

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 26th September, 2007**

Time: **2.00 p.m.**

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

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

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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

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1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by members in respect of items on the agenda.	
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Applications Received	
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.	
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| 17. DCCW2007/2414/F - THE SPREADEAGLE PUBLIC HOUSE, 2 KING STREET, HEREFORD, HR4 9BW | 117 - 120 |
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Ward: Hagley | |
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| Wednesday 24th October, 2007 at 2.00 p.m. | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 29th August, 2007 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)

Councillors: WU Attfield, DJ Benjamin, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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

John Guthrie

The Chairman paid tribute to John Guthrie, a former Councillor for the Sutton Walls Ward and Member of the Sub-Committee, who had sadly passed away recently. All those present observed a minute's silence in remembrance of Mr. Guthrie's good work and contribution made to Herefordshire Council.

40. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors PA Andrews, AJM Blackshaw, ACR Chappell, KS Guthrie, GA Powell and AM Toon.

41. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
SJR Robertson	Minute 45, Agenda Item 6 DCCW2007/1234/F 4 Hazel Grove, Hereford, Herefordshire, HR2 7JX	Declared a prejudicial interest and left the meeting for the duration of the item.
MD Lloyd-Hayes	Minute 47, Agenda Item 8 DCCE2007/2022/F 101-107 St. Owen Street, Hereford, Herefordshire, HR1 2JW	Declared a personal interest.
SJR Robertson	Minute 48, Agenda Item 9 DCCE2007/1230/O Rear of 40/42 Newtown Road, Hereford, Herefordshire, HR4 9LL	Declared a prejudicial interest and left the meeting for the duration of the item.
JD Woodward	Minute 53, Agenda Item 14 DCCW2007/1974/F 32 Broomy Hill, Hereford, Herefordshire, HR4 0LH	Declared a personal interest.

42. MINUTES

The minutes of the last meeting were received.

Councillor AT Oliver, referring to minute 33 [DCCE2007/1209/F - 10 Ledbury Road, Hereford, HR1 2SY], felt that the minutes did not reflect fully the issues that Councillor JD Woodward and himself had raised at the meeting. The Legal Practice Manager advised that the minutes were not a verbatim record but sought to reflect the general feeling at the meeting and how the resolution was reached.

RESOLVED: That the minutes of the meeting held on 1st August, 2007 be approved as a correct record and signed by the Chairman.

43. ITEM FOR INFORMATION - APPEALS

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

RESOLVED: That the report be noted.

44. DCCE2007/1930/F - FROME COURT [FORMER BARTESTREE CONVENT], BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BF [AGENDA ITEM 5]

Erection of a terrace of 4 cottages. Amendment to parking areas. (Revised scheme).

The Principal Planning Officer reported that:

- Discussions had taken place with the applicant with a view to securing a financial contribution towards the future maintenance of the burial grounds on the site and/or a condition securing a landscape management plan to enhance the burial grounds. The applicants had confirmed that they owned the burial grounds on either side of the application site. The burial ground to the south would be landscaped in accordance with a scheme that had been agreed with the Sisters of the former convent and the founder of the Hospice and would be controlled by a Management Committee of residents. The site to the north had just been acquired and the applicants were happy to have a condition attached to any permission to require landscaping/future maintenance of this site.
- If Members were minded to grant planning permission subject to the future maintenance of the burial grounds, officers recommended that a further condition be attached to any permission requiring details of the landscaping and future maintenance of these areas to be approved.

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

Councillor DW Greenow, the Local Ward Member, drew attention to the planning history and sensitive context of the site. He felt that the area had reached the maximum limits of development potential and that any further buildings would represent an over intensive development of the site and would restrict views of the Listed Buildings. He felt that parking provision should not be reduced given the relatively low level of existing parking and drew attention to the comment of the Traffic Manager that '...some concern is expressed at the absence of a turning area for a refuse lorry...'. He also drew attention to the concerns of local residents about foul drainage arrangements. Given these considerations, he proposed that planning permission should be refused.

The Principal Planning Officer advised that: the scale of the new build was designed to be subservient to the existing buildings; given the scale of the Listed Buildings, views from public vantage points were unlikely to be obscured; the scheme was in accordance with planning policy and it was not considered that a refusal reason based on lack of parking provision could be sustained given that this issue was not a reason for refusal on the previous application; and the failures in a pumping mechanism of the unadopted foul sewage holding tank was an independent matter, separate to this application. The Central Team Leader added that recommended condition 9 would ensure that satisfactory drainage arrangements for the development would be provided. He also advised that the Convent and surrounding area was within a sub area of the Bartestree settlement boundary and that the principle of new residential development was accepted.

In response to a question from Councillor DB Wilcox, the Legal Practice Manager explained the public speaking procedure. It was noted that the Constitution provided the general framework that permitted the public to speak at meetings of Planning Committees, subject to certain criteria, but it did not define precisely the methodology to be used. Therefore, the Planning Chairman's Group, a working group of Councillors and officers, had sought to clarify the order of proceedings and in their recent newsletter confirmed they considered that those members of the public who had registered to speak upon an agenda item, should speak before any debate on a particular application, so that all relevant information had been provided to Members. A parish council representative and an objector had been invited to speak at the last meeting. The item was subsequently deferred for a site visit. However, the applicant's agent was not present at the last meeting but had registered to speak at the current meeting and had been permitted to speak as the 'supporter' slot had not been exhausted at the last meeting. Councillor Wilcox commented on the need for balanced opportunities for public speakers to address the Sub-Committee.

Councillor Wilcox commented on the number of additional dwellings that had been approved in recent years and asked whether the site could be considered as one complete development for affordable housing purposes. The Central Team Leader advised that no affordable housing had been secured as part of the original planning permission for the conversion of the Convent and construction of new buildings and that the subsequent planning applications had been for smaller individual developments which did not trigger the affordable housing requirements. Therefore, there was no policy basis to secure affordable housing in respect of this proposal.

A number of Members concurred with the Local Ward Member's views and commented on the need to protect and restore the adjacent burial grounds.

Councillor PJ Edwards commented that the recent developments complemented the Listed Buildings but felt that this proposal would result in the urbanisation of the street scene and would have a detrimental impact on the character and appearance of the area.

The Central Team Leader noted that Members did not consider the reasons for refusal in respect of a previous planning application had been overcome [DCCE2006/1978/F refers] but advised that a new technical reason for refusal based on concerns about drainage issues was unlikely to be sustained on appeal. Councillor Greenow withdrew drainage issues from the motion of refusal.

In response to a question from Councillor MAF Hubbard, the Development Control Manager advised that the Herefordshire Unitary Development Plan 2007 [hereafter

‘UDP’] provided a better policy basis for future developments and officers were acutely aware of the need to secure affordable housing and recognised the concerns about incremental development as a means of avoiding affordable housing thresholds.

In response to questions, the Central Team Leader briefly explained the differences between this application and that previously refused and outlined the options available to the authority to ensure the protection of the burial grounds.

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
- 1. The proposed 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 Convert, 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.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the officers’ recommendation, he was not minded to refer the matter to the Head of Planning Services in this instance given the reasons put forward by the Sub-Committee.]

45. DCCW2007/1234/F - 4 HAZEL GROVE, HEREFORD, HEREFORDSHIRE, HR2 7JX [AGENDA ITEM 6]

Proposed extension after demolition of garage.

Councillor WU Attfield, a Local Ward Member, acknowledged the concerns of local residents but noted that there was already planning permission for a single storey extension and that conditions were proposed to mitigate impact on adjoining properties. Councillor Attfield commented on the parking and traffic problems in the area but noted that the provision of two off street parking spaces was considered reasonable.

Councillor AT Oliver, also a Local Ward Member, did not feel that the development would be overbearing or result in a significant loss of light for adjoining properties and, therefore, supported the application.

Councillor DW Greenow urged the applicant to be mindful of his neighbours during

construction works.

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. 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.

46. DCCE2007/1825/F - LAND OFF WITHIES ROAD, WITHINGTON, HEREFORD, HR1 3PX [AGENDA ITEM 7]

Erection of 19 dwellings and associated parking, roadworks, services and drainage.

The Principal Planning Officer reported that:

- Four further letters of objection had been received in response to the amended plans. Largely re-iterating comments already made. In addition, also stating 19 dwellings still represented an over cramming of the site, with 15 being more appropriate, and the cumulative impact along side other developments was unacceptable. Also, that the re-consultation on the amended plans was incomplete and that West Mercia Constabulary should be consulted on the application with regard to traffic impact and pedestrian safety.
- A further response had been received from Withington Parish Council stating that, although they originally accepted the amended plans, in light of strong local concerns, they now considered the number of units should be reduced from 19 to a more realistic figure.
- Comments had also been received from E.on (Central Networks) who raise no objection to the application.

The Principal Planning Officer commented that:

- The amended plans clearly illustrated the impact and appearance of the development and the traffic impact of the development had been assessed by the Traffic Manager, including an assessment of the capacity of the local network to accommodate further traffic associated with the development.
- The density of the development was almost identical to the other recent development opposite the site and only just above the minimum density threshold set by policy H15 of the UDP. The density was entirely in keeping with the character of the area and a further reduction in the number of units would be contrary to the requirement to make the most efficient use of housing land in sustainable locations.
- A change to Part 7 of the draft Section 106 Head of Terms was recommended so that it read 'The developer shall provide pre and post construction compliance certificate to Herefordshire Council confirming that development has been designed and constructed to level ~~four~~ *three*'.

Councillor DW Greenow, the Local Ward Member, noted that the UDP, and land sale particulars, indicated 15 units on this site and he felt that any additional units would result in over development of the site. He welcomed the re-orientation of the units facing the road but maintained the view that the proposed density of development was too high. He commented on concerns regarding water and electricity supplies and traffic speeds along Withies Road, despite the 30mph speed restriction. He noted that the Parish Council had changed its initial view on the proposals in response to local opposition. Given these considerations, he felt that the application should be refused.

Councillor MD Lloyd-Hayes felt that the proposal was acceptable having regard to the location of the site in a main village and welcomed the 7 affordable units.

The Principal Planning Officer advised that: Welsh Water had no objections to 20 units, subject to conditions which would be incorporated into the scheme; the UDP indicated 15 units but this was not informed by detailed layout plans and planning policies emphasised the need to make the most efficient use of land; an adjacent development on a former supermarket site was developed at a density of 32 units per hectare and this proposal, equating to 33.9 units per hectare, was not considered to be out of character with the area.

Councillor SJR Robertson felt that the developer had gone some way to address the concerns of the Sub-Committee and welcomed the affordable housing and planning contributions. Other Members supported this view.

Councillor RI Matthews did not feel that the amended plans went far enough and felt that 19 units would appear cluttered on this site, particularly as it backed onto open fields unlike other recent development. He noted the importance of affordable housing but emphasised the need for adequate infrastructure to support housing development in rural areas.

Councillor AT Oliver felt that the construction compliance certificate should be at level four and not three to ensure that a high standard of energy efficiency measures was set.

Councillor PJ Edwards noted that the site was very much on the edge of the village and asked for clarification about the ecological considerations. In response, the Principal Planning Officer advised that the existing hedgerows, with the exception of the roadside hedge, were to be retained and reinforced. There would be new

landscaping introduced and the developer would be required to make contributions towards ecological planting to compensate for the loss of biodiversity and towards new or enhanced open space, play, sport and recreation facilities. He added that the Parks and Countryside Manager considered it more worthwhile to provide appropriate facilities for the use of the village as a whole rather than a small play area to serve only this development.

