F [10 Ledbury Road, Hereford] and not DCCE2007/0163/F [17 Walney Lane, Hereford].

**RESOLVED:** That, subject to the above amendment, the minutes of the meeting held on 6th June, 2007 be approved as a correct record and signed by the Chairman.

**20. 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.**

*(Note: At the meeting, Agenda Item 11, Minute 27 [DCCW2007/1382/F – Land Adjacent to Stoney Croft, Marden, Hereford, Herefordshire, HR1 3DX] was considered first but the original agenda order has been retained in the minutes for ease of reference.)*

**21. DCCE2007/1209/F - 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY [AGENDA ITEM 5]**

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

It was reported that:

- Further plans had been submitted by the applicant which omitted the 2 single storey units proposed at the rear of the site.
- In light of the late submission of the revised plans, it had not been possible to carry out any form of consultation with local residents and as such it was considered appropriate to defer consideration of the revised application until this had been undertaken.

The Chairman commented that the revised plans had only been received earlier in the day and felt that the item should be deferred. Councillor WJ Walling, a Local Ward Member, concurred with this view.

**RESOLVED:**

**That, due to the late submission of revised plans, consideration of planning application DCCE2007/1209/F be deferred for further consultation.**

**22. [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 [AGENDA ITEM 6]**

*New sports hall and alterations to existing science block.*

The Central Team Leader reported that, as a result of negotiations, there were no outstanding objections to the application and he outlined the key elements of the proposal.

The Chairman commented on the value of the site inspection that had been undertaken and noted that the report had been updated with the comments of English Heritage and Hereford City Council in respect of the revised proposals that had been incorporated.

Councillor MAF Hubbard, the Local Ward Member, acknowledged the need for enhanced sports facilities for the school and felt that the proposal was very innovative. He emphasised the importance of the conditions in respect of nature conservation and bio-diversity. He expressed some concerns about the scale of the building and potential visual impact, particularly on East Street. In response, the Central Team Leader highlighted the street scene considerations and advised that,

although there would be an impact, it was considered that the final scheme effectively addressed the sensitive issues associated with this site.

A number of members commented on the interesting architectural approach that the Cathedral School had taken in respect of other buildings in the locality and supported this proposal.

**RESOLVED:**

**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.

23. **DCCW2007/1165/F - 17-19 BAGGALLAY STREET, HEREFORD, HEREFORDSHIRE, HR4 0DZ [AGENDA ITEM 7]**

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

The Senior Planning Officer, responding to questions asked at the site visit, clarified that the proposal would only provide one additional bedroom in real terms as the main purpose of the extension was to move residents out of twin rooms and into single rooms.

Councillor PA Andrews noted that residential homes had to provide single room accommodation and she did not feel that there were any material planning reasons to warrant refusal of the application, particularly given the recent revisions to the design of the elevation fronting Gruneison Street. Councillor Andrews endorsed the comment at paragraph 6.6 of report about the need 'for an appropriate informative to advise the applicant that the capacity of the site has been reached' and asked that this informative be firmed up if possible. In response, the Development Control Manager advised that the authority could not pre-determine any future applications but said that officers would inform the applicants of members' concerns. Councillor Andrews commented on the need to maintain sufficient amenity space for the residents.

Councillor AM Toon, also a Local Ward Member, commented that the future redevelopment of the former Whitecross School site could result in further parking and access issues in the locality.

Councillor DW Greenow expressed concern about the loss of amenity space for residents of the application site and emphasised the need for suitable facilities for the elderly. Councillor Andrews commented on the current standards that such accommodation had to comply with.

Councillor AT Oliver felt that the property had already reached capacity and felt that the amenity space for residents should be preserved. He proposed that the application be refused but this was not seconded. The resolution below was then approved.

**RESOLVED:**

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

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

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

2. **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.**

24. **DCCW2007/0960/F - GARAGE SITE TO REAR OF 48-50 HIGHMORE STREET, WESTFIELDS, HEREFORD, HEREFORDSHIRE, HR4 9PQ [AGENDA ITEM 8]**

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

The Senior Planning Officer, responding to questions asked at the site visit, clarified that the existing vehicular access was approximately 5 metres.

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

Councillor PA Andrews, a Local Ward Member, commented on other backland development in the area, that the application site was in a state of disarray and supported the recommendation of approval. Councillor AM Toon, also a Local Ward Member, noted the need for such accommodation and felt that the proposal represented an appropriate form of development given the constraints of the site.

In response to a question from Councillor PJ Edwards, the Development Control Manager advised that the development was not of a size that would require affordable housing provision. He added that the size and type of accommodation would suggest that the units would be available at the lower end of current open market prices for the area.

A number of members felt that the design and layout was acceptable in this location, having regard to the mixed character of other properties in the locality.

In response to a question from Councillor AT Oliver, the Senior Planning Officer noted concerns about water pressure difficulties in the area but advised that Welsh Water had no objection to the development subject to the imposition of standard conditions.

In response to a question from Councillor JD Woodward, the Development Control Manager outlined the policy considerations in relation to backland development and how the policies on the use of urban land had changed in recent years.

#### **RESOLVED:**

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

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

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

2. **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.

25. DCCE2007/0951/F - SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE [AGENDA ITEM 9]

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

The Principal Planning Officer reported that:

- The applicant had submitted a revised plan moving the dwelling closer but still some 80 metres from the established residential curtilage of the approved replacement dwelling and as such it was still considered to be contrary to policy.
- The suggested revision would require the submission of a fresh application and



as such it was considered that the Sub-Committee should determine the application in its original form. Any revised application could be brought back for Sub-Committee consideration in due course.

- The applicant had submitted in writing the comments he had made at the last meeting, in accordance with the Council's public speaking procedure, and the main points were read out.

Councillor DW Greenow, the Local Ward Member, made the following points: despite recent heavy rain, he had not witnessed any significant flooding problems; Network Rail had no objections; the Traffic Manager had no objections; Withington Parish Council sympathised with the applicant's situation; he noted that wording used in an auction advertisement was to promote the property; he felt that the proposed design was impressive; and he felt that the particular circumstances prompting this proposal should be taken into account. In view of these matters, he felt that planning permission should be granted.

Councillor DB Wilcox noted that the application site fell within open countryside and, therefore, there was a presumption against any new residential development. He drew attention to paragraphs 6.1, 6.2 and 6.4 of the report and, given the crucial policy issues, he supported the officer recommendation of refusal. A number of members supported this view.

Councillor RI Matthews commented on the proximity of other residential dwellings in the area and felt that there were material planning reasons to support this particular application.

Councillor Wilcox noted that it was not considered that the proposal satisfied the exception criteria and that the application was for a permanent, not temporary, building.

Councillor PJ Edwards asked what discussions there had been about potential relocation of the dwelling. In response, the Development Control Manager advised that the revised plan would bring the development closer to the existing dwelling but it was still contrary to Development Plan policies.

#### **RESOLVED:**

**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.**

#### **26. DCCE2007/1060/F - STABLEBLOCK ADJACENT TO SILVERDALE, 8 BODENHAM ROAD, HEREFORD, HR1 2TS [AGENDA ITEM 10]**

*Conversion of existing building to form dwelling house.*

The Principal Planning Officer reported that:

- The applicant had confirmed by submission of title deeds that they enjoyed an

unrestricted right of access to the application site and furthermore that they were the legal owners of the whole of the site outlined in red on the site plan that accompanied the application.

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

Councillor DB Wilcox, a Local Ward Member, asked for clarification about matters relating to loss of privacy, the reasons for refusal of a previous application, and access and turning arrangements. In response, the Principal Planning Officer advised that: there were no direct window to window relationships and it was not considered that the additional impact of the development would be unacceptable; that the refused application in 1994 was effectively for the part demolition of the existing building and construction of a full first floor tantamount to an entirely new building; and the Traffic Manager considered that the off street parking and vehicle manoeuvring and turning area were adequate.

In response to a question from Councillor GFM Dawe, the Central Team Leader advised that Conservation Area status did not place an embargo on development but it did require stricter tests for develop in such areas.

Councillor PJ Edwards supported the recommendation of approval and noted that it was considered that the development would preserve and enhance the character and appearance of the Conservation Area. This view was supported by a number of members.

In response to a question from Councillor WJ Walling, the Central Team Leader clarified the street numbering practice in the locality.

#### **RESOLVED:**

**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.**

**27. DCCW2007/1382/F - LAND ADJACENT TO STONEY CROFT, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DX [AGENDA ITEM 11]**

*Proposed dwelling.*

In accordance with the criteria for public speaking, Mr. Fraser spoke on behalf of Marden Parish Council and Dr. Poole spoke in objection to the application.

Councillor KS Guthrie, the Local Ward Member, noted that an outline planning permission had been granted on this site (planning application DCCW2006/1071/O refers) and, as the site was within the settlement boundary for Marden, the principle of residential development was accepted. Councillor Guthrie noted that the main concerns of local residents related to access, potential over development, and drainage issues.

In response to questions, the Principal Planning Officer advised that the access details included improved visibility splays and that the Traffic Manager had no objections subject to conditions. He added that, in the interests of highway safety, the recommended conditions could be amended to ensure that the improved access was constructed prior to the commencement of other building works. He also advised that Welsh Water had no objections to the drainage arrangements subject to conditions.

Councillor AM Toon noted that Welsh Water had been consulted but, given problems with electricity supplies, suggested that comments should also be sought from other utility companies on future applications.

Councillor PJ Edwards noted that the site was within the settlement boundary but, given the comments of the public speakers, asked for reassurance that the development would not result in an unacceptable impact on the character and appearance of the area. The Principal Planning Officer commented on the mixed

character of dwellings in Marden and that it was considered that the design of the new development would complement the street scene.

Councillor MAF Hubbard drew attention to the spacing between other properties in the locality and felt that the proposal represented an acceptable form of development in this context. Other members supported this view.

**RESOLVED:**

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

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

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

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

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

3. **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. **None of the existing trees or hedgerows on the site forming the southern and eastern boundary of the application site shall be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority.**

**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. The development hereby permitted shall not be commenced 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. H27 (Parking for site operatives).

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

14. 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.

**28. DATE OF NEXT MEETING**

Wednesday 1st August, 2007 at 2.00 p.m.

The meeting ended at 3.57 p.m.

**CHAIRMAN**



|                                       |
|---------------------------------------|
| <b>ITEM FOR INFORMATION - APPEALS</b> |
|---------------------------------------|

**APPEALS RECEIVED****Enforcement Notice EN2007/0082/ZZ**

- The appeal was received on 21st 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. S.K. Williams.
- The site is located at Wyeseide, Outfall Works Road, Hereford, HR1 1XY.
- The breach of planning control alleged in this notice is:  
*Without planning permission, the change of use of the land to a use for general industrial and ancillary storage purposes.*
- The requirements of the notice are:
  - i) *Cease the unauthorised general industrial use of the land.*
  - ii) *Remove all associated materials, plant and machinery from the land.*
- The appeal is to be heard by Inquiry.

**Case Officer: Russell Pryce on 01432 261957****Enforcement Notice EN2006/0173/ZZ**

- The appeal was received on 22nd 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. J.L.N. Williams.
- The site is located at Land Near Radway Bridge, Whitestone, Hereford HR1 3NE.
- The breach of planning control alleged in this notice is:  
*Without planning permission, the unauthorised change of use of the land from agriculture to land used for the recreational keeping of horses and associated erection of buildings, including stables and a pigeon loft.*
- The requirements of the notice are:
  - i) *Permanently cease the unauthorised use of the land for the recreational keeping of horses.*
  - ii) *Demolish the unauthorised stables and pigeon loft buildings and remove the resultant materials from the land.*
  - iii) *Restore the land to its condition prior to the unauthorised building operations taking place.*
- The appeal is to be heard by Inquiry.

**Case Officer: Russell Pryce on 01432 261957****Application No. DCCE2007/0267/U**

- The appeal was received on 27th 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. S.K. Williams.
- The site is located at Urban Steel Works, Outfall Works Road, Hereford, HR1 1XY.
- The development proposed is Certificate of lawfulness for an existing change of use of land.
- The appeal is to be heard by Inquiry.

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

**Application No. DCCW2007/0668/F**

- The appeal was received on 4th July, 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. & Mrs. Davies.
- The site is located at 1 Highfield Villas, Portway, Hereford, Herefordshire, HR4 8NG.
- The development proposed is First floor bedroom above existing ground floor extension with new roof line and dormer window to bathroom.
- The appeal is to be heard by Written Representations.

**Case Officer: Dave Dugdale 01432 261566**

**APPEALS DETERMINED****Application No. DCCW2006/2613/F**

- The appeal was received on 12th February, 2007.
- 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 PMW Lettings.
- The site is located at 7-8 Walkers Green, Marden, Hereford, Herefordshire, HR1 3DN.
- The application, dated 4th August, 2006 was refused on 18th October, 2006.
- The development proposed was Conversion of vacant butchers shop into two dwellings.
- The main issue is the effect of the proposal on the character and appearance of the area.

**Decision:** The appeal was DISMISSED on 5th July, 2007.

**Case Officer: Peter Clasby on 01432 261947**

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

- The appeal was received on 25th May, 2007.
- 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 Suzuki GB Plc.
- The site is located at Stirlings Suzuki, Callow, Hereford, Herefordshire, HR2 8BT.
- The application, dated 26th February, 2007, was refused on 25th April, 2007.
- The development proposed was Four internally illuminated fascia panels and one internally illuminated totem pole sign.
- The main issue is the effect of the proposal on the character and appearance of the area.

**Decision:** The appeal was UPHELD on 16th July, 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 6 RESIDENTIAL UNITS AT 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY**

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

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

**Ward: Tupsley**

**Grid Ref: 51760, 39633**

**Expiry Date: 12th June, 2007**

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

**This application was deferred at the Central Area Planning Sub Committee on 4th July, 2007 to allow further consultation on amended plans. The main change to the development is that the applicants have now deleted the proposed two one-bedroom bungalows to the rear of the site. The report has also been updated accordingly and any further representations received will be reported verbally.**

## **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 period as No 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 and four 1 bedroom flats 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.

## **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.

Comments awaited on the amended plans.

## 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

Comments awaited on amended plans

- 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 'Put People First'.

No further letters have been received at the time of writing this report in response to the amended plans. Further responses will be reported verbally.

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

## 6. Officers Appraisal

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

6.2 The proposed scale of the built development will largely follow that of the existing properties fronting Ledbury Road and will not appear disproportionate with the size of the site. A traditional design is proposed for the elevation fronting Ledbury Road incorporating flat roof dormers, bay window, sash windows elsewhere and constructed from brick; all in keeping with neighbouring properties. A more contemporary approach has been taken to the rear elevation. 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.

6.3 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, the removal of the 'backland' element of this proposal reduces the extent of development and the consequential impact on the character of the area.

6.4 A parking area for 10 vehicles is to be created along with the necessary cycle and refuse storage to the rear of the new accommodation. The Traffic Manager confirms that this is acceptable to serve the number of units proposed and essentially amounts to one space per unit with four visitor spaces (a ratio of 1.5 spaces per unit). This level of provision essentially accords with Policy H16 of the Herefordshire Unitary Development Plan which requires new housing development to provide an average maximum off-street car parking provision of not more than 1.5 spaces per dwelling. A number of the flats will have some outdoor amenity space provided by balconies or enclosed patio areas, which in itself is considered acceptable and the deletion of the bungalows also enables a usable area of communal garden along with additional soft landscaping to be created for the benefit of the future occupants.

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 although this will now be reduced through the removal of the two bungalows. Given the comments of the Traffic Manager and the level of off street parking proposed the development is considered acceptable.

## RECOMMENDATION

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

1. **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 delivery and construction hours).**

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

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

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

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

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

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

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

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

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

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

**11. H02 (Single access - footway).**

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

**12. H06 (Vehicular access construction).**

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

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

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

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

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

**15. 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.**

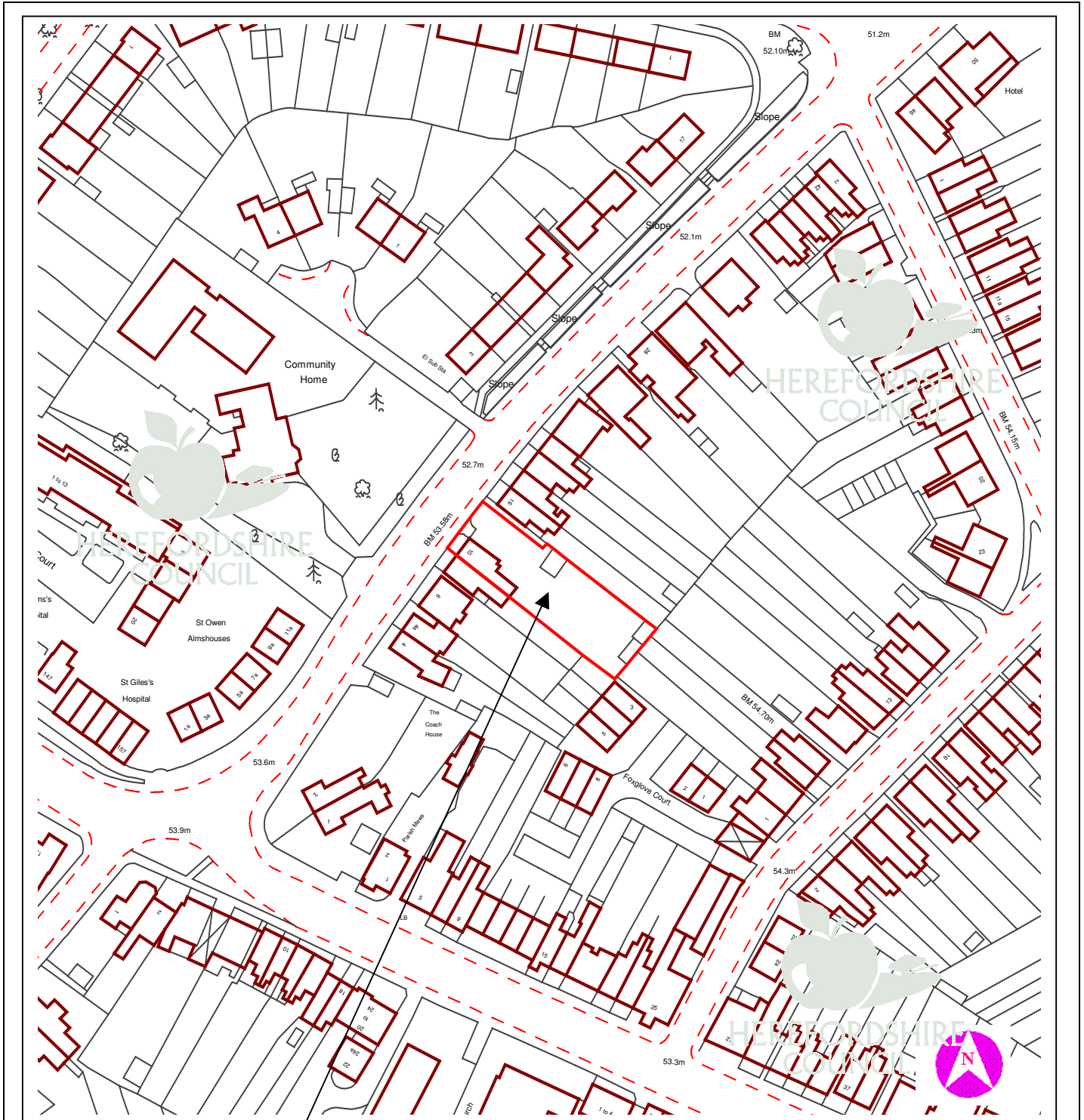
Decision: .....

Notes: .....

.....

**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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**6 DCCE2007/1825/F - ERECTION OF 20 DWELLINGS AND ASSOCIATED PARKING, ROADWORKS, SERVICES AND DRAINAGE AT LAND OFF WITHIES ROAD, WITHINGTON, HEREFORD, HR1 3PX**

**For: K.W. Bell & Son Ltd, Steam Mills Road, Whimsey Industrial Estate, Cinderford, Glos, GL14 3JA**

**Date Received: 11th June, 2007**    **Ward: Hagley**

**Grid Ref: 56275, 43130**

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

Local Member: Councillor D.W. Greenow

**1. Site Description and Proposal**

1.1 The site is located immediately north of Withies Road opposite the junction to Withies Close in Withington. To the west is a relatively modern estate of detached properties known as Coppice Close, beyond which is Withington Parish Hall. Immediately east are detached properties fronting Withies Road and to the north is agricultural land. All four boundaries of the site are presently enclosed by a mixture of mature native and Leylandii hedgerows and ground levels fall from east to west with the site being approximately one metre higher than the adjoining road level.

1.2 The site falls within the Settlement Boundary for Withington and is also specifically allocated for residential development under Policy H5 of the Unitary Development Plan 2007. Detailed planning permission is sought for the construction of 20 dwellings on site comprising 3 four bedroom detached houses, 11 three bedroom semi-detached and terraced houses and 6 two bedroom terraced houses and maisonettes. 35% of the total number of units will be affordable housing amounting to 7 affordable units. A new vehicular access is proposed directly off Withies Road to include the construction of a new pavement along the frontage of the site.

**2. Policies**

2.1 Planning Policy Guidance:

PPS3    -    Housing

2.2 Herefordshire Unitary Development Plan 2007:

S1        -        Sustainable development  
 S2        -        Development requirements  
 S3        -        Housing  
 S7        -        Natural and historic heritage  
 DR1      -        Design  
 DR2      -        Land use and activity  
 DR3      -        Movement  
 DR4      -        Environment  
 DR5      -        Planning obligations  
 H4        -        Main villages: settlement boundaries

|      |   |   |
|------|---|---|
| H5   | - | Main villages: housing land allocation              |
| H9   | - | Affordable Housing                                  |
| H13  | - | Sustainable residential design                      |
| H15  | - | Density   |
| H16  | - | Car parking   |
| H19  | - | Open space requirements                             |
| T6   | - | Walking   |
| T7   | - | Cycling   |
| T8   | - | Road hierarchy                                      |
| T11  | - | Parking provision                                   |
| LA3  | - | Setting of settlements                              |
| LA5  | - | Protection of trees, woodlands and hedgerows        |
| NC7  | - | Compensation for loss of biodiversity               |
| RST3 | - | Standards for outdoor playing and public open space |
| W11  | - | Development – waste implications                    |

### 3. Planning History

- 3.1 CE2007/0844/F - Erection of 20 dwellings and associated parking, roadworks, services and drainage. Application withdrawn 14th June, 2007.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water:  
No objection subject to conditions regarding foul and surface water drainage.
- 4.2 River Lugg Internal Drainage Board:  
No objections.

#### Internal Council Advice

- 4.3 Traffic Manager:  
No objection subject to conditions relating to access and pavement construction, the design of internal roads and parking and the provision of cycle parking. A highways contribution of £44,250 should be sought in line with the consultation Supplementary Planning Document to be used for improvements to pedestrian, cycling and sustainable transport facilities.
- 4.4 Conservation Manager: Landscape  
The revised layout is much improved in relation to the western boundary and the proposed replacement and supplemental hedge planting is welcomed. The hedge planting will need to be supported by the erection of a traditional post and rail fence.

Contrary to the statement in the Design and Access Statement the area of open space to the centre of the site will not be suitable for wildlife habitat as it is too small and isolated from adjoining habitat and will be constantly disturbed. It is also not clear which areas are to be public open space and which is private ownership therefore a landscaping scheme is required prior to determination of the application and not conditioned. Details of hard surfaces, walls, street furniture and other features also require to be submitted.

## 4.5 Public Arts Officer:

I don't feel the site requires public art on site but would benefit in design terms from something to increase the sense of place such as artist designed street furniture or high quality door furniture which could be individual to each dwelling.