Councillor Greenow felt that there were risks associated with a central play area, not least the need for children to cross a busy road, and felt that a reduction in the numbers of proposed houses would not only overcome the concerns about density but would also provide additional amenity space on the site.

RESOLVED:

- 1) The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 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. G13 (Landscape design proposals).

Reason: In the interests of visual amenity.

16. H09 (Driveway gradient).

Reason: In the interests of highway safety.

17. 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.

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

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

19. 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.

20. H19 (On site roads – phasing).

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

21. H21 (Wheel washing).

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

22. H27 (Parking for site operatives).

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

23. 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.

24. 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.

47. DCCE2007/2022/F - 101-107 ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2JW [AGENDA ITEM 8]

Demolition of existing car showroom premises and erection of 12 one bedroom and 9 two bedroom residential apartments.

The Principal Planning Officer reported that:

- Comments had been received from the Environmental Health Officer and, consequently, an additional condition was recommended to require a contamination survey of the site to be undertaken.
- Further comments had been received from Traffic Manager which clarified that the proposed development would generate less vehicle movements than the current permitted use for car sales and servicing.

Councillor MAF Hubbard, the Local Ward Member, expressed some concerns about the loss of employment land but supported the scheme as he felt that the design would enhance the street scene and welcomed the affordable housing element. He asked that the contribution of £25,300 'towards the cost of new or enhancement of existing open space, play, sport and recreation facilities' be earmarked to the nearest play areas. He noted that many people in the ward did not have access to a car and welcomed the proposed cycle parking provision.

In response to comments made by Councillor GFM Dawe about the potential health risks associated with former garage sites, the Principal Planning Officer advised that the contamination survey required by the Environmental Health Officer would involve a review of historic uses, site sampling and monitoring.

Councillor MD Lloyd-Hayes expressed a number of concerns, including: the level of density would be overbearing in the area and that there should be fewer units with only one bedroom; given the cumulative impact of numerous planning permissions granted in the vicinity of the site and along Ledbury Road, she felt that there were significant highway safety risks associated with this proposal; she disagreed that the predominant land use in the area was residential and commented that employment land should not be lost and the existing mixture of uses should be preserved; she felt that the traffic movements to and from the site would conflict with the safe operation of the Fire Station; the Section 106 Agreement was criticised for not being specific about where the contributions would be spent; she outlined the recent history of traffic accidents in the area and felt that this had not been given due weight. Given these considerations, Councillor Lloyd-Hayes felt that the application should be refused.

Councillor WJ Walling felt that the existing site was an eyesore and the proposed development would enhance the area, although he did feel that there should be more family orientated accommodation and that there should be further discussions with the Fire Service about the access arrangements.

Councillor DB Wilcox commented that there was a plethora of single occupancy dwellings being constructed and felt that units with additional bedrooms should be included in such schemes. He felt that the current proposal was too intensive and the loss of employment land would be regrettable. However, if planning permission was granted, he suggested an additional condition to include a covered parking provision for mobility scooters/vehicles; he added that such provision should be considered as part of future schemes in the City Centre.

Councillor AT Oliver opposed the application on the basis of the loss of employment

land and felt that a mixed business/residential development would be better suited to the site.

Councillor PJ Edwards commented that a mixed-use development would be preferable but, noting that Members had to consider the application before them, supported the application.

A number of Members noted the demand for affordable and centrally located accommodation, that the Traffic Manager considered that the proposed development would generate less vehicle movements than the existing use, that there did not appear to be any direct links between collisions in the area and this application site, and redevelopment for residential use was preferable to the site standing empty.

In response to concerns expressed about the density of the development, Councillor Hubbard commented on the need to make the most efficient use of previously developed land, particularly in the City Centre.

The Principal Planning Officer advised that a mixed-use scheme had been considered but local agents had confirmed that there was little or no demand for retail or office space in this area. He also advised that the Traffic Manager supported the proposed scheme, even if there was potentially an increase in vehicular movements but this was not anticipated given the permitted use as a car sales garage and servicing centre.

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

RESOLVED:

- 1) **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
- 2) **On completion of the aforementioned planning obligation 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. **B02 (Matching external materials (extension)).**
Reason: To ensure the external materials harmonise with the existing building.
 3. **D01 (Site investigation - archaeology).**
Reason: To ensure the archaeological interest of the site is recorded.
 4. **E02 (Restriction on hours of working).**
Reason: In order to protect the amenity of occupiers of nearby properties.

5. F01 (Scheme of noise attenuating measures).
Reason: To safeguard the amenity of the area.
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. Non Standard (Contamination condition).
10. E17 (No windows in side elevation).
Reason: In order to protect the residential amenity of adjacent properties.
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. F39 (Scheme of refuse storage).
Reason: In the interests of amenity.
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. 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.
15. G04 (Landscaping scheme (general)).
Reason: In order to protect the visual amenities of the area.
16. G05 (Implementation of landscaping scheme (general)).
Reason: In order to protect the visual amenities of the area.
17. G01 (Details of boundary treatments).

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

18. **No development including demolition shall take place until a site Waste Management Plan has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of pollution prevention and waste minimisation and management.

Informatives:

1. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
 2. **N19 - Avoidance of doubt.**
48. **DCCE2007/1230/O - REAR OF 40/42 NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LL [AGENDA ITEM 9]**

Erection of 3 dwellings.

Councillor MAF Hubbard, the Local Ward Member, supported the recommendation of approval but was disappointed that no affordable housing could be incorporated into the scheme. He noted that the Section 106 Agreement was proposed to benefit the Herefordshire and Gloucestershire Canal Trust and suggested that the Draft Heads of Terms be amended so that the Trust was the first beneficiary, rather than Herefordshire Council, to ensure that the Trust received the contributions.

Councillor DB Wilcox supported the application but questioned why officers had not pursued a capital payment from the developer towards the canal. In response, the Development Control Manager advised that, unlike some recent developments in the area, the proposed development had no direct impact on the protected route of the canal and, therefore, it was not considered that a refusal of planning permission could not be sustained for this reason alone. However, a further condition was recommended preventing any alterations to the existing rear boundary wall abutting the canal route which would give the opportunity for a contribution to be negotiated in the future should the owner wish to provide direct access to the canal.

Some Members commented on the parking situation in Newtown Road and on the need for appropriate conditions to ensure safe access and egress.

In response to a question from Councillor WU Attfield, the Central Team Leader advised that Newtown Road had experienced some surface water flooding in recent months but it was understood that the floor levels would be above the highest recorded or estimated flood level for the area and there were no objections from the Environment Agency.

RESOLVED:

- 1) **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the Heads of Terms appended to this report and any additional matters and terms as 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.
 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. A02 (Time limit for submission of reserved matters (outline permission)).
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 3. A03 (Time limit for commencement (outline permission)).
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 4. A04 (Approval of reserved matters).
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
 5. A05 (Plans and particulars of reserved matters).
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
 6. B01 (Samples of external materials).
Reason: To ensure that the materials harmonise with the surroundings.
 7. C16 (Detailed scheme of demolition operations).
Reason: To minimise the risk of damage to the existing building.
 8. E16 (Removal of permitted development rights).
Reason: To enable the local planning authority to retain control over future development at the site including alterations to the boundary treatments in the interests of the visual and residential amenity to the locality.
 9. E17 (No windows in side elevation of extension).
Reason: In order to protect the residential amenity of adjacent properties.
 10. E19 (Obscure glazing to windows).
Reason: In order to protect the residential amenity of adjacent properties.
 11. F16 (Restriction of hours during construction).
Reason: To protect the amenity of local residents.

12. W01 (Foul/surface water drainage).

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

13. W02 (No surface water to connect to public system).

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

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

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

15. H05 (Access gates).

Reason: In the interests of highway safety.

16. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

17. 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.

18. H27 (Parking for site operatives).

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

19. G01 (Details of boundary treatments).

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

Informatives:

1. HN01 - Mud on highway.

2. HN04 - Private apparatus within highway.

3. HN05 - Works within the highway.

4. HN10 - No drainage to discharge to highway.

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

6. N19 - Avoidance of doubt.

49. DCCE2007/2237/F - SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE [AGENDA ITEM 10]

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:

- A letter of objection had been received from Mr. P. Foster of Sunnyside and the main points were outlined.
- A letter had been received from the applicant's agent stating that his clients were happy to provide a legal agreement rescinding their existing permission if this planning permission was approved.
- Comments had been received from the Environmental Health Officer stating that the noise levels at the proposed site were unlikely to be materially different to the approved site.
- Comments had been received from the Landscape Officer stating that the proposal would reduce the landscape quality of the area and recommended refusal of the application.

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

Councillor DW Greenow sympathised with the position of the applicant and, subject to appropriate landscaping and screening, felt that there would be minimal impact on the landscape character of the area. He commented on the apparent blight caused by allocation of land south of the railway line as a possible passenger railway station and park and ride area in the UDP. It was noted that no objections had been raised by the Traffic Manager, Lugwardine Parish Council or Withington Parish Council. Given these considerations, he felt that the application should be supported.

The Principal Planning Officer advised the Sub-Committee that, if Members were minded to approve the application for the replacement dwelling, consideration needed to be given to measures to ensure that the building currently occupied by the applicant was removed. It was reported that the applicant stated that the existing accommodation would be 'ancillary' to the new dwelling. However, the footprint of the existing accommodation was larger than the proposed new dwelling, contained all the normal facilities associated with an independent dwelling, and the distance between buildings seemingly contradicted the notion of ancillary use. Therefore, it was recommended that a Section 106 Agreement be required to ensure the demolition of the existing accommodation.

A number of Members supported the views of the Local Ward Member and, although disappointed about the distance from the approved location, felt that the replacement dwelling should be permitted. However, it was felt that the existing accommodation was too far away from the proposed replacement dwelling to be considered ancillary and should be removed. There was some discussion about how this could be progressed but it was felt that the exact wording regarding the removal of the existing accommodation should be delegated to officers, in consultation with the Chairman and the Local Ward Member, to ensure that the most secure method of compliance was taken.

Some Members noted that the application was contrary to a number of adopted policies and felt that it could set a precedent for similar developments in the open countryside.

The Development Control Manager advised that there was a presumption against

new residential development within open countryside but one exception was the replacement of an existing dwelling with established residential use rights. However, the policy required that the replacement dwelling should be on the same site as the existing building and this was not the case with the scheme before the Sub-Committee. Furthermore, it was considered that the development would detract from the landscape character of the area. He noted that, whilst some useful suggestions had been made about mitigating the policy objections through the removal of existing buildings and appropriate landscaping, an assessment had to be made as to whether the crucial policy considerations had been addressed.

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to approve the application, subject to the condition listed below, (and to any further conditions felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee:**
1. **A S106 Agreement or other appropriate mechanism to enable the rescinding of the extant permission for a replacement dwelling and the demolition of the existing annex accommodation.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee the Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above and any other conditions deemed reasonable and necessary by Officers**

[Note:

Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation, he was minded to refer the matter to the Head of Planning Services. Councillor Hubbard asked that Members be kept informed of progress as it was an interesting case study.]