## 4.6 Parks, Countryside and Leisure Services Manager:

It is considered acceptable to provide the play and open space element of the proposals off site by way of a contribution towards new play, sport and leisure facilities at the village hall. Based on £500 per bedroom excluding the first, a contribution of £19,500 is required towards off-site play provision. The Sport England facilities calculator also requires a contribution towards increased participation in active sport of £630 per dwelling which equates to £12,600.

## 4.7 Children and Young Peoples Directorate:

No formal comments received in respect of this application but comments received in respect of the similar scheme subsequently withdrawn were:-

Both schools are currently just under capacity, however additional pupils to the school would prevent the removal of temporary classrooms that we would otherwise be able to do. The Council is also currently undertaking a review of school provision and it is likely that the capacities of schools will be assessed as part of this review.

The Children and Young People's Directorate would therefore be looking for a contribution to be made towards education in this area that would go towards rectifying some of the problems at the schools such as inadequate storage and classroom sizes, poor library facilities and outdoor play equipment that would be exacerbated by the inclusion of additional children. A contribution of £2,000 per dwelling, regardless of its size or type, would be sought.

## 4.8 Head of Strategic Housing:

Strategic Housing would seek 35% affordable housing from the site and the affordable units to be built to Housing Corporation Scheme Development Standards and Lifetime Homes. The layout of the affordable is supported as is the mix but require the tenure to be all rented. Concerns exist as to the size and number of parking spaces and which spaces are allocated to which property. This therefore requires clarification.

## 4.9 Conservation Manager - Ecology:

No formal comments received in respect of this application but comments received in respect of the similar scheme subsequently withdrawn were:-

No ecological assessment of the site as been provided in support of the application. I was also very disappointed to discover that the site had been cleared of its semi-natural vegetation and subsequent loss of biodiversity. There is also a known badger sett in the woodland to the north west and the badgers may have been using the site for foraging.

An ecological assessment is required to establish the presence of any protected species and the report should also detail the ecological mitigation and enhancement. I appreciate that space is limited on the site and welcome the retention of the boundary hedgerows. There may be further potential on site I would suggest that there is also scope to create a scheme of compensatory biodiversity off the site such as a local BAP habitat.

## 5. Representations

5.1 Withington Parish Council: The Parish Council objects to the development for the following reasons:

1. The design incorporates properties backing onto Withies Road. This is a main entry road into the village. All the existing houses on the north side of Withies Road have their front gardens facing the road. We are concerned with the visual impact of domestic paraphernalia such as boundary treatments, sheds, washing lines. It is not accepted that individual private accesses cannot be provided off Withies Road on to the site.
2. The increase in the number of dwellings from 15 to 20 has resulted in a cluttered site that distinguishes it adversely from other development in the village. The estimated capacity within the Unitary Development Plan is 15 and any increase in dwelling numbers is solely to increase the developers margin. This should not be at the expense of achieving an acceptable development for the village.
3. If permission is approved the Section 106 contributions should be line with the recent consultation document on Section 106 Agreements.
4. The Parish Council are not convinced of the need for more affordable housing in the village and there has been no up to date housing needs survey for the parish. Any provision of affordable housing should be for the residents of the local group parishes. A reduction in the number of affordable homes could also assist in securing a more acceptable design solution and additional Section 106 contributions.
5. The distribution of parking places does not appear to be related to the individual dwellings.

Without prejudice to the foregoing objections if permission is approved a close boarded fence is required along the Withies Road frontage between the replacement hedge and the rear of the properties. There should be a condition preventing the replacement of the fence with any alternative material or design and no openings should be allowed in perpetuity.

5.2 Five letters of objection have been received from Withington Village Hall Management Committee and the occupants of 1 Coppice Close, 2 Coppice Close, The Beeches, Withies Road and 29 Vine Tree Close. The main points raised are:

1. The development is over crammed with little consideration displayed towards the rural environment, neighbourhood and future inhabitants.
2. The houses fronting Withies Road turn their back on the road and the development as a whole is inward looking
3. The recent Meridian Grange residential development was not in the UDP and therefore we question the need for additional housing.
4. Twenty dwellings is far too many for the size of the site and a less intense development would be more appropriate for this rural village.
5. The outlook of properties within Coppice Close should be preserved.
6. Inadequate parking is proposed which will lead to any overflow of cars parking at the village hall as is already the case from the adjoining Meridian Grange development.

7. The access serving the development is very close to the junctions of Bankfield Drive, Withies Close and a bus stop leading to a potential increased danger to pedestrian and highway safety.
  8. The development will lead to an increase in car useage and there is only a limited bus timetable in the village leading to additional pollution.
  9. The development will put an increased pressure on the existing water supplies.
  10. Existing surface water drains already cannot cope with run off during heavy rain and the development will exacerbate the situation.
  11. Over 100 houses have been built in the village over the last 5 years yet there is no doctor's surgery, no recycling centre, no road infrastructure development or improvement, no obvious increase in policing and limited amenity for children of all ages.
  12. The development will result in a significant reduction in sunlight received in late evenings and an increase in noise levels.
  13. All trees that were on site have been chopped down and the development takes no account of the surrounding environment.
  14. The claims made in the Design and Access Statement are contradictory.
  15. Speed limits should be reduced down to 30mph and traffic calming measures installed such as choke points on Withies Road along with double yellow lines along the same length.
  16. A 2 metre high close boarded fence should be erected along the boundary with Withies Road between the houses and the new hedge.
  17. Street lighting should be improved along Withies Road.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

### The Principle of Development

- 6.1 Withington is classed as a main village in the Herefordshire Unitary Development Plan 2007 and as such, is deemed to have capacity to accommodate additional residential development. The site is also allocated for development within the Unitary Development Plan under Policy H5 with an estimated capacity of 15 units. The principle of the site being developed for residential purposes is therefore established and acceptable.

### Density and Layout

- 6.2 Policy H15 of the Unitary Development Plan requires sites outside of Hereford and the Market Towns to deliver residential development at a density of at least 30 dwellings per hectare. This coincides with advice within Planning Policy Statement 3 which also requires residential developments particularly on allocated sites to make the most efficient use of the land. The construction of 20 dwellings equates to a density of 35.7 units to the hectare. Whilst the Unitary Development Plan indicates a figure of 15 units on site, this is only an estimated capacity and was not informed by detailed layout plans as now proposed. Furthermore, the density is comparable to neighbouring historic and more recent residential developments to the east and south and therefore would not appear out of character with the area.
- 6.3 The layout of the development essentially takes the form of two rows of houses, one adjacent to Withies Road broadly following the notional building line of existing

properties east and west of the site and the second row running along the northern boundary which borders agricultural land.

- 6.4 The layout has largely been dictated by the access restrictions as only a single point of access is deemed acceptable in highway safety terms. The results of which are the front elevations of the properties on Withies Road face inwards with the rear gardens running along the highway boundary. To ensure the development creates an acceptable street scene when viewed from Withies Road, the design of all the properties adjacent to Withies Road effectively have a double frontage to give the appearance that the Withies Road elevation is in fact the front elevation of the properties. Although a little unusual, this approach ensures an acceptable street elevation can be created softened by a native hedgerow. The other benefit of this approach is that there is potentially less pressure to provide other access points through the roadside hedge with the attendant problems of parking on the public highway. The siting of the dwellings is also staggered to create a more interesting street scene and reflect the angled shape of the site. Conventional designs are proposed for the dwellings to the rear (north) of the site.
- 6.5 The scale and siting of the dwellings has also been amended to safeguard the amenity of neighbouring properties to ensure that there are no windows directly overlooking neighbouring properties or their gardens. The scale in terms of the height and mass of the properties proposed adjacent to 'The Rise' in the north western corner of the site have also been stepped down to minimise the impact on this property. In the north eastern corner, the proposed dwelling has been stepped in from the boundary to minimise any loss of light for the occupants of the property known as 'Sangria'. The scheme now ensures that a satisfactory juxtaposition is achieved between the proposed and existing properties.
- 6.6 Each property will have a private garden which is commensurate with the size of the property and adequate off street parking in the form of driveways, garages or a combination of both is proposed. Where garages are to be used as a parking space, a condition can be imposed to prevent the garage from being converted to habitable accommodation in the future. The internal access roads are to be informally surfaced with block paving with no pedestrian segregation following the "home zone" principles aiming to reduce traffic speeds and create a pedestrian friendly residential environment. Strategic planting is also proposed which will soften the impact of the internal spaces to achieve a more informal appearance to the development.

#### Housing Mix, Designs and Access

- 6.7 The housing mix has been amended with the revised scheme to provide additional two bedroom units in favour of four bedroom units. The mix now proposed achieves a broader range of house types and sizes ensuring there is a range of affordability amongst the general market properties. Seven of the units are also to be affordable housing available for rent but with local restrictions on occupation ensuring that they are available in the first instance for residents with a local connection to Withington. The scale of the properties are all two storey which again is compatible with the general scale of properties within the area and the designs reflect local vernacular which is relatively simple in form with additional detailing achieved through dormer features. Materials are to be predominantly brick or brick and render elevations and pitched tiled roofs. It is considered that the proposed house designs and street scene elevations illustrate that the development will satisfactorily harmonise with the local environment.

- 6.8 A single new vehicular access is proposed to serve the development which in order to achieve satisfactory visibility will require the removal of the existing hedgerow which forms a boundary with Withies Road. A new hedgerow is proposed to be planted along the roadside boundary, which will provide the privacy for the rear gardens of the properties adjacent to Withies Road. However, there may be scope for the existing hedgerow to be translocated which will ensure that the existing native boundary will be retained assisting in softening the appearance of the development. A new pavement is also proposed along the frontage of the site linking with existing pavements running to the west towards the village hall. The Traffic Manager has confirmed that the revised access proposals and visibility requirements are acceptable.

#### Section 106 Matters

- 6.9 The Heads of Terms for all of the Section 106 matters are appended to this report which the applicants have agreed to in principle. All of the contributions will be used locally to enhance education, sustainable transport, sport and recreational facilities in Withington or one of the associated Group Parishes.
- 6.10 In terms of the off site open space, sport and recreation contribution, this principle has been agreed with the Parks and Countryside Manager as it is considered more worthwhile to provide appropriate facilities for the use of the village as a whole on land adjoining the village hall which is within walking distance of the site rather than a small play area to serve only this development.
- 6.11 In terms of the affordable housing, all the units are to be made available for rent and a mix of units is proposed ranging from two bedroom maisonettes to four bedroom detached family houses. The latest Homepoint data (July 2007) indicates a need for 20 affordable rented units in Withington with no requirement for any shared ownership units. The location of the affordable has also been dispersed around the site so as to create a more socially inclusive development.
- 6.12 The site, until all of the trees and vegetation were removed earlier this year, would also have been a habitat for flora and fauna and this is specifically recognised in the Unitary Development Plan. The clearance of the site is disappointing but ultimately is outside planning control. The existing hedgerows with the exception of the roadside hedge are to be retained and reinforced and this is welcomed but it is considered that the scope for appropriate new habitat creation on site is now limited. Therefore it is considered more worthwhile to provide new planting, funded by the developers, on land forming part of the village playing fields to create a new Biodiversity Action Plan habitat which could also be a community project.
- 6.13 Finally, Section 7 of the Heads of Terms requires the development as a whole and particularly the dwellings themselves to meet Level 4 of the Code for Sustainable Homes. This is a code produced by the Government in December 2006 setting new standards for the design and construction of residential development. It is a single national standard for sustainable homes, used by home designers and builders as a guide to development, and by home buyers to assist in their choice of home in response to the need to reduce carbon dioxide emissions – a major cause of climate change. The system will also tie into the imminent energy performance certificates for all new homes and the selling and leasing of existing homes over a certain size. The design of the code covers nine categories - Energy/C02, Water, Materials, Surface water run-of, Waste, Pollution, Health and Well Being, Management and Ecology.

The code has six levels, 1 being the minimum standards to be met and 6 being a zero carbon home, level 4 will require, for example, that the 2006 Building Regulations relating to energy efficiency requirements are exceeded by 44%. Whilst this code has not been used in Herefordshire to date, it will if accepted represent a bench mark for all future residential development and in time, will also be mandatory.

6.14 The proposals in general will achieve a sustainable residential development in accordance with the adopted Development Plan policies.

## **RECOMMENDATION**

- 1) **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers.**
- 3) **That the officers named in the Scheme of Delegation to Officers be authorised to amend the terms of the conditions as necessary to reflect the terms of the planning obligation.**

## **Conditions**

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

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

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

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

3. **E05 (Restriction on delivery and construction hours).**

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

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

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

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

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

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

**Reason: To safeguard the appearance of the development and to enable the local planning authority to give consideration of the acceptability of any future alterations or extensions.**



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

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

11. **G02 (Landscaping scheme (housing development)).**

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

12. **G03 (Landscaping scheme (housing development) – implementation).**

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

13. **G06 (Scope of landscaping scheme).**

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

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

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

15. **Notwithstanding the details identified on the approved plans the existing hedge running along the southern boundary of the site with Withies Road shall be translocated to the new position as detailed on the approved plans unless otherwise agreed in writing within the Local Planning Authority. Details of the methodology and timing of the translocation shall be submitted for the approval in writing of the local planning authority including details of future management of the hedgerow to safeguard its survival.**

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

16. **G13 (Landscape design proposals).**

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

17. H09 (Driveway gradient).

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

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

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

19. H17 (Junction improvement/off site works).

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

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

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

21. H19 (On site roads – phasing).

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

22. H21 (Wheel washing).

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

23. H27 (Parking for site operatives).

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

24. H29 (Secure covered cycle parking provision).

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

25. Prior to the commencement of the development, the Owner shall provide the Council with a Waste Management Strategy relating to construction waste and the recycling of spoil and other materials excavated from the site and generated by the development. The development shall be completed in accordance with the agreed strategy.

**Reason:** To minimise the impact of any waste generated by the development and ensure any waste that is generated is appropriately managed.

**Informatives:**

1. HN01 - Mud on highway.

2. HN05 - Works within the highway.

- 3. HN08 - Section 38 Agreement details.
- 4. HN10 - No drainage to discharge to highway.
- 5. N02 - Section 106 Obligation.
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 7. N19 - Avoidance of doubt.

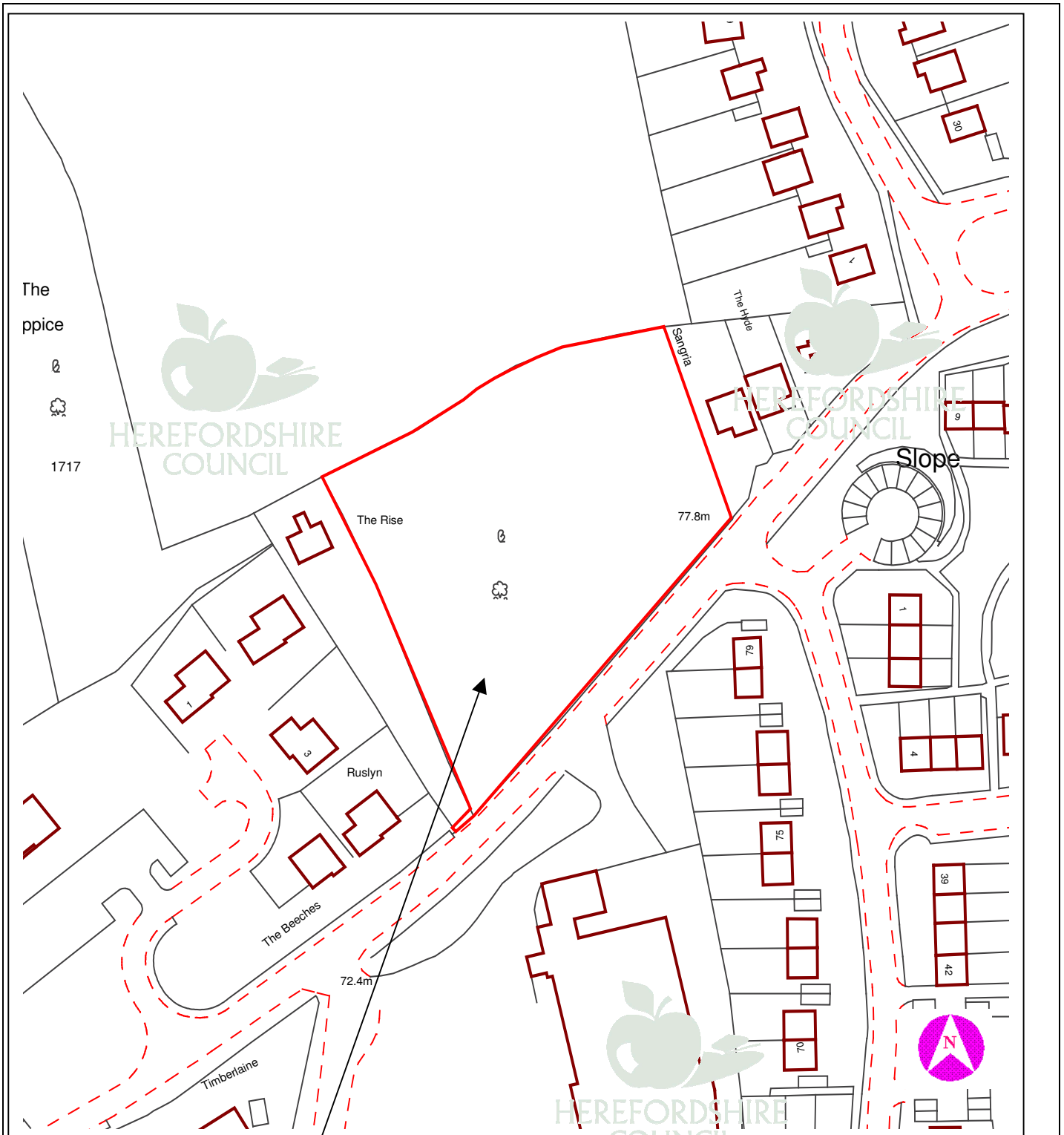
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/1825/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land off Withies Road, Withington, Hereford, Herefordshire, HR1 3PX

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**HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

Planning Application – DCCE2007/1825/F

Erection of 20 dwellings and associated parking, roadworks, services and drainage

Land north of Withies Road, Withington, HR1 3PX

1. The developer covenants with Herefordshire Council to pay £32,000 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the parish of Withington.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £40,000 to provide enhanced educational infrastructure at Withington Primary School and/or Aylestone High School.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £40,000 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
  - a) Reduction in the speed limit within Withington (subject to meeting criteria)
  - b) Improved bus shelters/stops in the locality of the application site
  - c) Safe Routes for Schools
  - d) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
  - e) Improved pedestrian and cyclist crossing facilities in Withington
  - f) New On/Off road pedestrian/cycle links to the site
  - g) Traffic calming measures
  - h) Any other purpose falling within the criteria defined in 3 above.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council £5,000 to provide off site public art in lieu of such provision on site to be used for art within the parish of Withington including artist designed street furniture.
6. The developer covenants with Herefordshire Council to pay the sum of £5,000 to provide ecological planting to compensate for the loss of biodiversity on site. If an appropriate site for the planting cannot be found the money can be used for general landscaping in association with 1 above.
7. The design and construction of the development shall include energy efficiency measures to reduce the carbon footprint of the Development. The Development shall meet level four of the Code for Sustainable Homes: A step change in sustainable home building practice design produced by The Department for Communities and Local Government dated December 2006.

The developer shall provide pre and post construction compliance certificate to Herefordshire Council confirming that development has been designed and constructed to meet level four.

8. Prior to the commencement of the development, the developer shall provide a management schedule for the management of the areas of open space and soft landscaping to remain within private ownership. The management regime shall remain in perpetuity and the details to be submitted shall include the mechanism for enforcing compliance.
9. 35% of the total number of residential units shall be "Affordable Housing" which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan 2007 and related policy H9 or any statutory replacement of those criteria and that policy. All the affordable units shall be made available for rent. None of the Affordable Housing shall be occupied unless Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development or in accordance with a phasing programme to be agreed with Herefordshire Council.

10. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 5 and 6 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
12. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Russell Pryce - Principal Planning Officer

10th July, 2007

**7 DCCE2007/1961/F - CONVERSION AND EXTENSION OF GARAGE/PREPARATION AREA TO SINGLE STOREY DWELLING AND EXTENSION OF TAKE-AWAY PREPARATION AREA. FORMATION OF PARKING AREA FOR EXISTING FLATS AT 1-3 PEREGRINE CLOSE, HEREFORD, HEREFORDSHIRE, HR2 6BS**

**For: Pacemark Properties Limited per Malcolm Rogers,  
Dixon Rogers Designs, Highfields, Stanford Road,  
Great Witley, WR6 6JG**

**Date Received: 19th June, 2007    Ward: St. Martins &    Grid Ref: 51442, 38606  
Hinton**

**Expiry Date: 14th August, 2007**

Local Members: Councillors W.U. Attfield, A.C.R. Chappell and A.T. Oliver

**1. Site Description and Proposal**

1.1 The site occupies a corner position bordering Hinton Road to the west, Acacia Close to the north and Peregrine Close to the south. A detached two storey brick and slated pitched roof building occupies the northern half of the site with an attached single storey garage running along the western boundary. This building is presently sub-divided into two one bedroom flats and a fish and chip shop/Chinese takeaway at ground floor with one two bedroom and one one bedroom flat at first floor. The southern part of the site is largely set out to lawn and the curtilage is enclosed by a 1.5 metre high block wall. The site is largely surrounded by existing properties including bungalows to the north, two storey dwellings to the east and south and a detached timber framed two storey property to the west which is Grade II Listed. The site lies within the flood plain designated as both Flood Zone 2 and 3.

1.2 Planning permission is sought for the extension and conversion of existing single storey building presently used as a food preparation/storage area in association with the adjoining takeaway to create a two bedroom residential unit and construction of a single storey extension and a takeaway off the northern elevation at ground floor to provide a new storage and food preparation area. Part of the existing garden is to be changed to hardstanding to create five off street parking spaces with a further single space for the operators of the takeaway proposed along Acacia Close.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

|     |   |                          |
|-----|---|--------------------------|
| S2  | - | Development Requirements |
| S3  | - | Housing                  |
| DR1 | - | Design                   |
| DR2 | - | Land Use and Activity    |

|      |   |   |
|------|---|---|
| DR3  | - | Movement                                      |
| DR4  | - | Environment                                   |
| DR7  | - | Flood Risk                                    |
| DR13 | - | Noise   |
| H13  | - | Sustainable Residential Design                |
| H14  | - | Using Previously Developed Land and Buildings |
| H15  | - | Density                                       |
| H16  | - | Car Parking                                   |
| HBA4 | - | Setting of Listed Buildings                   |

### 3. Planning History

- 3.1 HC960077PF - Erection of external extraction ducting. Approved 8th May, 1996.
- 3.2 DCCE2006/1277/F - Conversion of 4 flats to 3 no. two storey mews houses and one first floor flat, demolition of outbuildings and development of two no. cottages and extension to existing takeaway. Planning permission refused 26th July, 2006.

Reason for refusal was:

The proposal due to its cumulative scale and the intensification of development will have a harmful impact on the character and amenity of the area. As such the development is contrary to Policies ENV14, H3, H12, H14, H21 of the Hereford Local Plan and Policies S1, S2, DR1, DR2, H13, H14 and H17 of the Herefordshire Unitary Development Plan.

Appeal dismissed 2nd March, 2007.

### 4. Consultation Summary

#### Internal Council Advice

- 4.1 Traffic Manager: No objections subject to conditions relating to the construction of the new parking area and enhanced cycle storage.
- 4.2 Environmental Health and Trading Standards Manager: No objection.
- 4.3 Conservation Manager: No objection.

### 5. Representations

- 5.1 Hereford City Council: Recommend the application be refused as it is inappropriate development in an established residential area.
- 5.2 Seven letters of objection received to date, the main points raised are:
1. The proposal will lead to further congestion on narrow roads.
  2. The takeaway has no dedicated off street parking.
  3. The storage area for the takeaway is being moved to Acacia Close which is not suitable for heavy vehicles.
  4. We are concerned about the location of refuse storage associated with the accommodation and takeaway.
  5. Further congestion will make it difficult for emergency vehicles to access.