50. DCCW2007/2069/O - ROSEMULLION, BISHOPSTONE, HEREFORD, HEREFORDSHIRE, HR4 7JE [AGENDA ITEM 11]

Erection of one detached dwelling with garage.

The Principal Planning Officer reported that:

- An additional condition was recommended in order to remove permitted development rights to ensure that the size of dwelling was controlled to maintain affordability.

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

The Chairman, noting that the Local Ward Member was not in attendance due to prior commitments, reported that Councillor AJM Blackshaw was satisfied with the recommendation subject to the dwelling being limited to a two-bedroom bungalow. Councillor Blackshaw had also raised concerns about drainage issues in the locality. The Chairman noted that paragraph 6.4 of the report highlighted the need to restrict the dwelling to a single storey, condition 5 would control the height of the building and condition 6 would control the habitable floor space. In light of these considerations, the Chairman moved approval of the application.

In response to a question from Councillor PJ Edwards, the Principal Planning Officer advised that, in smaller settlements, the UDP required a gap between dwellings not exceeding 30 metres and this was measured from building to building, not from boundaries. In response to a question from Councillor AT Oliver, the Principal Planning Officer advised that the application could not be refused solely because it was an outline and not a full application.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
4. **A05 (Plans and particulars of reserved matters).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
5. **E13 (Restriction on height of building).**
Reason: To safeguard the character and amenities of the locality.
6. **The habitable floor space of the proposed dwelling shall not exceed 90 sq.m.**
Reason: In accordance with the criteria contained within Policy H6 of the Herefordshire Unitary Development Plan 2007.
7. **E16 (Removal of permitted development rights)**
Reason: In accordance with the criteria contained within Policy H6 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1. **N19 - Avoidance of doubt.**
 2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
51. **DCCW2007/2057/F - THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU [AGENDA ITEM 12]**

Variation of condition 2 of planning consent DCCW2006/3153/F to allow sale of the property (if necessary) to another travelling family.

The Principal Planning Officer reported that:

- A letter had been received from the applicant's agent to confirm that they were in on going discussions with the authority regarding the access.

Councillor SJ Robertson, the Local Ward Member, commented that there had been a serious incident at the site the weekend before the meeting and felt it appropriate to defer consideration of the item.

RESOLVED:

That consideration of the application be deferred.

52. DCCW2007/2087/F - NEW HOUSE ADJACENT 9 CLIFFORD STREET, HEREFORD, HR4 0HG [AGENDA ITEM 13]

Retrospective application to retain increase in roof pitch not in accordance with previously approved application.

In accordance with the criteria for public speaking, Mr. Marsh had registered to speak in objection to the application and Mr. Pritchard had registered to speak in support of the application. However, neither speaker wished to make any comments.

Councillor JD Woodward, a Local Ward Member, felt it regrettable that this was a retrospective planning application but noted that, subject to conditions, the proposal was considered acceptable. Councillor DJ Benjamin, the other Local Ward Member, also commented on the retrospective nature of the application but did not feel that the proposal would have a detrimental impact, particularly given the mixture of roof slopes in the area.

RESOLVED:

That planning permission be granted subject to the following condition:

1. **A10 (Amendment to existing permission) (DCCW2005/2759/F) (4th October, 2005).**

Reason: For the avoidance of doubt.

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

Reason: In order to protect the amenity of adjoining residents.

Informatives:

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

53. DCCW2007/1974/F - 32 BROOMY HILL, HEREFORD, HEREFORDSHIRE, HR4 0LH [AGENDA ITEM 14]

Conversion of former school building into 7 no. apartments. 2 no. two bed and 3 no.

three bed houses. Demolition of existing modern school buildings.

The Principal Planning Officer reported that:

- Comments had been received from the Historic Buildings Officer and were summarised. It was considered that the 'revised plans address the previously given conservation advice and present a scheme for which I recommend approval'.
- Comments had also been received from the Senior Landscape Officer and were summarised. In particular, it was considered that 'it will be necessary to devise a site-specific scheme of protection and enhancement for all the trees on the site' and an additional condition was recommended.
- The Draft Head of Terms had been discussed with the applicant's agent and, due to the development falling below the threshold for certain contributions, revisions were recommended so that there would be no contribution to open space provision and a reduced contribution of £14,400 towards education, specifically to Lord Scudamore School; contributions toward highways and CCTV would remain the same as detailed in the report.
- A change to Part 7 of the Draft Head of Terms was recommended so that it read 'The Development shall meet level ~~four~~ *three* of the Code for Sustainable Homes...'

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

Councillor JD Woodward, a Local Ward Member, felt that the Sub-Committee would benefit from a site inspection, particularly to consider the density of development and access and parking implications.

Councillor DJ Benjamin, the other Local Ward Member, supported a site inspection and asked for clarification about drainage and access issues. In response, the Principal Planning Officer advised that the Drainage Engineer did not consider that there would be any impact on the existing surface water drainage of the area, there would only be pedestrian access from Broomy Hill, and discussions were ongoing about road markings and signage.

RESOLVED:

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

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

54. DCCW2007/2438/RM - UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HEREFORDSHIRE, HR4 8AH [AGENDA ITEM 15]

Proposal of a new agricultural dwelling.

The Principal Planning Officer reported that:

- Correspondence had been received from River Lugg Drainage Board (no comments).
- The Transportation Manager raised no objections subject to conditions.
- The applicant's agent had submitted a landscaping plan. However, officers considered that the landscaping plan needed to be amended to incorporate a

native hedge along the proposed stock proof fencing to the west and north. Therefore, delegated authority was sought to determine the application subject to the receipt of a satisfactorily amended landscaping plan.

The Chairman, noting the understandable absence of the Local Ward Member, moved approval of the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **The farm office shall at all times be used for this purpose and no other including habitable accommodation.**

Reason: In order to clarify the terms of this permission and to limit the amount of habitable floorspace within the dwelling in accordance with Policy H8 of the Herefordshire Unitary Development Plan 2007.

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

Reason: To limit the amount of potentially available habitable foorspace in accordance with Policy H8 of the Herefordshire Unitary Development Plan 2007.

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

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

Informative Notes:

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

55. DATE OF NEXT MEETING

Wednesday 26th September, 2007.

The meeting ended at 5.45 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS DETERMINED****Application No. DCCE2007/1681/F**

- The appeal was received on 5th September, 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. P. Fox.
- The site is located at Rear garden of Tarrington House, Tarrington, Hereford, Herefordshire, HR1 4HZ.
- The development proposed is new dwelling and garage.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCE2007/0195/F

- The appeal was received on 11th September, 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. M. Wilcox.
- The site is located at Access from U2011 road to field known as Warwickshire. OSM 9071 HR2 6PG.
- The development proposed is Access track using plastic mesh, grassed paving system/scalping, re-seeding with grass and re-instating verges and ditches.
- The appeal is to be heard by Written Representations.

Case Officer: Ed Thomas on 01432 261961

APPEALS DETERMINED**Application No. DCCE2007/0610/A**

- The appeal was received on 15th June, 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 Mr. P. Butt.
- The site is located at Chadds Commercial Street Hereford HR1 2DH.
- The application, dated 29th January, 2007, was refused on 17th April, 2007.
- The development proposed was 8 x projecting banners - retrospective.
- The main issue is the effect of the banners on the amenity of the area.

Decision: The appeal was DISMISSED on 22nd August, 2007.

Case Officer: Ed Thomas on 01432 261961

Application No. DCCE2006/3982/F

- The appeal was received on 18th April, 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 Mr. T. Smith.
- The site is located at Plot Adjacent to 'Stoneleigh' formerly 'Rowberry', Lugwardine, Hereford HR1 4DS.
- The application, dated 17th December, 2006, was refused on 7th March, 2007.
- The development proposed was proposed new dwelling (retrospective) with revised siting from approval DCCE2005/3180/F.
- The main issues are the effect of the proposal on the living conditions of those in neighbouring properties and the impact of the proposal upon the street scene.

Decision: The appeal was UPHeld on 28th August, 2007.

Case Officer: Simon Withers on 01432 260756

Application No. DCCE2007/0091/F

- The appeal was received on 30th March, 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 Mr. C.D. Stroud.
- The site is located at 5 Laburnum Grove, Hereford, Herefordshire, HR2 6AG.
- The application, dated 12th January, 2007, was refused on 22nd February, 2007.
- The development proposed was Erection of a wooden 1.9metre (Slatted) fence to the front of the property – retrospective.
- The main issue is the effect of the development upon the character and appearance of the surrounding area.

Decision: The appeal was DISMISSED on 30th August, 2007.

Case Officer: Ed Thomas on 01432 261961

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

5 DCCW2007/1974/F - CONVERSION OF FORMER SCHOOL BUILDING INTO 7 NO. APARTMENTS. 2 NO. TWO BED AND 3 NO. THREE BED HOUSES. DEMOLITION OF EXISTING MODERN SCHOOL BUILDINGS AT 32 BROOMY HILL, HEREFORD, HEREFORDSHIRE, HR4 0LH

For: Broomy Hill Ltd per Architas, 25 Castle Street, Hereford, HR1 2NW

Date Received: 22nd June, 2007 Ward: St. Nicholas Grid Ref: 50082, 39680

Expiry Date: 21st September, 2007

Local Members: Councillors DJ Benjamin and JD Woodward

Introduction

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 29th August, 2007 in order to carry out a Members' site visit. The site visit was carried out on the 11th September, 2007. The report has also been updated.

1. Site Description and Proposal

1.1 32 Broomy Hill, Hereford is the former Red Cap School located on the north side of Broomy Hill Road between Nos. 30 and 34 but also has a vehicular access onto Breinton Road between Nos. 27 and 29.

1.2 The proposal is to convert the main building fronting Broomy Hill into seven apartments, demolish the modern additions to the rear and erect two 2-bed and three 3-bed dwellings.

1.3 Vehicular access will be retained and improved onto Breinton Road, a passing place would be provided between the junction with Breinton Lane and the development site, together with 18 car parking spaces. Pedestrian access will still be retained onto Broomy Hill and secure cycle storage is proposed.

1.4 The main building divides into four main floors and the accommodation would be arranged:-

- Lower ground floor comprising a 3 bedroom apartment.
- Ground, first and second floor consisting of a one and two bed roomed apartments on each floor.

1.5 The new build dwellings would be located at right angles to the main building and cover a similar ground area to the demolished former classrooms. They are aligned into two blocks and are 1½ storeys high with dormer windows and extending gables to the front and rear. They are generally individually designed units reflecting design

elements from the surrounding area. External materials proposed are a mixture of brick and render under a clay tile roof.

2. Policies

2.1 National:

PPS3	-	Housing
PPG15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007:

Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and established Residential Areas
Policy DR1	-	Design
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
Policy HBA8	-	Locally Important Buildings
Policy T11	-	Parking Provision

3. Planning History

- 3.1 DCCW2007/1987/C Demolition of modern school hall and classrooms. Undetermined.
- 3.2 Various planning applications for the new school classrooms, hall and gymnasium.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Raise no objections subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: Raises no objections.
- 4.3 Drainage Engineer: "No adverse comments regarding drainage (storm). It is considered that the application will not have any impact on the existing surface water drainage of the area."
- 4.4 Forward Plans Manager: "The application is located within an established residential area where Policy H1 applies. Residential development will be permitted in such areas where compatible with the housing design and other policies of the plan. PPS3 encourages the intensification of land in such locations.