6. The current application does not overcome previous concerns regarding vehicular activity, and access obstruction caused by the takeaway business.
  7. The local highway network and associated junctions are not suitable for accommodating further traffic associated with the development.
  8. Existing pavements in the area are already used to park vehicles and the proposal will aggravate the problem.
  9. The deeds for all properties on Acacia Close forbids any business activities.
  10. The parking proposed is inadequate and does not take account of visitors.
- 5.3 The consultation period is yet to expire and therefore any further representations received between the time of writing this report and Committee will be reported in writing and orally on the day of the Committee.

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

## **6. Officers Appraisal**

- 6.1 The proposal the subject of this application amounts to the extension and conversion of an existing garage/food storage area to create a new single storey two bedroom unit and construction of a single storey extension to the north elevation to provide a replacement food storage area. No alterations are proposed to the existing flats. Neither is the size of the takeaway to be increased.
- 6.2 The footprint and height of the existing building is to be slightly increased but the overall mass of the building will be comparable to the existing building and the design is considered to be an enhancement. As such these alterations will have minimal impact locally or on the setting of the adjoining Listed Building. Similarly, the single storey extension off the north elevation will follow the form of the existing single storey additions on the west elevation and is considered acceptable in terms of its design and materials. The impact of the physical alterations to the property are therefore acceptable.
- 6.3 No off street parking presently exists to serve the existing flats and therefore the applicants propose to address this deficiency through the provision of five off street parking spaces, one per unit. A further parking space for the operator of the takeaway is also proposed off Acacia Close. This will be an improvement on the existing situation in parking and highway safety terms and will relieve the pressure for on street parking in the locality. This is confirmed by the Traffic Manager who raises no objection.
- 6.4 A small area of communal garden is proposed along with a further private garden to serve the new additional unit and secure cycle and bin storage. Although modest, this again will provide a usable area of garden for barbecues and informal recreation.
- 6.5 The Head of Environmental Health raises no objection to the introduction of a further residential unit in terms of its relationship with the adjoining takeaway. This issue was a particular concern of the Inspector in dismissing the appeal but under this application, the existing situation will remain unchanged and the activities such as food preparation and cooking which are most likely to have an impact on the amenity of the new dwelling are located on the opposite side of the building. As such the amenity of the occupants of the existing and proposed accommodation will not be adversely

affected by the operation of the takeaway. Nevertheless, further details are required of the replacement extraction equipment for the takeaway and this information is awaited.

- 6.6 The predominant concerns of local residents relate to the creation of an additional unit and resultant intensification in the use of the site in terms of parking and vehicle movements in particular. It is considered that the proposed creation of one additional unit will not change the existing situation to such an extent as to warrant refusal of the application. The Planning Inspector in dismissing the recent appeal commented that although the existing situation is not ideal, with the proposed off street parking it was deemed acceptable and this conclusion was based upon larger properties and an additional unit over what has now been proposed. As the applicants have addressed the other issues raised by the Planning Inspector including the proximity of the proposed dwelling to the takeaway; the design of the development; amenity standards and the extent of garden, it is considered that the previous reasons for refusal have now been addressed and therefore the application is considered acceptable.

## **RECOMMENDATION**

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

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

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

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

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

3. **H06 (Vehicular access construction).**

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

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

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

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

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

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

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

**Informatives:**

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

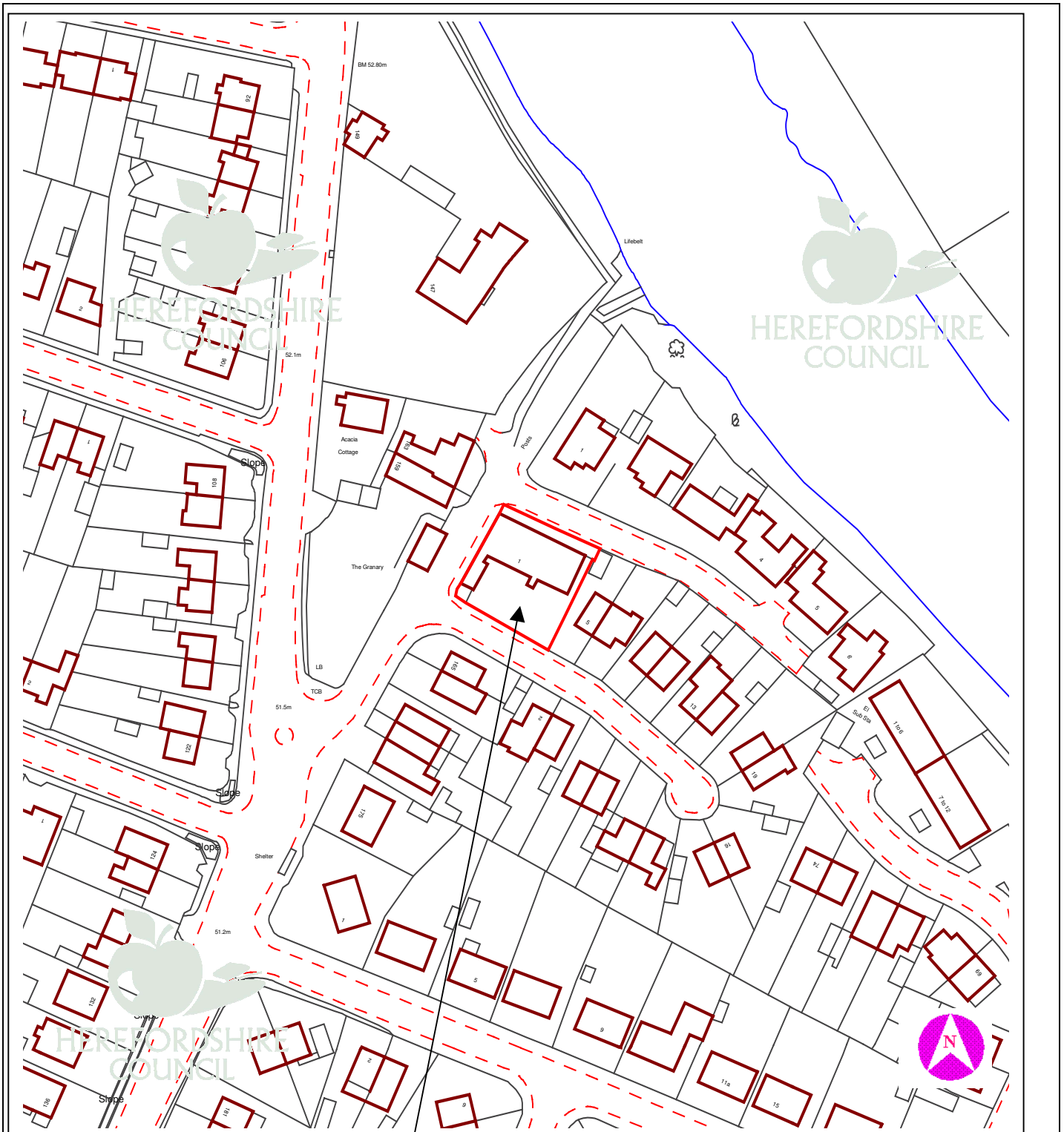
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/1961/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 1-3 Peregrine Close, Hereford, Herefordshire, HR2 6BS

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**8 DCCE2007/1763/F - EXTENSION AND CONVERSION OF THREE (3) NUMBER EXISTING APARTMENTS INTO SIX (6) NUMBER SELF CONTAINED STUDIO APARTMENTS AT 7 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR**

**For: Mr. D. Lorraine per A.W. Morris, Chartered Building Surveyor, 20 Ferndale Road, Kings Acre, Hereford, HR4 0RW**

**Date Received: 6th June, 2007      Ward: Aylestone      Grid Ref: 51748, 40470**

**Expiry Date: 1st August, 2007**

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

**1. Site Description and Proposal**

- 1.1 The application relates to No. 7 Aylestone Hill, one of a row of eight late Victorian villas located at the foot of Aylestone Hill between the junctions with Barrs Court and Penn Grove Road. The site lies within the Aylestone Hill Conservation Area. At present the building is sub-divided horizontally into four flats comprising the basement, ground, first and second floors. This application does not involve the second floor. There is no parking within the curtilage. The garden is found to the rear.
- 1.2 The original proposal sought permission for the extension of the building within the rear garden to create a self-contained unit. The remainder of the ground floor was proposed for sub-division to create a further 3 self-contained one bedroom units, with a further 3 at first floor. The basement was to remain as a single self-contained apartment. In total this approach would have resulted in a total of 8 self-contained units over the three floors.
- 1.3 However, the application has been amended upon officer advice to remove the proposed extension and omit one of the proposed first floor apartments. This results in a total of 6 self-contained units.
- 1.4 In recognition of the lack of parking associated with the property a draft legal agreement has been submitted with the application. The effect of this agreement would be to prevent the future occupants of the apartments from ever becoming eligible for parking permits as part of the local residents' parking permit scheme. A copy of the draft agreement is appended to this application.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

|    |   |                          |
|----|---|--------------------------|
| S1 | - | Sustainable development  |
| S2 | - | Development requirements |
| S3 | - | Housing                  |
| S6 | - | Transport                |

|      |   |  |
|------|---|--|
| DR2  | - | Land use and activity  |
| DR3  | - | Movement   |
| DR5  | - | Planning obligations   |
| H1   | - | Hereford and the market towns: settlement boundaries and the established residential areas |
| H13  | - | Sustainable residential design   |
| H16  | - | Car parking  |
| H17  | - | Sub-division of existing housing   |
| HBA6 | - | New development within conservation areas  |

### **3. Planning History**

3.1 None.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Welsh Water: No objections subject to conditions preventing the combined discharge of foul and surface water to the public sewerage system.

#### Internal Council Advice

4.2 Conservation Manager (in response to original proposal): "The proposed extension is not in keeping with the character of the house or the architecture of the site. It does not preserve or enhance the character of the conservation area and the loss of the section of garden would be most disappointing."

4.3 Subsequent to the receipt of these comments the extension has been removed from consideration. The objections of the Conservation Manager are thus overcome.

4.4 Traffic Manager: "I consider the location and proposed development to be suitable for car free, and this is confirmed by the applicant's supporting statement and proposed covenant to remove entitlement to residents parking permits. Contributions for sustainable travel should be sought at a rate of 1,750 per unit in line with the (draft) Supplementary Planning Document."

### **5. Representations**

5.1 Hereford City Council (in response to original proposal): "(Recommend) that the application be refused as it an over-intensive development. The City Council recommends that an application with fewer apartments would be acceptable."

5.2 One letter of representation has been received from Mr. C. Barnes, 11 Aylestone Hill, Hereford. These comments relate to the original proposal for 8 self-contained apartments. The content is summarised as follows:

1. Building in the garden is unacceptable within a conservation area.
2. Concern is expressed at potential parking problems.
3. Whilst the need for more housing is acknowledged, concern is expressed that the development is over-intensive.

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

## 6. Officers Appraisal

6.1 The key considerations in the determination of this application are as follows:

1. The principle of sub-division in this location with regard to the impact upon the conservation area;
2. The principle of allowing car-free development at this location;
3. The standard of accommodation provided.

6.2 Policy H17 of the Unitary Development Plan promotes the sub-division of existing housing provided that there is appropriate car parking, there is a satisfactory level of accommodation including internal layout and amenity space and that the proposal has no undue adverse impact upon the property and its curtilage, the amenity and privacy of neighbouring dwellings and the amenity and general character of the area.

6.3 The scheme has been amended to omit the rear extension and one of the proposed first floor apartments, with the effect that a total of **6** one-bedroom self-contained apartments, rather than **8**, are now proposed. The removal of the proposed new unit within the garden is considered to overcome the objections of the Conservation Manager, who was opposed to the construction of this structure within the garden.

6.4 In addition, one of the proposed apartments within the first floor has also been removed. This was undertaken upon officer advice. Taken together, the removal of these two apartments from the application is considered to overcome concern at the impact that the development would have upon the privacy of neighbours and the character of the conservation area – the development is now limited to the re-use of the existing building and modest single-storey extension. The number of apartments now proposed (6) is considered appropriate to both the character and appearance of the building and the wider area. It is noted that the City Council would be supportive of a scheme for fewer than 8 units, although their formal comment upon the amended scheme for 6 apartments had not been received at the time of writing.

6.5 The Traffic Manager advises that the location is appropriate for a car-free development. This is on the basis of proximity to the city centre and the type of accommodation proposed. These are one-bed apartments, less likely to attract car owners.

6.6 Allied to these factors, the applicant has submitted a draft legal agreement which would act to prevent future occupants from becoming eligible for local residents' parking permits. If entered into, this agreement would feature as a charge against the properties and the agreement is worded so that it is effective upon transfer of any of the apartments to future occupiers.

6.7 With the added protection afforded by the legal agreement, officers consider the proposal appropriate as a car free development. Notwithstanding this, further research is being undertaken in relation to best practice by other local authorities. It is possible that a suitably worded condition could provide the control required. The wording of the recommendation reflects the further consideration being given to these options.

- 6.8 The units proposed are fairly modest in terms of the habitable space. Typically the units offer open plan living, dining and sleeping accommodation with separate bathroom/WC. The Housing Act requires a minimum floor area of 13m<sup>2</sup> (140 square feet) for single room apartments with cooking facilities. Each of the units satisfies this requirement. Accordingly, there would appear to be no basis upon which to question the adequacy of the internal layout and standard of accommodation.
- 6.9 The external arrangements are greatly enhanced by the removal of the 'garden' apartment. There would remain a larger, more usable shared garden space and greater scope to position the communal cycle parking and bin storage without fear of intruding upon the residential amenity of residents of the scheme and near neighbours.
- 6.10 As amended the scheme is considered an appropriate and sustainable form of development within the conservation area.

### **RECOMMENDATION**

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

1. **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. **W01 (Foul/surface water drainage).**  
**Reason: To protect the integrity of the public sewerage system.**
4. **W03 (No drainage run-off to public system).**  
**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**
5. **H29 (Secure covered cycle parking provision).**  
**Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**
6. **F39 (Scheme of refuse storage).**  
**Reason: In the interests of amenity.**
7. **Condition concerning the ineligibility of future occupants of the apartment for residents' parking permits – precise wording to be determined.**



**Informatives:**

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

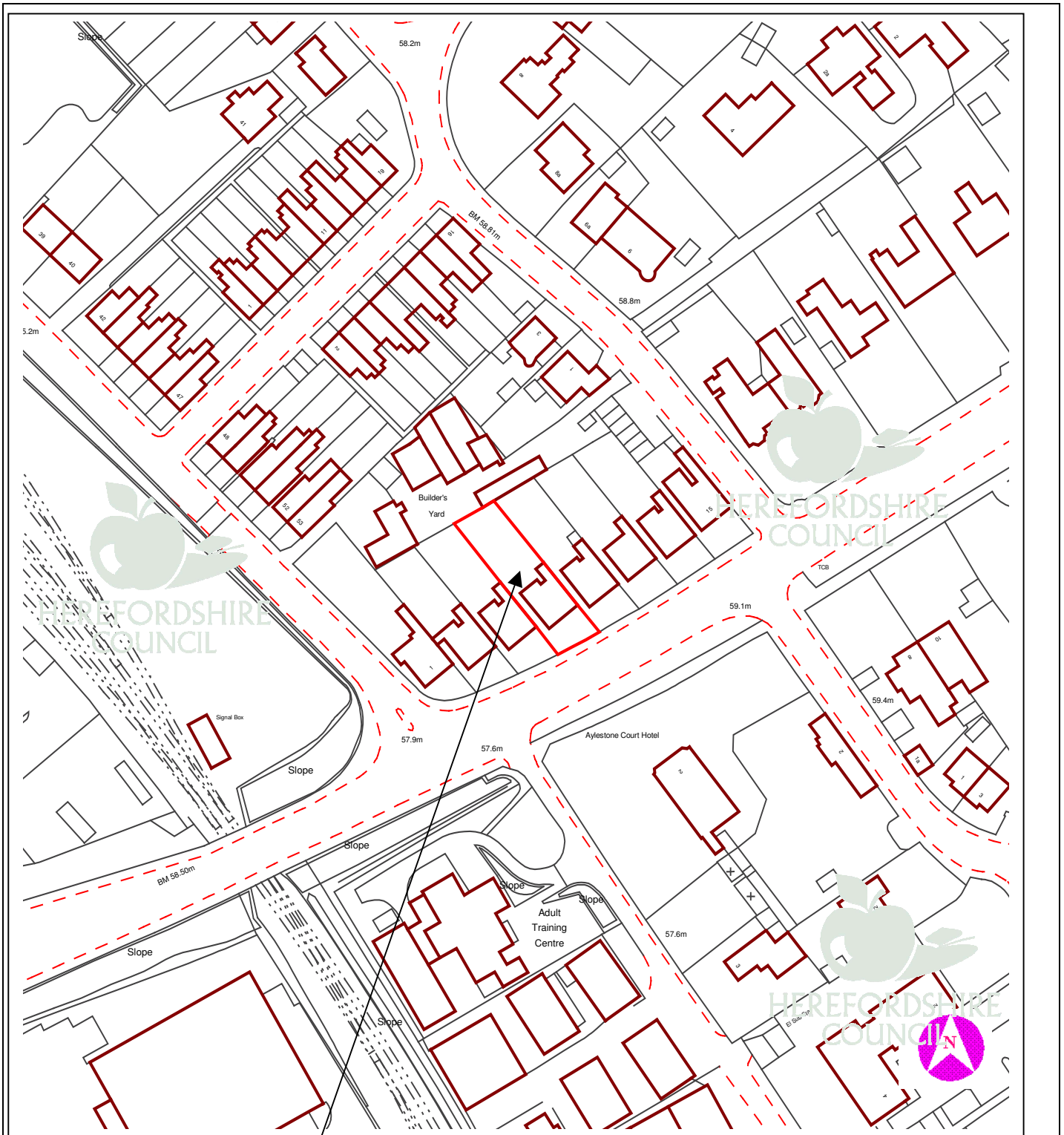
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/1763/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 7 Aylestone Hill, Hereford, Herefordshire, HR1 1HR

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CE07 / 1763 / F ]

This Deed is made the            day of            2007 between :-

(1) DUNCAN ROBERT LORRAINE & JACQUELINE MARY TAYLOR  
(hereinafter called the Owners) of 12 Evendine Corner, Colwall Green,  
Malvern, Worcestershire

(2) THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (the  
Council) of Brockington, 35 Hafod Road, Hereford

WHEREAS:-

1. The Owners are the registered proprietors of the Property described in the First Schedule hereto (the Property)
2. The Council is empowered by Section 106 of the Town & Country Planning Act 1990 (as amended) to enter into an agreement with any person interested in land in its area for the purpose of restricting or regulating the development or use of that land
3. The Owners have via their Agents submitted to the Council an application for planning permission as described in the Second Schedule hereto (the Application)
4. The Council acting by its area planning sub-committee has resolved to grant planning permission (subject to conditions) in pursuance of the Application subject to the Owners entering into this Deed with the Council for the purpose of restricting or regulating the development or use of the land in the manner hereinafter appearing
5. The Council is the local Planning Authority for the area in which the Property is situated and by whom the restrictions and obligations contained in this Deed are enforceable

CE 07 / 1763 / F

NOW THIS DEED WITNESSES as follows:-

1. In consideration of the grant of planning permission (subject to conditions) in pursuance of the application the Owners hereby covenant with the Council as follows:-
  - (a) the Owners will not at any time from the date hereof apply for a Car Parking Permit in respect of the property or any flat
  - (b) not to dispose of any flat without acquiring the disposee to enter into a covenant in the terms of this Clause
  - (c) to apply to the Chief Land Registrar to enter a restriction in the proprietorship register of the Property or the flats as the case may be provided that the person subject to the burden of this covenant will have an interest in the Property or flat capable of registration at H M Land Registry
2. It is hereby agreed and declared that the following expressions shall have the meanings given to them below namely:-
  - (a) "the Council" and "the Owners" shall include their respective successors in title and assigns and all persons deriving title to all or part of the Property
  - (b) "the Property" means the land described in the First Schedule hereto
  - (c) "the Perpetuity Period" means the period of 80 years from the date hereof
  - (d) the masculine gender shall include the feminine gender and vice versa and where there are two or more persons



CE07/1783/F

included in the expression "the Owner" covenants expressed to be made by the Owner shall be deemed to be made by such persons jointly and severally

- (e) "disposed of" or "disposal" shall mean the completion of any transaction for the sale of the freehold, commonhold, long leasehold or assured tenancy or any assignment of any terms created by such leases or tenancies conferring a right to occupy the Property or any flat
- (f) "flat" or "flats" shall mean any flat created at the Property within the Perpetuity Period pursuant to planning permission granted as a result of the application
- (g) "Car Parking Permit" means a permit issued by the Council permitting local resident parking

IN WITNESS whereof this instrument has been duly executed as a Deed by the parties the day and year first before written

**FIRST SCHEDULE**

All that Property situate at and known as 7 Aylestone Hill, Hereford as the same is registered at H M Land Registry with Absolute Title under Title Number

CE07 / 1763 / F

**SECOND SCHEDULE**

An application for planning permission dated the \_\_\_\_\_ day of \_\_\_\_\_  
made under the Council's reference \_\_\_\_\_ for eight self contained  
studio apartments at the Property

**THIRD SCHEDULE**

A restriction against registration of any disposition without a certificate signed  
by a Solicitor/Licensed Conveyancer to the effect that the covenant contained  
herein has been complied with (the exact wording to be agreed)

Signed as a Deed by the said  
DUNCAN ROBERT LORRAINE  
in the presence of:

Signed as a Deed by the said  
JACQUELINE MARY TAYLOR  
in the presence of:

CE07 / 1763 /

The Common Seal of the County  
of Herefordshire District Council was  
affixed hereto by Order  
Authorised Officer

| DRAFT |





**9 DCCE2007/1930/F - ERECTION OF A TERRACE OF 4 COTTAGES. AMENDMENT TO PARKING AREAS. (REVISED SCHEME) AT FROME COURT, (FORMER BARTESTREE CONVENT), BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BF**

**For: Strand Homes Ltd per Mr. P.H. Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG**

**Date Received: 20th June, 2007**      **Ward: Hagley**

**Grid Ref: 56843, 40632**

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

Local Member: Councillor D.W. Greenow

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the erection of a terrace of four, two-bedroom cottages at Bartestree Convent, Bartestree.
- 1.2 Bartestree Convent itself comprises a part Grade II, part Grade II\* building currently in the process of being converted into flats. To the west of the main convent building is a new courtyard terraced development, with a further new terraced development to the north of the main building. To the north west of the Convent are two burial areas, between which is an open area originally designated for parking. This application seeks permission for the introduction of a terraced row of four dwellings in this location, with the associated loss of parking spaces.
- 1.3 The parking arrangements on site have evolved over the course of the complex history of this site. As a result of this development the number of residential units on site would increase from 63 dwellings to 67, while 15 parking spaces are lost in this corner position. However, there is some 'compensation' for this loss with the formation of an additional 12 spaces to the south of the application site and the use of a redundant turning head to form a further two spaces. Overall, parking ratios drop to fractionally below 1.5 spaces per unit from the 1.55 spaces per unit as originally approved for this site.
- 1.4 The application follows the refusal of application DCCE2006/1978/F at the Central Area Planning Sub-Committee meeting on 15th November, 2006. This sought permission for the erection of a terrace of 3 dwellings on the site. Development was refused, contrary to officer recommendation, for the following reason:

"The proposed development would, by reason of its siting and scale, result in the loss of an additional element of open space and the cumulative effect of further development would add to the sense of enclosure of the site. This would adversely impact upon the visual amenities of the locality and detract from the setting of Bartestree Convent, a Listed Building, contrary to Policies S2, S7 and HBA4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and the guiding principles set out in PPG 15: Planning and the Historic Environment."