The proposal includes the provision of a total of 12 dwellings, on a site area extending to 0.3ha, resulting in a density of 40 dwellings per ha which complies with Policy H15. The thresholds relating to affordable housing inclusion have not been breached; there is therefore no requirement for affordable provision.

Car parking provision does not breach the levels stipulated in Policy H16, where it states that a maximum of one and a half spaces per dwelling can be provided, where the proposal is allowing one space per dwelling with an additional two spaces for visitors.

The proposed site is located within a Conservation Area, Policy HBA6 states that development must preserve and enhance the character and vitality of the area, and the type and scale of the proposal must complement those which presently exist, the plans included in the application show this therefore seem to comply with this policy.

This proposal in principle is acceptable and does comply with the policies within the Herefordshire Unitary Development Plan 2007.”

- 4.5 Conservation Manager: Has confirmed his acceptance of the amended plans regarding the design. The new houses are more carefully composed and embellished and their elements reduced in scale so that there will be significantly greater visual quality and correspondence with the high house.

Regarding the house, I am satisfied that we have explored a range of alternatives and that, on balance, the scheme represents a satisfactory solution in the face of restrictive building standards.

“Having considered the arboricultural constraints report submitted with the above in relation to the proposed development I would make the following comments. Firstly, a number of trees on and adjacent to the site are of particular importance and visually prominent both within the site and from the surrounding public domain. The above report clearly identifies these trees and every effort should be made to ensure they are successfully integrated into the development proposals and that they are afforded suitable protection before, during and after major development operations.

The main area of concern is the relationship of the trees to the site access and the risk of direct damage to the above ground components of the trees and further compaction of soil and direct and indirect damage to the rooting system of the trees caused by construction traffic. Additional information in the form of an Arboricultural Implications Assessment (AIA. BS5837:2005, Section 6) and an Arboricultural Method Statement (AMS. BS5837:2005, Section 7) will be required and the applicant would be advised to retain the arboricultural consultant already used for the above report. Principally, it will be necessary to devise a site-specific scheme of protection and enhancement for all the trees on the site.”

5. Representations

- 5.1 Six letters of objection have been received from:

A. & D. Burfoot, 23 Broomy Hill, Hereford.

D.J. & W.M. Saul, Belvedere, 31 Broomy Hill, Hereford.

Ms. V. Lee, 34 Broomy Hill, Hereford, HR4 0LH.

Mr. & Mrs. R. Goode, St. Margarets, 27 Breinton Road, Hereford, HR4 0JU.

Mrs. B. Johnston, 38 Breinton Road, Hereford.

Mrs. M. Turley, Flat 2, St. Nicholas Court, 9 Breinton Road, Hereford, HR4 0JU.

The main points raised are:

1. The proposal will increase traffic congestion on Breinton Road to the detriment of pedestrian safety.
2. The car parking identified is less than two spaces per unit when most households have two cars.
3. The restricted parking area outside No. 32 Broomy Hill acts as a passing place and helps residents pull in and out of their drives and therefore should not be removed.
4. Overspill car parking will build up on Breinton Road where there is limited parking.
5. Concerns that the boundary hedge along the driveway will be damaged. This acts as a protection to our privacy and security.

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

6. Officers Appraisal

- 6.1 This proposal seeks to develop a previously developed site within the settlement area of Hereford City as identified in the Herefordshire Unitary Development Plan 2007.
- 6.2 32 Broomy Hill is an impressive Victorian brick building which has most recently been used as a school and is now vacant. Modern classroom and hall additions were added in the 1990s. These later additions are to be demolished as part of this proposal.
- 6.3 The main aspects to consider are:-
 1. The Principle of Development.
 2. Impact on the Setting of the Conservation Area and Listed Building.
 3. Impact on the Amenity of Adjoining Neighbours.
 4. Traffic Impact.
 5. Impact on Trees and Landscaping.
 6. S106 Contributions.

The Principle of Development

- 6.4 32 Broomy Hill, Hereford is the former Red Cap School and comprises previously developed land within the settlement boundary of Hereford City as identified in the Herefordshire Unitary Development Plan 2007. The proposal to convert the main building into apartments and construct five new dwellings is acceptable in principle and satisfies the density criteria as required both by PPS3 – Housing and Policy H15 of the Herefordshire Unitary Development Plan 2007.

Impact on the Setting of the Conservation Area and Listed Building

- 6.5 The proposal has been assessed by the Council's Conservation Manager who confirms that the building is of local interest, but not listable. The conversion to flats will preserve the character of the area and its appearance and certain aspects such as the removal of the fire escape will enhance the building.

- 6.6 The listed building (31 Broomy Hill) is located south of the existing building and due to the limited development on this side of the site, its setting would not be compromised by the development as proposed.
- 6.7 The five new dwellings in the rear courtyard have been amended following the advice of the Historic Buildings Officer and are considered to enhance the Conservation Area when compared to the former classrooms and hall/gymnasium which are to be demolished. The siting of the new dwellings enables the rear façade of the existing building to be exposed once the hall/gymnasium has been demolished, further enhancing its setting. This also enables acceptable spacing of the new dwellings to the site boundaries to limit any impact on the amenity of adjoining residents.

Impact on the Amenity of Adjoining Neighbours

- 6.8 The removal of the fire escape enhances the amenity of adjoining residents by reducing the potential for overlooking and existing door openings are to be replaced with windows that provide light to the kitchens. All other openings are retained with the only other addition being the light wells to the south of the building facing Broomy Hill which will have no impact on neighbours. The combination of external alterations is such that there will be no undue impact on the privacy of existing neighbouring properties.
- 6.9 The new build has been carefully sited to limit any impact on neighbours through either window to window relationships or direct views into private amenity space.

Traffic Impact

- 6.10 The proposal has been assessed by the Council's Traffic Manager who raises no objections to the amended plans that identify the passing place and 18 parking spaces. This assessment is based on the anticipated traffic movements of the proposed development against the authorised use of the premises as a school. The addition of the passing place and general improvements to the access lane will provide enhanced access without detriment to neighbours or highway safety. The concerns of local residents on Broomy Hill are noted, however the removal of the 'no parking' road signs associated with the former school does not form part of the parking allocation for the development. The removal of this signage is covered by separate highway legislation and is not material to the consideration of this application. However, as part of the Section 106 contribution consideration, the potential to retain the no parking restriction on Broomy Hill has been included in the list of enhancements (see attached Heads of Terms paragraph 3(h)).

Impact on Trees and Landscaping

- 6.11 An arboricultural constraints report was submitted with the planning application and has been fully assessed by the Council's Landscape Officer. The constraints report helped inform the siting of the new dwellings and car parking to ensure any impact is limited to an acceptable level. This has been confirmed by the Landscape Officer.
- 6.12 The communal green area whilst assisting in opening up the rear façade of the dwelling also provides an attractive green space for informal recreation. A key aspect regarding the protection of the trees will be the control of deliveries to the site with low branches having to be trimmed and protection of the roots ensured. This is covered by conditions within the recommendation.

S106 Contributions

6.13 The size and nature of this development warrants planning gain contributions to enable the development to successfully integrate into the local community. In this respect the following contributions are being sought but are the subject of ongoing negotiations. A Draft Heads of Terms is attached as an Appendix.

- £14,400 towards education.
- £30,000 towards sustainable transport infrastructure and highway safety improvements in the locality of the site.
- £17,747 – new CCTV camera Great Western Way.

In addition the Draft Head of Terms are also seeking to control construction methods to reduce the carbon footprint of the development. These contributions are all in line with recent residential schemes.

Conclusion

6.14 The retention of this attractive Victorian house and removal of the classrooms is considered to enhance the Conservation Area. The new dwellings have been carefully designed and sited to respect the setting and impact on neighbours and trees. The traffic impact has been assessed against the use of the existing premises together with the improvements to the access lane and car parking and considered to be acceptable.

RECOMMENDATION

- 1) **The Legal Practice Manager 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 incorporating any additional matters he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

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. **Prior to the commencement of the development the applicant shall provide a Method Statement in order to minimise the amount of dust and dirt emanating**

from the site during the demolition and construction phases. The development should be carried out in accordance with the agreed Method Statement.

Reason: To safeguard the amenities of the locality.

4. During the demolition and construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following hours: Mondays to Friday 8am to 6pm, Saturday 8am to 1pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenity of local residents.

5. No materials or substances shall be incinerated within the application site.

Reason: To safeguard residential amenity and prevent pollution.

6. Development shall not begin until the applicant/agent has provided for the prior approval of the local planning authority a parking policy/plan identifying where all demolition and construction traffic associated with the development will be parked and how the parking will be managed. The parking shall be in accordance with the approved policy/plan.

Reason: To prevent indiscriminate parking in the interest of highway and pedestrian safety.

7. C08 (Repairs to external brickwork).

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

8. C12 (Repairs to match existing).

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

9. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

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. **G09 (Retention of trees/hedgerows).**
Reason: To safeguard the amenity of the area.
16. **G17 (Protection of trees in a Conservation Area).**
Reason: To ensure the proper care and maintenance of the trees.
17. **G18 (Protection of trees).**
Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.
18. **G20 (Remedial work).**
Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.
19. **G21 (Excavations beneath tree canopy).**
Reason: To prevent the unnecessary damage to or loss of trees.
20. **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.
21. **H27 (Parking for site operatives).**
Reason: To prevent indiscriminate parking in the interests of highway safety.
22. **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.
23. **In this condition a “retained tree” is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.**
 - a. **No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other**

than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. All tree works shall be carried out in accordance with BS3998.

- b. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

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

24. No machinery, plant or equipment shall be brought onto site or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the local planning authority. This scheme shall include:

- a. A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- b. The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
- c. A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
- d. Written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
- e. The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
- f. The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- g. The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- h. The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i. The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of

BS5837) of any retained tree, including those on neighbouring or nearby ground.

- j. The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing).
- k. The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.
- l. The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.