## 2. Policies

### 2.1 National Policy Guidelines:

|       |   |                                       |
|-------|---|---------------------------------------|
| PPS1  | - | Delivering sustainable development    |
| PPG3  | - | Housing                               |
| PPG13 | - | Transport                             |
| PPG15 | - | Planning and the historic environment |
| PPG16 | - | Archaeology and planning              |

### 2.2 Herefordshire Unitary Development Plan 2007:

|     |   |                                      |
|-----|---|--------------------------------------|
| S1  | - | Sustainable development              |
| S2  | - | Development requirements             |
| S3  | - | Housing                              |
| DR1 | - | Design                               |
| DR2 | - | Land use and activity                |
| DR3 | - | Movement                             |
| H4  | - | Main villages: settlement boundaries |
| H13 | - | Sustainable residential design       |
| H16 | - | Car parking                          |

## 3. Planning History

- 3.1 SH770422PF - Southwest wing Bartestree Convent change of use to single person residential accommodation. Approved 8th August, 1977.
- 3.2 SH891076PO - New convent. Approved 24th January, 1991.
- 3.3 SH891077PO - Sheltered housing. Approved 23rd April, 1991.
- 3.4 SH891078PO - Sheltered flats with social and recreational facilities. Approved 23rd April, 1991.
- 3.5 SH931577PF - Refurbishment and conversion of existing buildings to student accommodation and new build dwelling houses. Approved 13th June, 1994.
- 3.6 SH940016LD - Repairs, partial demolition of ground floor extension and change of use to form student accommodation. Not determined.
- 3.7 SH960193PF - Tennis Court Site - residential development. Refused 12th June, 1996.
- 3.8 CE2000/1143/F - Restoration, conservation and conversion of convent buildings to provide 23 dwellings. Demolition of incongruous alterations, additions and curtilage buildings. Erection of 17 mews cottages. Diversion of internal access road, landscaping and ancillary site works. Approved 2nd November, 2001.
- 3.9 CE2000/1146/L - Restoration, conservation and conversion of convent buildings to provide 23 dwellings. Demolition of incongruous alterations, additions and curtilage buildings. Erection of 17 mews cottages. Diversion of internal access road, landscaping and ancillary site works. Approved 2nd November, 2001.

- 3.10 CE2001/3244/F - Amendments to approved scheme for residential development, conversion to provide two additional lower ground floor apartments. Units 42 and 47. Approved 21st March, 2002.
- 3.11 CE2001/3245/L - Amendments to approved scheme for residential development, conversion to provide two additional lower ground floor apartments Units 42 and 47. Listed Building Consent 21st March, 2002.
- 3.12 CE2001/3246/F - Amendment to approved scheme for residential development for conversion to provide one additional second floor apartment (Unit 33). Withdrawn 11th February, 2002.
- 3.13 CE2001/3251/L - Amendment to approved scheme for residential development for conversion to provide one additional second floor apartment (Unit 33). Withdrawn 11th February, 2002.
- 3.14 CE2002/1750/F - Amended scheme for the conversion of convent and chapel - including new build development. (Scheme providing 17 additional dwellings comprising: 7 new conversions in Chapel/Hall, 8 additional remodelled conversions, 2 additional remodelled new build). Amended access arrangements and site layout. Approved 24th December, 2002.
- 3.15 CE2002/1754/L - Amended scheme for the conversion of convent and chapel - including new build development. (Scheme providing 17 additional dwellings comprising: 7 new conversions in Chapel/Hall, 8 additional remodelled conversions, 2 additional remodelled new build). Amended access arrangements and site layout. Approved 24th December, 2002.
- 3.16 CE2003/1283/F - Redesign of units 44, 45, 46 and 47 and 2 no. new units 45a and 47a. Undetermined.
- 3.17 CE2003/1285/F - Redesign of units 44, 45, 46 and 47 and 2 no. new units 45a and 47a. Undetermined.
- 3.18 CE2003/1537/F - Redesign of units 44, 45, 46 and 47 and creation of 1 no. new units 45a. Approved 26th January, 2004.
- 3.19 DCCE2003/1538/L - Redesign of units 44, 45, 46 and 47 and creation of 1 no. new units 45a. Approved 26th January, 2004.
- 3.20 DCCE2003/2390/G - Discharge of planning obligations under S106 dated 10th April 1991 and 28th June 1994. Approved 16th July, 2004.
- 3.21 DCCE2004/1266/F - Remodelling of approved apartment no. 43 to provide 2 single bedroom apartments. Approved 15th June, 2004.
- 3.22 DCCE2004/1297/L - Remodelling of approved apartment no. 43 to provide 2 single bedroom apartments. Approved 15th June, 2004.
- 3.23 DCCE2004/4097/L - Conversion of attic space into a studio apartment. Approved 5th January, 2005.

- 3.24 DCCE2004/1492/F - Conversion of attic space into a studio apartment. Approved 5th January, 2005.
- 3.25 DCCE2004/4272/L - Subdivision of apartment to provide two studio apartments. Approved 28th January, 2005.
- 3.26 DCCE2004/4270/F - Subdivision of apartment to provide two studio apartments. Approved 28th January, 2005.
- 3.27 DCCE2006/1978/F - Erection of a terrace of 3 cottages and formation of additional parking areas, including overspill parking. Refused 15th November, 2006 - Appeal to be heard at an Informal Hearing

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

##### Statutory Consultations

- 4.1 English Heritage: Any permission should be conditional upon the prior approval of all architectural details, materials and finishes, and of landscape design, details and materials.

##### Internal Council Advice

- 4.2 Conservation Manager: "The design of the cottages has followed the theme agreed as the design approach for buildings around the convent but with the variation being a terrace of cottages in this instance. We believe that this adds to the built environment of the general area as it shows the approach taken to designing a different house type but maintaining the theme of contemporary dwellings using the neo-gothic language and expressions of the convent."
- 4.3 Traffic Manager: No objection is raised to the resultant parking ratios, although some concern is expressed at the absence of a turning area for a refuse lorry adjacent to the southern-most bin store and the location and size of the cycle storage.
- 4.4 The comments of the Traffic Manager in relation to the previously refused application are still largely applicable and are reported below:

'Although the proposal results in a loss of parking spaces for the approved development, the level of parking (1.469 per dwelling) which remains is still very close to the Government guidelines of a maximum of 1.5 spaces per dwelling as set out in PPG3. As stated in the submitted supporting text there is a predominance of 1 and 2 bed apartments within the development, and all dwellings are allocated at least one parking space. As the proposed levels are within both the maximum set out in our Design Guide for new developments and Government guidelines, I have no objections to the proposal.'

#### **5. Representations**

- 5.1 Bartestree Parish Council: "The Parish Council strongly objects to this application as it is an increase in the number of properties from that requested in application DCCE2006/1978/F that was previously refused. The Council:

Was of the opinion that the current scheme could be considered over-development as it would result in a total of 67 dwellings on the site;

Considered that in this sensitive location between two burial grounds, that proposal would detract from Bartestree Convent, particularly as it would restrict views towards the Listed Buildings;

Considered that this area could be used to meet open space requirements in the UDP;

Considered that the sewerage system might not be able to accommodate four more dwellings;

Noted that a number of planning obligations had been discharged following amendments to the scheme but suggested that the retention of this area could provide some local amenity benefits as a public open space."

5.2 Local Residents: At the time of writing, 3 letters of objection have been received from local residents. The objections raised can be summarised as follows:

1. This site was developed on the basis that it would not be further developed;
2. The proposal will extend the building operations on site which continue to cause noise and disturbance;
3. Over development of the site;
4. Adverse impact upon visual amenities and landscape quality;
5. The development will detract from the setting of the Listed Building;
6. As revised the proposal will result in totally inadequate parking provision for this site;
7. The access, parking and manoeuvring arrangements on site are already inadequate, this will further degrade the situation of site;
8. Loss of privacy.

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

## **6. Officers Appraisal**

6.1 It is considered that the following matters are relevant to this application:

- Principle of Development;
- Highways;
- Visual Amenities and Setting of Listed Buildings;
- Design and Scale;
- Residential Amenities.

### Principle

6.2 The Convent and surrounding area is within a sub area of the Bartestree settlement boundary. Bartestree is defined as a main village and the principle of new residential development is accepted.

### Highways

- 6.3 The original permission on this site was on the basis of 40 dwellings served by 62 parking spaces, a ratio of 1.55 spaces per unit. Application DCCE2004/1492/F identified 100 car parking spaces to serve 63 units, a ratio of 1.59 spaces. Under application DCCE2006/1978/F, 99 spaces were to serve 66 units, a ratio of 1.5 spaces per dwelling unit. Under this application 99 spaces would serve a total of 67 dwellings. As a result the dwelling to parking space ratio drops marginally to 1.48 spaces/dwelling. Herefordshire Unitary Development Plan policy advises that housing developments will be subject to a maximum parking provision of 1.5 spaces per dwelling. It is of note that the policy also states that off street parking provision should reflect the site location, the type of housing to be provided, and the availability of public transport. In this case public transport is available with a bus stop on the main A438 at the entrance to the Convent, and the units are principally one and two bedroom properties, though some three-bed units are found. Against this however, one must recognise the rural/urban fringe location of this site and the relative limitations of the public transport provision and lack of amenities/facilities. In this context it is suggested that a figure on or around the 1.5 spaces per unit level should be provided and in this case 1.48 spaces/dwelling is proposed.
- 6.4 The objections of local residents on the grounds of a lack of parking resulting from this development are understandable having regard to the relatively low level parking provision already on site and the relatively limited public transport and amenities/facilities availability. Ultimately, however, this scheme is in accordance with adopted planning policy and on this basis it is considered that this application cannot be resisted on the basis of the lack of parking provision issue.

#### Visual Amenities and Setting of Listed Buildings

- 6.5 The regularisation of the car parking is not considered to raise any issues in this regard and the Conservation Manager has liaised on these changes. The new dwellings are sited appropriately having regard to the Convent; its setting, and the development pattern approach on this site. The design is reflective of the other new build on site and as such the new development will integrate effectively into the development. The removal of Permitted Development Rights will ensure that the further extension of these dwellings is tightly controlled in the interests of the visual amenities of the locality and the setting of the Convent.

#### Design and Scale

- 6.6 The new dwellings are designed to reflect the existing new build dwellings on site with design features, materials and appearance all to match and will therefore relate effectively to the existing new build on site. Although four rather than three dwellings are now proposed, the footprint is only marginally larger. Additionally, the scale of the dwellings has been reduced significantly – the ridge height is now 8m as opposed to 9.5m. Allied to this it is proposed to reduce ground levels by a further 600mm with the effect that the building would be more than 2m lower than originally proposed.
- 6.7 The Conservation Manager is satisfied that the architectural detail is befitting of the wider context and maintains would not adversely affect the setting of the convent.

#### Residential Amenities

- 6.7 The siting and arrangement of the four new dwellings is such that no over bearing impact or light loss will result. The distances between these properties and the

properties to the north, south and east, together with the internal arrangement, are such that privacy will not be compromised unacceptably. To ensure the continued privacy of the neighbours to the north and south a condition will prevent the introduction of new openings in the side elevations.

- 6.8 The construction process involved in the construction of the proposed dwellings has the potential to cause disturbance to neighbouring properties. In response, the standard planning condition relating to hours of work is proposed.
- 6.9 To conclude, the erection of four dwellings in this location is considered acceptable in terms of the scale and design and the resultant impact upon the setting of the Convent and the parking provision on site.

## **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. **C05 (Details of external joinery finishes).**

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

4. **C11 (Specification of guttering and downpipes).**

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

5. **D06 (Protective fencing).**

**Reason: In order to protect [name of monument] during development.**

6. **D01 (Site investigation - archaeology).**

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

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

**Reason: [Special Reason].**

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

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

9. **F18 (Scheme of foul drainage disposal).**

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

- 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. G04 (Landscaping scheme (general)).

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

- 14. G05 (Implementation of landscaping scheme (general)).