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

Informatives:

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

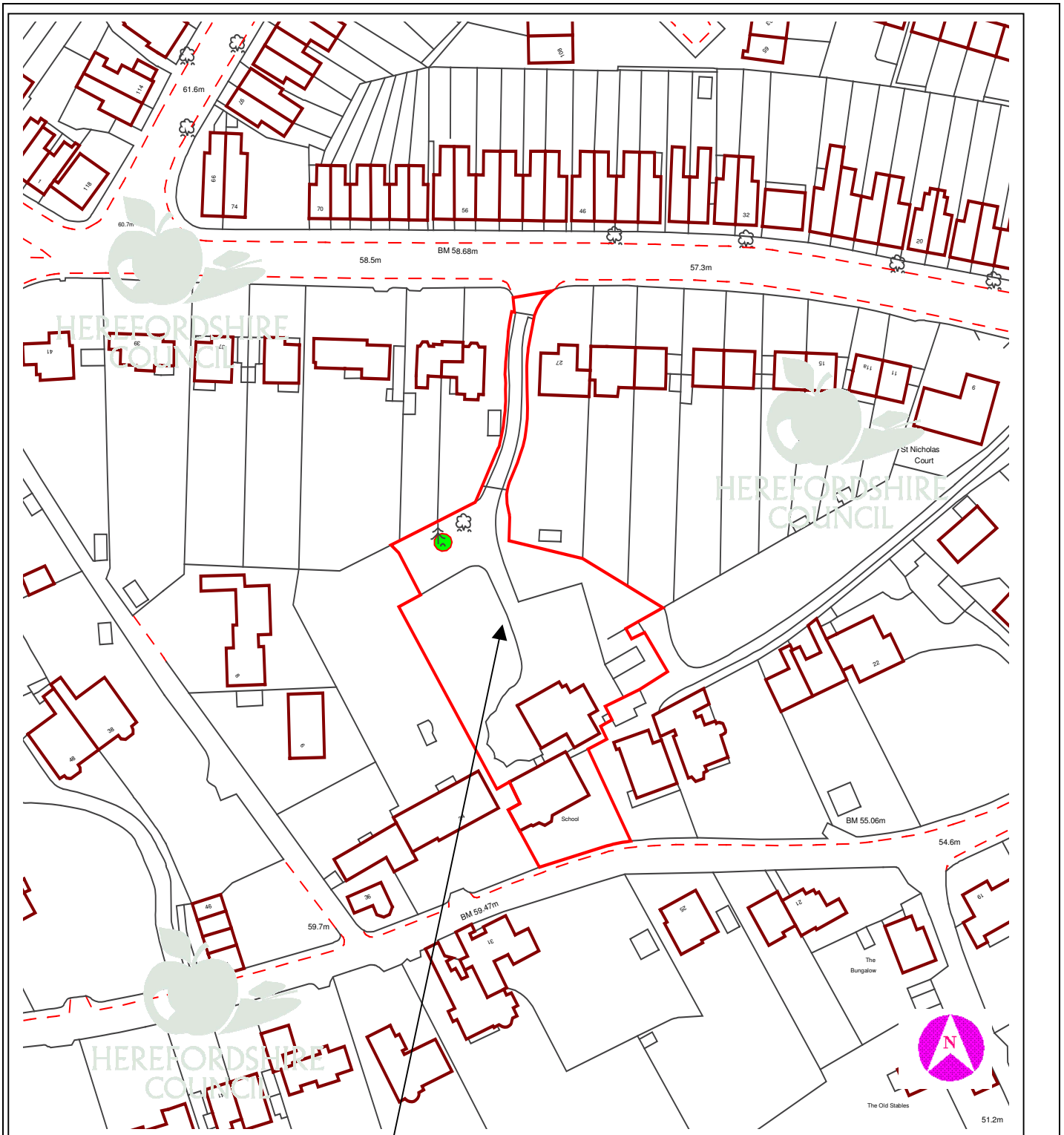
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/1974/F

SCALE : 1 : 1250

SITE ADDRESS : 32 Broomy Hill, Hereford, Herefordshire, HR4 0LH

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

Planning Application – DCCW2007/1974/F

Conversion of former school building into seven apartments and erection of two 2 bed and three 3 bed houses. 32 Broomy Hill, Hereford, HR4 OLH

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £14,400 to provide enhanced educational infrastructure at Lord Scudamore Primary School and/or Whitecross High School.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £30,000 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).
3. 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) Traffic calming measures in the area
 - 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 the area
 - f) Any other purpose falling within the criteria defined in 3 above.
 - g) No waiting restrictions on Broomy Hill.
 - h) No waiting restrictions on Breinton Road rear access.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £17,747 for CCTV enhancement along Great Western Way to provide one new camera which shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 and 5 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.
6. 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 three 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 a time bound programme of implementation along with measures to enable future monitoring at intervals throughout the construction period until all the Dwellings shall have been completed and occupied. The results of such monitoring shall be provided to the Council in writing at annual intervals during the course of the Development with a report upon completion of the development detailing the effectiveness of the implemented measures.
7. 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
8. 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.

Kevin Bishop - Principal Planning Officer

15th August, 2007

- 3.2 DCCW2006/1598/F Variation of condition 1 of planning application SH911548PF sole occupation. Refused 6th July, 2006.
- 3.3 DCCW2006/3153/F Change of use from agricultural to a two family gypsy site. Approved 5th January, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Raises no objection.
- 4.3 Head of Environmental Health & Trading Standards: Comments awaited.

5. Representations

- 5.1 Burghill Parish Council: "Burghill Parish Council strongly objects to removal of condition 2 of Planning Permission DCCW2006/3153/F in regard to The Birches Stables, Burghill. Permission was granted on 5th January 2007.

The Parish Council understands the Policy considerations and Policy on Use of Conditions stated in Mr. Jones's application. The Parish Council believes that Herefordshire Council has fully applied these in granting Mr. Jones and his family planning permission early this year. Condition 2 treats Mr. Jones and family in exactly the same way as the previous resident owner, a Mr. Lane was treated; ie the land shall revert to agricultural use on cessation of their occupation. This condition appears to be totally reasonable to the Parish Council and in accordance with Policy Circular 11/95 since there is no erection of a permanent building involved.

The Parish Council views the personal and financial situation of the applicants with sympathy, but finds that these are not material planning considerations.

The Parish Council submits that a change of wording in Condition 2 of the Planning Permission would allow Mr. Jones's daughter and any offspring the benefit of residence on The Birches Stables.

Burghill Parish Council would also point out that Mr. Jones and his family have disregarded most of the Planning Conditions set by Herefordshire District Council in the original Planning Permission letter dated 5th January, 2007.

Condition 1:- More than the maximum allowed number of mobile homes/touring caravans have been on the site much of the time.

Conditions 3, 4, 5, 6 and 7:- There has been no attempt to comply with these requirements. The Parish Council wrote to the Enforcement Officer on 20th March of this year regarding non-compliance. In his reply Mr. M. Lane stated that Mr. Jones was in discussion with the Highways department.

Condition 8:- There have been a number of trucks and lorries parked on the site day and night. It should be noted that scrap metal and other sundries have been stored on the site.

The Parish Council has received a number of complaints about the use of this site and is aware of the detrimental affect on the area. The Parish Council hopes that Herefordshire Council will not exacerbate this situation when arriving at a decision.”

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

1. Strong objections to the application - none of the existing conditions have been met.
2. Scrap metal business is being operated from the site.
3. The condition was put in place to stop other gypsy families buying the site as he did at Marden.

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 starting point in consideration of this proposal is the reason identified for the imposition of the condition. This states:-

“The nature of the development is such that it is only considered acceptable in this location having regard to the applicants special circumstances.”

6.2 In this particular instance the “special circumstances” are that the occupants are a gypsy family. In this respect the site complies with the Gypsies and other Travellers Policy H12 as it lies adjacent to the settlement boundary of a main village (Burghill). Furthermore the proposal for two families is regarded as modest in scale; the site is well screened and there are adequate levels of amenity and play space for children. Accordingly it would be unreasonable in this instance to retain a condition restricting the use of the site to a specific gypsy family since on its planning merits it is considered to be acceptable for any gypsy family subject to confirmation of their status.

6.3 It is recommended that the condition is removed and replaced with a condition that restricts the use of the site to gypsies or other travellers, and limits the use to only two mobile homes together with other conditions previously applied.

6.4 The Parish Council and local residents’ concerns are noted, however the site’s location complies with the policy for gypsy sites and discussions are on-going regarding the new access. The scrap metal business is being operated by the occupier of one of the caravans and is on a very low key basis such that based upon current evidence, it would not require planning permission provided the materials are stored within the buildings on site. An update regarding progress with conditions will be provided at Committee.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The use of the site shall be limited to the occupation of two mobile homes by a person or persons recognised as being of genuine gypsy (or other traveller) status and evidence demonstrating such status shall be submitted to and approved in writing by the local planning authority prior to the occupation of the site by any person or persons.

Reason: The nature of the development is such that it is only considered acceptable in this particular location having regard to the occupiers gypsy/traveller status.

- 2. A10 (Amendment to existing permission) (DCCW2006/3153/F) (5th January, 2007).

Reason: For the avoidance of doubt.

Informative:

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

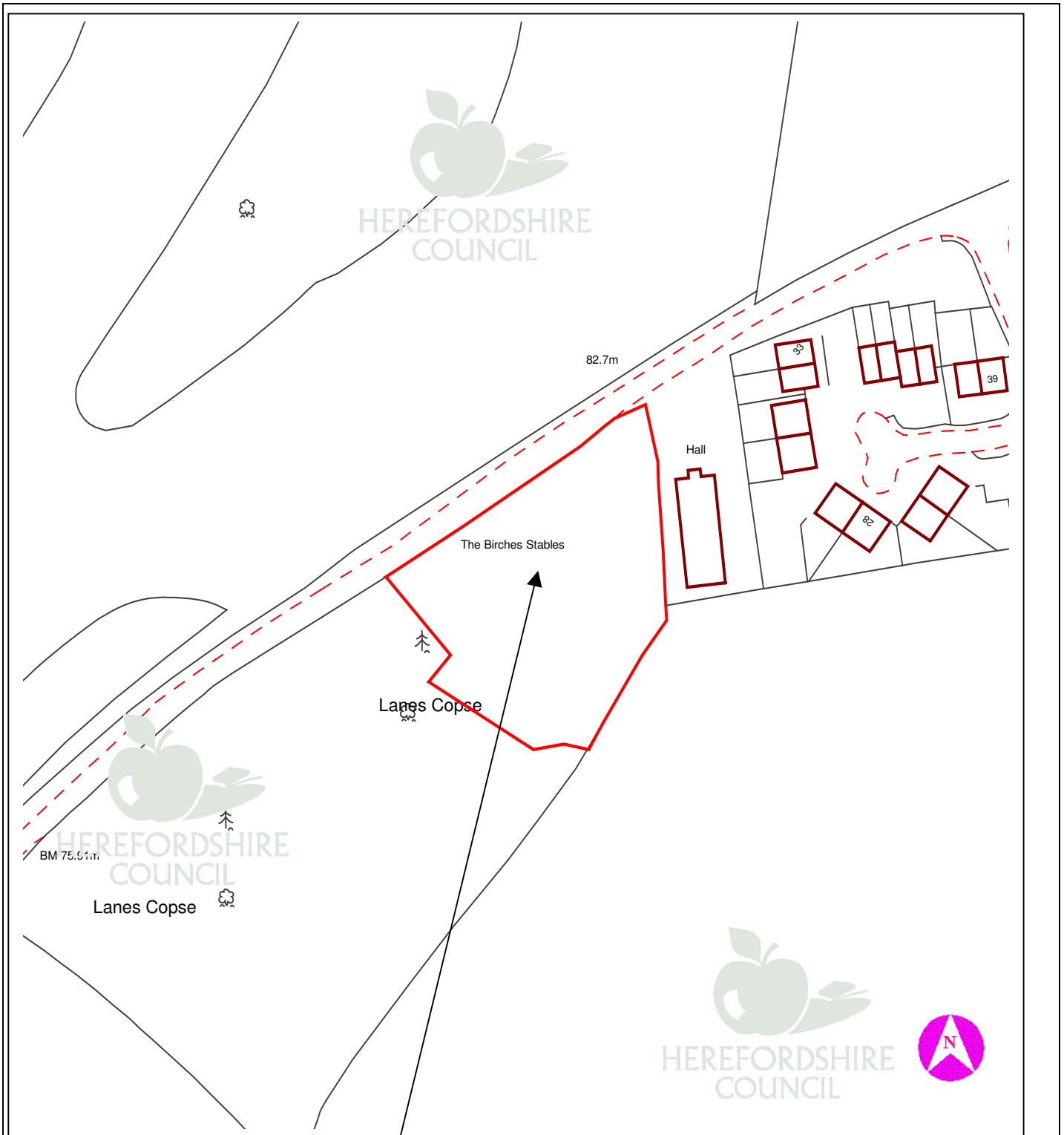
Decision:

Notes:

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Background Papers

Internal departmental consultation replies



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APPLICATION NO: DCCW2007/2057/F

SCALE : 1 : 1250

SITE ADDRESS : The Birches Stables, Burghill, Hereford, Herefordshire, HR4 7RU

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7 DCCE2007/1894/F - CHANGE OF USE OF LAND TO CAR STORAGE AND ASSOCIATED LANDSCAPING AT CALLOW MARSH GARAGE, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BT

For: Callow Marsh Ltd per Kendricks, PO Box 69, Ross-on-Wye, Herefordshire, HR9 7WG

Date Received: 19th June, 2007 Ward: Hollington Grid Ref: 49850, 35569

Expiry Date: 14th August, 2007

Local Member: Councillor GFM Dawe

1. Site Description and Proposal

- 1.1 The site lies north west and adjacent to the A49 in the Callow area approximately 2.5 kilometres south west of Hereford City. The site is presently an agricultural field enclosed to the north, east and south by mature hedges and two semi-mature trees exist in the south west boundary of the site. Immediately south of the site is a detached dwelling known as Fairfield and the western boundary borders domestic garden associated with existing properties fronting Grafton Lane. Access to the site is via Grafton Lane running to the rear (north west) of the existing Renault Garage along a strip of hardstanding which is also used for the storage and parking of vehicles. The site falls within the open countryside as identified in the Herefordshire Unitary Development Plan 2007.
- 1.2 Planning permission is sought for the change of use of the land for the storage and parking of up to 50 new or nearly new cars associated with the adjoining Renault and SAAB dealerships. The vehicle turning and parking areas are to be surfaced with a grass reinforced system such as 'Netlon Turfguard'. The boundaries of the site along with the adjoining area of land is to be landscaped with a mixture of native hedgerow planting, native woodland planting and orchard planting. The application is supported by a Detailed Landscape Visual Assessment, site layout, planting and surfacing plans and Ecological Survey.

2. Policies

2.1 Planning Policy Guidance:

- | | | |
|------|---|---|
| PPG4 | - | Industrial and commercial development and small firms |
| PPS7 | - | Sustainable development in rural areas |

2.2 Herefordshire Unitary Development Plan 2007:

- | | | |
|-----|---|-------------------------------|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| S4 | - | Employment |
| S7 | - | Natural and historic heritage |
| DR1 | - | Design |
| DR2 | - | Land use and activity |

DR3	-	Movement
DR4	-	Environment
E6	-	Expansion of existing businesses
E11	-	Employment in small settlements in the open countryside
T11	-	Parking provision
LA2	-	Landscape character in areas least resilient to change
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development

3. Planning History

- 3.1 CE2005/4092/F - Parking of motor vehicles. Planning Permission Refused 10th February, 2006. Reason for refusal was:

The proposed development, by virtue of its adverse visual impact upon the rural environment, landscape quality, and visual amenities is considered contrary to PPS7, South Herefordshire District Local Plan Policies C1, ED3, ED5 and GD1 as well as Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S1, S2, S4, S7, DR1, E6, E8 and LA6.

Appeal lodged due to take place on the 4th December, 2007 pending the outcome of this application.

- 3.2 CE2003/2830/F - Change of use of land for storage of motor vehicles. Refused 12th November, 2003. Appeal dismissed 29th September, 2004.
- 3.3 CE2003/3815/F - Change of use of land for storage of motor vehicles. Refused 4th February, 2004.
- 3.4 An enforcement notice was also served on 20th June, 2006. Appeal lodged due to take place on the 4th December, 2007 pending the outcome of this application.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: The proposal itself will only marginally increase traffic generated. Therefore the Highways Agency considers that the proposal will have no detrimental impact on the A49.

Internal Council Advice

- 4.2 Traffic Manager: The access and turning area must be kept clear at all times and delivery transporters must be supervised during the reversing operation to maintain public safety.
- 4.3 Conservation Manager - Ecology:
I note that the Ecological Survey was undertaken in December 2006 which is not a recommended time of year to assess unimproved grassland. I note a number of difference species and grasses were found in the preliminary survey and therefore an up to date survey of grassland is required. Low land meadow and pasture is a BAP Habitat and I would not recommend development upon the site if the site proves to be unimproved grassland.

Further survey work is also required to establish the presence of reptiles which should be undertaken prior to determination of the application and then an appropriate mitigation strategy developed if found present.

I accept the findings that the nearby pond is not suitable for great crested newts. I appreciate that the proposals do not cover the whole of the site and that significant landscaping is proposed. I also note that the southern part of the site is already used for parked cars and there is little grassland of value in this area. If the application is approved, I recommend that some areas of open grassland are maintained rather than planting shrubs and trees throughout.

4.4 Conservation Manager - Landscaping and Biodiversity:

The area is described as Wooded Estate Lands in the Landscape Character Assessment Supplementary Planning Document. If it is determined that the proposed is acceptable in principle, then the landscape proposals shown on the site concept plan are appropriate. The site concept plans have clearly been generated from the assessment of the surrounding landscape character and the visibility of the site. It responds to both the constraints and opportunities offered by the site in particular the opportunity to strengthen and restore the landscape character of wooded estate lands through hedgerow planting, native broadleaf woodland and orchard planting. The proposed orchard planting would both replace the historic orchard planting that has been lost from this area and it would help to filter views into the site from elevated view points.

I note that a detailed landscape scheme has not been submitted with the application. Full details of the proposed surfacing and the tree and shrub species, sizes and planting densities will be required. With regard to surfacing of the site, I recommend that grass reinforced systems should be used as this type of surfacing would be in keeping with the rural character of the area. Accordingly there should be a requirement to remove any loose surfacing on the site at present, to prepare the ground and re-seed with grass as necessary to install a grass reinforced system. It is important that the grass reinforced system is installed at the outset to prevent any erosion of the site.

4.5 Comments on additional landscape and planting proposals:

There are three key landscape issues to consider. Firstly, there is the issue of landscape character – what is the character of the existing landscape and the degree of harm that the proposed development would cause to the character of the landscape. Secondly, there is the issue of the visibility of the site and the degree of adverse visual impact of the proposed development. Thirdly, the degree of mitigation that could be achieved, through a landscape scheme, needs to be considered.

Landscape character

It is asserted in the Landscape and Visual Assessment (May 2006) that the existing development at Portway has already reduced the rural character of the appeal site and the surrounding landscape and the proposed car storage area will therefore have a negligible adverse visual impact. I do not concur entirely with this view. In terms of assessing the proposed development in the wider context, the existing garage showrooms and external sales/parking areas at Portway, being quite large in scale and commercial in character are not consistent with the prevailing character of the landscape type Wooded Estate lands, which is described as '*wooded agricultural*

landscapes of isolated farmsteads, clusters of wayside dwellings and occasional small estate villages'.

Visual impact issues

With regards to the Landscape and Visual Assessment, I am in agreement with the identification of the three viewpoints from which the proposals could be considered to result in the most significant impact. These locations are: views from the A49 approaching the application site from the north, views from higher ground to the east between Hopley's and Reece's Woods and views from higher ground to the north-east on Ridge Hill.

Mitigation

Dealing first with the issue of planting to screen the development, I agree that views into the site from the A49 and from Ridge Hill would be screened by the proposed planting, although parked cars on the site would be more visible in winter, when hedgerows and trees are not in leaf. However, there will still be limited views of the parked cars from the higher ground to the east, between Hopley's and Reeces's Woods, although the proposed planting of orchard trees along the A49 frontage and of the Field Maples within the parking area will filter and break up the views of the cars. The proposed planting scheme will, therefore, mitigate against the adverse visual impact of the development to a large degree.

With regard to the landscape details, the proposals for planting, surfacing, drainage and boundary treatments relate well to the rural context and are all appropriate for the landscape type Wooded Estatelands. The landscape scheme is the best scheme that could be achieved on this site. From a landscape perspective, while I do have some reservations about the principle of expanding the car storage area in a rural area, I consider that the submitted landscape scheme mitigates against any adverse visual impact to an acceptable degree.

5. Representations

5.1 Grafton and Haywood Parish Council: The Parish Council strongly object to this application and ask that it be refused for the following reasons:

1. The development is inappropriate for this green field rural location.
2. The site has been used for the parking of cars since the first application with a gradual increase in cars being parked, at present there are 30 cars. This has been a constant cause of complaint from local residents to the Parish Council.
3. The acces is also a constant concern with vehicles being unloaded on the highway blocking the bus stop near a dangerous junction.
4. Residents complain about loss of sleep due to vehicles delivering parts to the car dealership.
5. This is a rural setting and the car dealerships are not concerned about environmental issues or the amenity of residents in the area.

Comments awaited on additional information.

5.2 Six letters of objection have been received, four from local residents and one from the Herefordshire Branch for the Campaign for the Protection of Rural England, the main points raised are:

1. The site access is unsafe being located so close to a busy junction with little space for the manoeuvring of car transporters who currently regularly block the highway.
 2. The application is a ploy to enable the enlargement of the existing garage development leading to creeping industrialisation into the countryside.
 3. The development will adversely affect the amenity of properties in the locality.
 4. If the garage requires additional space they should seek more suitable premises in a more appropriate location.
 5. The approval of this application will inevitably lead for a request for a permanent building on site.
 6. The development will lead to the need for additional lighting further increasing light pollution.
 7. The development will change the character of the area from residential to commercial.
 8. The development will lead to increased noise from compressors, washers, tannoy systems and car alarms.
 9. The development will lead to increased run-off water on to adjacent properties and their gardens, a situation which is already occurring.
 10. The local highway network of lanes is not suitable to accommodate any increased traffic to and from the site.
 11. The development will result in further devaluation of existing properties in the area.
 12. The site is not a brownfield site.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The most recent use of the application site is agriculture but it is understood that the land has not been used for agricultural purposes for several years. Nevertheless, the planning land use of the application site is agricultural land. Furthermore, the site falls within the open countryside where there is a general presumption against inappropriate development that would lead to the deterioration of the landscape character of the area. Therefore any further encroachment into the countryside with development associated with the adjoining car garages must be carefully considered. Section three of the report details the planning history where it can be seen that several applications for similar proposals have been refused and an appeal dismissed. In all instances, however the key issue was considered to be the visual and landscape impact of the proposed change of use to car storage.
- 6.2 In order to address the visual and landscape impact the applicants have undertaken a detailed landscape assessment which illustrates the impact and visual prominence of the proposed site both locally and from wider vantage points. This assessment has then informed the detailed planting proposals required to mitigate any visual or landscape impact. The site area is now around half that which was dismissed on appeal in 2004 although it is the same site area as was considered under the more recent application, refused in early 2006. The proposed capacity of the site is 50 cars and detailed layout plans have been provided illustrating how 50 cars can be accommodated on the site. The plans enable the existing boundaries to the south and east to be strengthened with additional hedgerow and orchard planting with further tree planting along the western boundary. To mitigate the impact further the remainder of the field (also within the applicants ownership) is to be comprehensively landscaped to

integrate with existing field hedgerows. The proposals include further orchard planting and woodland tree planting. The detailed landscape and planting proposals are supported by the Council's Landscape Officer.