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

- 15. G08 (Retention of trees/hedgerows (outline applications)).

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

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

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

**Informatives:**

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

Decision: .....

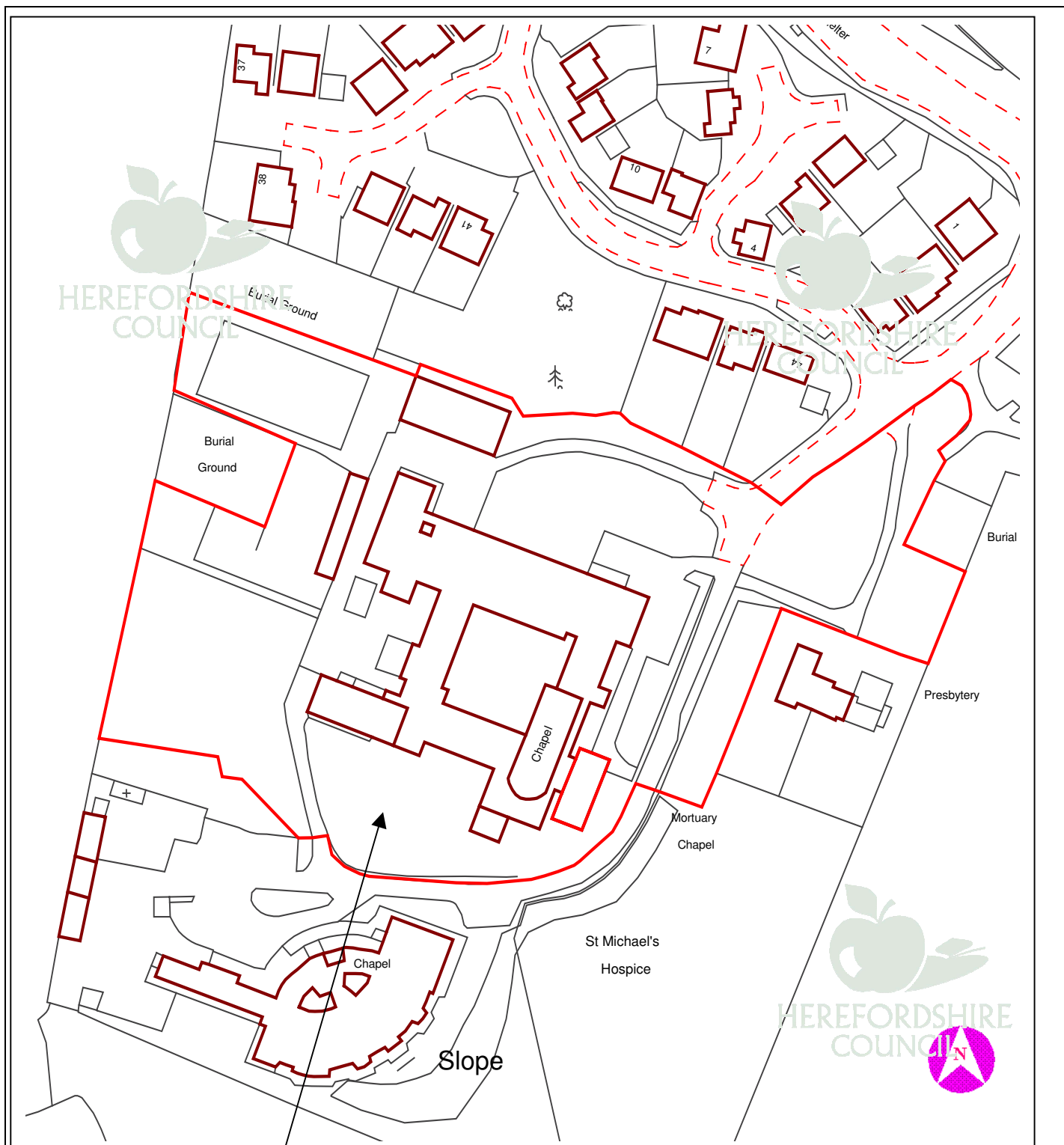
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DCCE2007/1930/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Frome Court, (Former Bartestree Convent), Bartestree, Hereford, Herefordshire, HR1 4BF

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**10 DCCW2007/1234/F - PROPOSED EXTENSION AFTER DEMOLITION OF GARAGE AT 4 HAZEL GROVE, HEREFORD, HEREFORDSHIRE, HR2 7JX**

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

**Date Received: 17th April, 2007      Ward: St. Martins & Hinton      Grid Ref: 50450, 38707**

**Expiry Date: 12th June, 2007**

Local Members: Councillors W.U. Attfield, A.C.R. Chappell and A.T. Oliver

**1. Site Description and Proposal**

- 1.1 No. 4 Hazel Grove is a two storey semi-detached house fronting the west side of the road towards the junction with Walnut Tree Avenue. It is located within an established residential area. A driveway on the southern side of the site leads to an existing garage at the rear of the house.
- 1.2 No. 2 Hazel Grove, the northern half of the semi-detached pair, has a conservatory projecting some 3.70 metres from the rear wall and a single storey extension projecting some 8.00 metres rearwards at the northern end of the house. The other neighbouring house, No. 6 to the south, is set back some 5.00 metres from the building line of No. 4.
- 1.3 It is proposed to remove the existing garage and erect a part single storey part two storey extension.
- 1.4 The single storey element would project 5.50 metres from the rear wall of the house for most of its width with a sideways extension of 1.80 metres over the driveway. The proposed first floor hipped roof element would project 4.00 metres from the rear wall of the house over a large part of the southern half of the ground floor extension. It would have a width of 4.40 metres so that the side walls would be 3.50 metres from the boundary with No. 2 Hazel Grove and 300mm from the boundary with No. 6 Hazel Grove. At the rear there would be a length of lean-to roof over the longer projection of the ground floor element.
- 1.6 The two storey element would wrap round the side of the house for a length of 4.70 metres to produce a gabled side facing No. 6 Hazel Grove at a distance of 900mm from the boundary. The ridge of this side extension would run into the existing hipped roof of the house at a level of some 1.50 metres lower than the existing roof ridge line.
- 1.7 Facing materials would be brick and slate.

**2. Policies**

2.1 Planning Policy Guidance:

PPS1                      -                      Delivering Sustainable Development

## 2.2 Herefordshire Unitary Development Plan 2007:

|            |   |                            |
|------------|---|----------------------------|
| Policy S1  | - | Sustainable Development    |
| Policy S2  | - | Development Requirements   |
| Policy DR1 | - | Design                     |
| Policy H16 | - | Car Parking                |
| Policy H18 | - | Alterations and Extensions |

## 3. Planning History

- 3.1 DCCW2005/1848/F Proposed single storey extension to side and rear after removal of garage. Permitted 27th July, 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None.

### Internal Council Advice

- 4.2 Traffic Manager: Recommends that permission be refused for the following reasons:-

Loss of garage and parking alongside house results in inadequate parking provision for the proposed number of bedrooms. A minimum of two off road spaces should be provided.

## 5. Representations

- 5.1 Hereford City Council: No objections.
- 5.2 Local residents: Two letters of objection have been received from Mr. D.A Chester and Mrs. K.E. Chester, 2 Hazel Grove, Hereford. The following is an extract from the first letter:-

“We have had a look at the plan but were unable to fully assess the impact on our property as there is no side elevation (north), this left us unable to see the height of the flat roof.

Please can we be notified when this plan can be provided.

At this time we would object to the scheme on the basis that it would result in the loss of sunlight and amenity at the rear of our house and especially in the conservatory. The extension will block out a proportion of direct sunlight and other light entering our conservatory which will make its use less pleasant. The effect will be the most significant from the single storey part but there will also be an unacceptable effect from the two storey part also we feel the extension will have an overbearing impact on our living conditions.

We are also concerned about the effect it will have on the light entering our single storey extension and the view from the window which faces south towards proposed scheme.”

- 5.3 Following receipt of an amended drawing including a side elevation (north) and modification to the form of roof over the single storey element, the second letter was received. The following is an extract from the second letter:-

“We have studied the updated plans and our previous fears have been confirmed especially with the new roof layout, we see it as being over bearing and will significantly deprive us of light and outlook.”

- 5.4 A letter in support of the application has been received from the applicant's agent. The following is an extract from that letter:-

“In respect of the application for the above I note from the response from the Highways Department that a minimum of two car parking spaces should be provided for this project. Having spoken to my client he is quite happy to provide sufficient hard-standing to the front of his property over and above the existing driveway to give the two spaces as required.

With regard to the concerns from the adjacent neighbour you must appreciate that we already have a consent to build the rear extension under 2005/1848/F and therefore I feel that it is only the introduction of the two storey element which should be duly considered. If a 45° line is projected from the neighbour's first floor bedroom window there is no encroachment on his line of light by the two storey extension.”

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

## 6. Officers Appraisal

- 6.1 From a design point of view the essential differences between this proposal and the previously permitted scheme (Ref. No. DCCW2005/1848/F) are the inclusion of the two storey element, an increase in the overall width of the extension from 7.20 metres to 7.65 metres and a slight reduction in the overall height of the single storey element from 4.40 metres to 4.10 metres.
- 6.2 The inclusion of the first floor element would produce a more complex form at the side and rear. This will appear a little awkward and close to the limit of what may be regarded as appropriate in scale and character with the original dwelling. However the design includes visually relieving architectural features such as reduced ridge lines and a hip end to the roof of the main first floor rear projection. The single and two storey elements of the side extension would also be set back from the front wall by 2.50 metres and 3.80 metres respectively. These features help to subordinate the appearance of the extension in relation to the original dwelling and avoid an overwhelming and significant impact on its scale, mass and character. In the circumstances it is considered that the proposal will be compatible with the character of the host dwelling and will not harm the character or visual amenity of the surrounding area.
- 6.3 As far as residential amenity is concerned, the impact in relation to No. 2 Hazel Grove has been assessed. The single storey element is virtually the same, albeit slightly lower than that previously permitted (application ref. DCCW2005/1848/F). In the circumstances taking account of the projection of the conservatory at the rear of No. 2, it is considered that the single storey element would not have an undue impact on the outlook and amenity of the neighbouring occupiers.

- 6.4 As far as the two storey element is concerned, the impact of its 4.00 metre rearward projection in relation to No. 2 Hazel Grove, is significantly relieved by being set back from the boundary by 3.50 metres. In addition the hipped roof helps to relieve the bulk. It is also considered that there is sufficient space between the proposed extension and the neighbouring conservatory and first floor bedroom window to avoid an over dominant impact or unacceptable loss of daylight or sunlight. The distance between the side of the two storey part of the proposed extension and the south facing single storey extension at the rear of No. 2 would be some 8.85 metres. There is an intervening conservatory which projects some 3.70 metres from the rear of No. 2 and a boundary fence approximately 2.00 metres high. It is considered that the proposal will not result in an unacceptable loss of light to the neighbouring extension. In the circumstances, whilst the comments of the neighbours have been taken into account, it is considered that the proposal will not have an unacceptable impact on their residential amenity.
- 6.5 With regard to the relationship of the proposal to No. 6 Hazel Grove to the south it is not considered that the proposal will have undue impact on the amenity of the occupiers.
- 6.6 Turning to the car parking concerns raised by the Traffic Manager, Policy H18 of the Herefordshire Unitary Development Plan 2007 states that the level of resulting off street parking should be in accordance with Policy H16. Policy H16 specifies a maximum off street parking provision of 1.5 spaces per dwelling. However, bearing in mind the comments of the Traffic Manager and the agreement by the applicant to provide additional parking, it is considered reasonable to recommend a condition securing two off street car parking spaces.
- 6.7 In conclusion, it is considered that the proposal is acceptable but it would be prudent to include a condition restricting future first floor windows in the side elevations of the extension.

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

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

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

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

- 4. H12 (Parking and turning – single house) (2 cars).**

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

**Informatives:**

1. N03 - Adjoining property rights.
2. N14 - Party Wall Act 1996.
3. N19 - Avoidance of doubt.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2007/1234/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 4 Hazel Grove, Hereford, Herefordshire, HR2 7JX

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