- 6.3 The applicants have also provided a HGV Tracking Plan to demonstrate that with the revisions to the existing parking arrangements on site; a HGV car transporter can enter and leave the site in a forward gear. This will result in a highway gain as the HGVs currently have to off-load vehicles on the highway. The existing access from the site directly on to the A49 is to be permanently closed. A grass re-inforced system will be used to provide a hard surface for parts of the site. There is therefore unlikely to be any additional runoff. Nevertheless, an open ditch is proposed along the western boundary to intercept any runoff that may occur. Other matters and concerns raised by the objectors and the Parish Council can be dealt with by conditions such as limitation on illumination and unloading/loading restrictions.
- 6.4 Whilst there remain concerns with the principle and associated landscape impact of allowing the encroachment of the existing commercial garage use into the countryside, the landscape officers previous objections have been addressed and overcome and therefore the revised scheme is considered acceptable. This is subject to the submission of further ecological surveys addressing the ecologist concerns. The consultation period on the additional landscape and planting information has not expired and therefore any further representations received will be reported verbally to Committee.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period and the receipt of satisfactory further Ecological Surveys, 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 be officers:

1. **E01 (Restriction on hours of working).**

Reason: To safeguard the amenities of the locality.

2. **E02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality.

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

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

4. **No servicing of the site or loading or unloading of cars or other vehicles shall take place on, or from, the public highway.**

Reason: In the interests of highway safety.

5. **The motor car storage use hereby approved shall remain ancillary to the existing car dealership (edged blue in the application particulars) and shall not at any time be occupied as a separate and independent commercial or business unit.**

Reason: To accord with the terms of the application and safeguard the countryside from inappropriate development.

- 6. No surfacing materials shall be applied to the site (including bound or unbound materials) without the prior approval in writing of the local planning authority.**

Reason: To accord with the terms of the application and safeguard the amenities of the countryside.

- 7. There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct or via soakaways.**

Reason: To prevent pollution of the water environment.

- 8. F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

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

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

- 10. 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.**

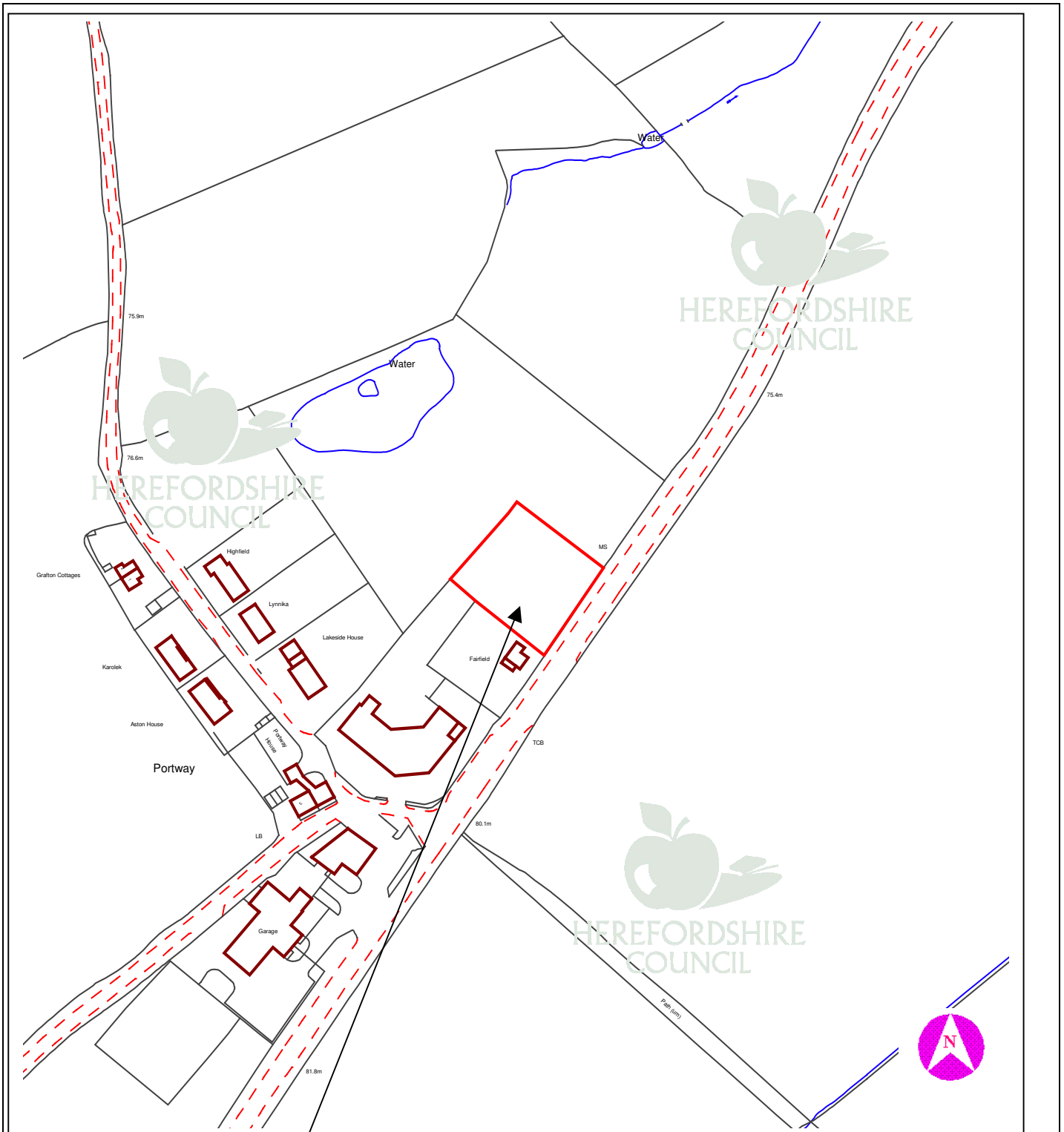
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1894/F

SCALE : 1 : 2500

SITE ADDRESS : Callow Marsh Garage, Grafton Lane, Grafton, Herefordshire HR2 8BT

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8 DCCW2007/2349/F - PROPOSED EXTENSIONS AND ALTERATIONS. ALTERATIONS TO ACCESS AT LOWER BURLTON COTTAGE, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RD

For: Mrs. C. Baker per Mr. P. Matthews, Lions Den, Bredwardine, Herefordshire, HR3 6DE

Date Received: 24th July, 2007

Ward: Burghill, Holmer & Lyde

Grid Ref: 48590, 42486

Expiry Date: 18th September, 2007

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 Lower Burlton Cottage is located on the southern side of the C1095 Hereford to Burghill road on the outskirts of Hereford and opposite Hospital Farm.
- 1.2 The detached brick built property stands within its own grounds adjacent to a range of converted barns located to the west which part formed the outbuildings to Lower Burlton Farm.
- 1.3 The proposal is to add a two storey side extension to the west and small single storey extensions to the other elevations. The single storey extension provides for enhanced lounge, kitchen and office facilities with the two storey side extension providing a double garage on the ground floor with master bedroom above. The existing sub-standard vehicular access is also proposed to be improved.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy H7	-	Housing in the Countryside
Policy H18	-	Alterations and Extensions

3. Planning History

- 3.1 DCCW2007/1732/F Proposed extensions and alterations. Withdrawn 29th June, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

4.2 Traffic Manager: Raises no objection.

5. Representations

5.1 Burghill Parish Council: "The Council has no objections to this application although some Councillors have commented that the proposed front elevation looks unbalanced. when contacted, neighbours objected to the application."

5.2 Two letters of objection have been received from Mrs. R. Baker, 2 Lower Burlton Barns, Tillington Road, Burghill and Miss R.V.A. Keefe, 4 Lower Burlton Barns, Tillington Road, Burghill.

The main points raised are:

1. The two storey extension presents a considerable 'eyesore' visible from adjoining properties and affects the rural character of the area.
2. A considerable shadow will be cast over adjoining property and even in the summer the majority of the adjoining garden will be in shade until noon.
3. The two storey extension will be within 10 metres of our windows.
4. Privacy will undisputedly be affected.

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

6. Officers Appraisal

6.1 This proposal seeks to enlarge what is at present a standard three bedroom dwelling with three small single storey additions and a two storey side extension. All external materials are to match.

6.2 The single storey additions have not raised any concerns and have no significant impact upon the character or appearance of the property.

6.3 The two storey extension is also subordinate to the original dwelling having a lower ridge line. The neighbours have principally raised concerns regarding its impact on the rural character of the area and loss of privacy. The two storey extension will close the gap between the cottage and the converted barns but this not considered detrimental to the rural character of the area and whilst the two buildings will come closer, their juxtaposition is such that there is limited impact on privacy and amenity. No side windows are proposed and whilst one window at the front could overlook, conditions requiring it to be permanently obscure glazed would overcome this aspect. Additional sunlight will be blocked by the new extension but again this would be limited to the early/late morning and would not substantiate a reason for refusal.

6.4 On balance it is considered that whilst the extensions will impact upon the amenity of the adjoining property this will not be at an unacceptable level so as to warrant a refusal.

6.5 Finally, the alterations to the access will substantially improve highway safety and are fully supported by the Traffic Manager.

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. **No work shall commence on the extensions until the improved access has been completed to the satisfaction of the local planning authority.**

Reason:

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

Reason: To protect the amenity of local residents.

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

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

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

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

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

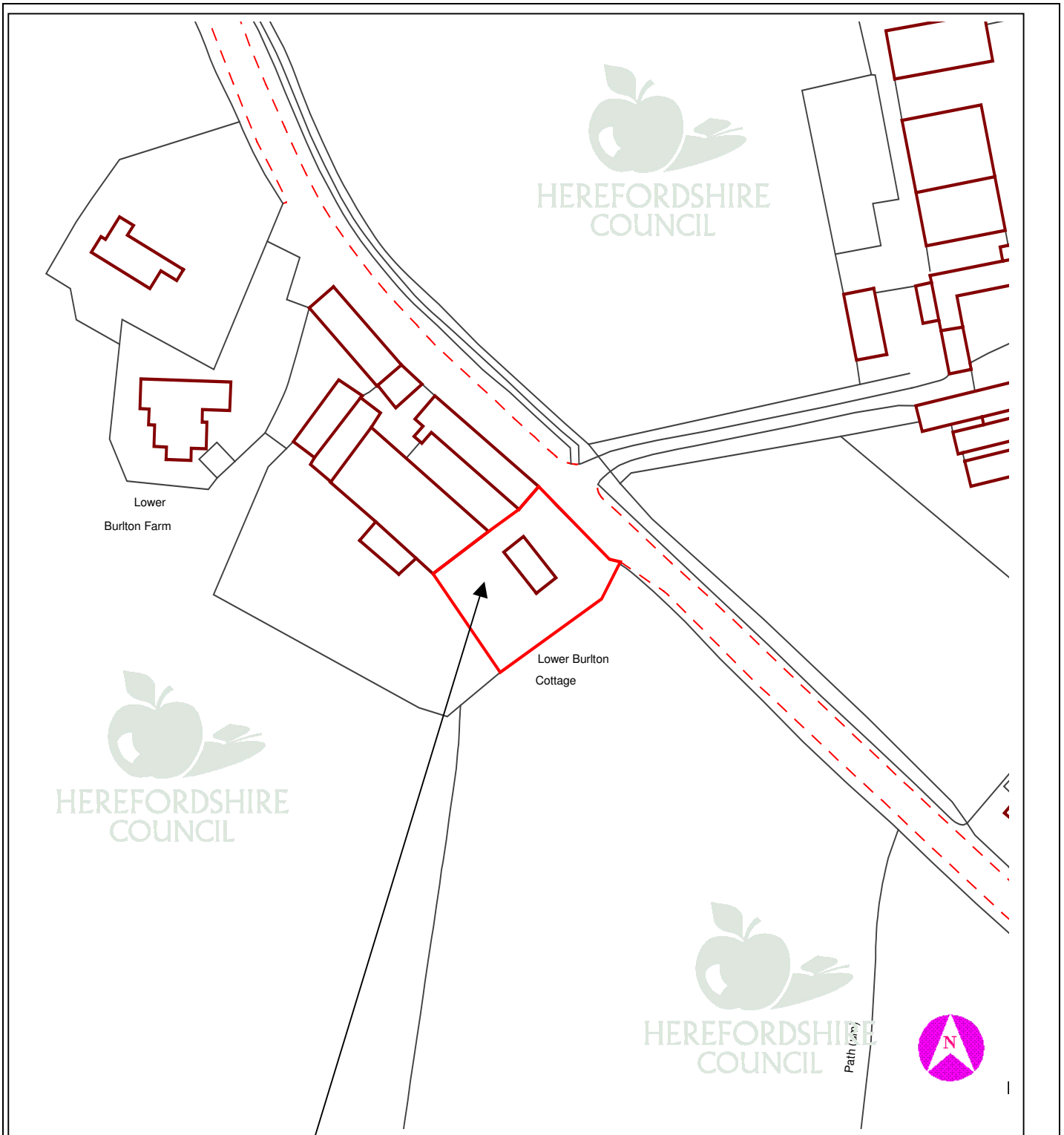
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2349/F

SCALE : 1 : 1250

SITE ADDRESS : Lower Burlton Cottage, Burghill, Hereford, Herefordshire, HR4 7RD

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9 DCCW2007/2355/N - IMPORTATION OF 40,000 CUBIC METRES OF SOIL TO CREATE ENVIRO-RECREATIONAL SCHEME INVOLVING PLANTING 4 HECTARES OF BROAD LEAVED NATIVE WOODLAND OVER IMPORTED SOIL AT LYDE ARUNDEL, CANON PYON ROAD, HEREFORD, HEREFORDSHIRE, HR4 7SN

**For: Mr. A. Howell per Mr. G. Stokes, Sutton Surveys,
The Belay, Sutton St. Nicholas, Hereford, HR1 3AY**

Date Received: 24th July, 2007

**Ward: Burghill,
Holmer & Lyde**

Grid Ref: 49714, 43613

Expiry Date: 23rd October, 2007

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 Lyde Arundel lies about 1 km north of the northern limit of Hereford, sited midway between the A49(T) and the A4110. The proposal is to import a further 40,000 cubic metres of soil, additional to an earlier permitted scheme, for environmental enhancement using a landscaping scheme that includes recreational access, habitat creation and about 4 hectares of new woodland planting.

2. Policies

2.1 Planning Policy Statements:

PPS1	-	Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPS10	-	Sustainable Waste Management
PPS23	-	Planning and Pollution Control

2.2 Regional Spatial Strategy:

WD1	-	Targets for Waste Management in the Region
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2.3 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S6	-	Transport
Policy S7	-	Natural and historic Heritage
Policy S8	-	Recreation, Sport and Tourism
Policy S10	-	Waste
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment

Policy DR6	-	Water Resources
Policy DR11	-	Soil Quality
Policy DR13	-	Noise
Policy E12	-	Farm Diversification
Policy T6	-	Walking
Policy T8	-	Road Hierarchy
Policy LA2	-	Landscape Character
Policy LA5	-	Protection of trees, woodlands, and hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy RST6	-	Countryside Access
Policy RST13	-	Rural and Farm Tourism Development
Policy W1	-	New Waste Management Facilities
Policy W2	-	Landfill or Landraising

3. Planning History

- 3.1 Planning application reference DCCW2005/1680/F to import soil for spreading on farmland. Approved 14th July, 2005.
- 3.2 Planning application reference DCCW2005/3168/F to convert a barn to a function room. Approved 23rd November, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Has no objections in principle, confirming that the proposal would be controlled by the Agency through a 'paragraph 19' exemption under the Waste Management Licensing regime. Conditions are recommended to secure the submitted Method Statements.
- 4.2 The Ramblers Association: Welcomes the proposed enhancements subject to appropriate precautions to protect walkers and to maintain the statutory right of way.

Internal Council Advice

- 4.3 Traffic Manager: Has no objection provided access is prohibited from the A49(T).
- 4.4 Rights of Way Manager: does not object to the proposal, provided the public footpath network would be maintained and the interests and safety of walkers protected.
- 4.5 Conservation Manager: Makes the following comments:
- (a) Landscape Officer - advises that the proposal would have a neutral impact on the character and quality of the landscape. Conditions are recommended to ensure adequate protection for trees on the site.

- (b) Ecologist - welcomes the habitat enhancement proposals and raises no objection, subject to a condition to secure the scheme as proposed and to address any wildlife issues that might arise during the construction phase.
- 4.6 Construction Manager: The Drainage Engineer observes that the applicant must ensure protection of the natural drainage of the area to minimise possible pollution but otherwise has no concerns.
- 4.7 Head of Environmental Health and Trading Standards: Confirms that the development would be regulated by the Environment Agency through the Waste Management Licence regime, subject to planning conditions stipulating the terms of development and the type of material to be imported.

5. Representations

- 5.1 Burghill Parish Council: Does not object in principle but raises the following points:
- There should be greater emphasis on sorting waste at source.
 - Further heavy traffic on the A4110 is of particular concern to the north of the site.
 - The applicant should be required to pay for any speed controls.
 - Altering the topography could lead to more flooding at Eltons Marsh.
 - The finished reserve should be freely open to the public, including for educational purposes.
- 5.2 Pipe and Lyde Parish Council: Has no objection, if the following points are taken into consideration:
- The soil must meet all environmental criteria and be monitored regularly.
 - Plans to crush and screen soil/rubble should be clearly stated as it could create noise concerns.
 - The Herefordshire Ornithological Club should be consulted on any proposed nest boxes.
 - Public footpaths should be kept open.
- 5.3 One representation has been received from M. Buffey, Pepperplock, Bewdley Bank, Hereford, HR4 7SQ. The letter is summarised as follows:
- Whilst I have no objection in principle I have great concern about the effect 32 tonne tipper lorries will have on the A4110.
 - The A4110 is narrow and twisting north of the site.
 - It is dangerous for pedestrians where the road has no verges.
 - I am concerned that lorries will use Moreton Road from the A49 to reach the A4110 via Bewdley Bank. Lorries should use Roman Road and only approach or leave the site from the south.
 - There is inconsistency in the Council's policy in regard to movements of tipper lorries.

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

6. Officers Appraisal

Background

- 6.1 In 2005, permission under reference DCCW2005/3168/F was granted for diversification of farming activities at Lyde Arundel through conversion of an existing barn to a venue for conferences, weddings and other functions. Prior to this, a separate planning permission reference DCCW2005/1680/N had been granted to import up to 9,500 tonnes of 'inert silt/clay subsoil' to improve a low-lying field on the farm holding, by stripping back the existing topsoil, spreading imported material from various unspecified sites and then replacing the topsoil. Pre-commencement conditions were imposed to secure adequate testing for contamination and provenance.
- 6.2 Development nevertheless proceeded without compliance, and the required agricultural exemption under Waste Management Licensing from the Environment Agency was never issued. At the time, the Agency were not satisfied that the subsequently proposed contamination testing scheme was adequate to ensure no risk to nearby controlled waters. The material, although unlikely to be actually contaminated, was clearly demolition/ construction waste comprising significant quantities of over-large mixed debris including metal, mortared brickwork, concrete and plastic. The Environment Agency stopped all work and the site was then abandoned for the time being, leaving the topsoil mounded up and the subsoil and imported material exposed. The site has remained in this unsightly and unsatisfactory condition since then.
- 6.3 Prolonged discussions to find a practical way forward have resulted in this new proposal for environmental enhancement and landscaping of the site, creating new woodland and pond habitats, and including recreational access for visitors to the function rooms and walkers on public footpath PL8 that crosses the site. However the applicant has argued that the scheme would require the significant importation of further material to fund the project, to be achieved by the sustainable re-use of surplus excavated material through diversion from landfill and tax savings. There is a pressing need within Herefordshire to find appropriate sites and uses for surplus soil from construction sites in the drive to reduce amounts going either to landfill or travelling long distances outside the county.
- 6.4 The main issues for consideration are:
- Traffic impact and timescales
 - Type and treatment of the imported material
 - Public right of way
 - Landscape impact
 - Biodiversity and habitat enhancement
 - Recreational and conservation benefits
 - Sustainability

Traffic impact and timescales

- 6.5 The work would be completed over a maximum of three years, including the final landscaping. Filling would however be intermittent, depending on availability of suitable material. Regular movements are calculated at about 18 to 30 vehicle trips per week or up to 5 per day on a 5.5 day week (para 4.10 of the submitted report ref SS-07-242-4) with a maximum of 10 trips allowed for, but about 4 daily trips would be the most likely during active periods.

- 6.6 Planning permission reference DCCW2005/3168/F, referred to at 3.2 and 6.1 above, required a replacement access to improve visibility on the A4110 a few metres south of the original access, which must be permanently closed off. Under that permission, all function room visitors and deliveries must use the improved A4110 access exclusively, with no access from the A49(T). An existing farm track from the A49 must be kept gated and locked. Therefore in this particular case any deliveries made via the A49 would compromise the preceding requirement, and would also need the Highway Agency's agreement, so the new A4110 access would have to be the preferred option.
- 6.7 The general traffic concerns of local residents along the A4110 and surrounding lanes are nevertheless acknowledged, but it would not be possible to restrict the use of the public highway in this instance since the sources of the material to be imported would vary and be outside the scope of control. The proposal does not conflict with HUDP policy S6 and no objection has been raised by the Traffic Manager, who has requested that access should be exclusively from the A4110 and not the A49. While there would be some convergence of vehicles on the site, there would be a corresponding reduction in traffic elsewhere, including vehicle miles otherwise generated in finding alternative destinations for surplus soil. For the numbers of trips indicated, the advice is that impacts on the highway network would be neutral or not significant. Conditions would secure a requirement for warning signs along the road in both directions and limit vehicle movements to the numbers specified.

Type and treatment of imported material

- 6.8 The material to be imported is described by the applicant's agent as falling within European Waste Code (EWC) 17 05 04 – 'Soil and stone not containing dangerous substances', with a proportion of 17 09 04 – 'mixed construction and demolition wastes not containing asbestos or dangerous substances'. The development would be regulated by the Environment Agency under the Waste Management Licensing regime. In the light of the difficulties encountered with the previous permission, details of all imported materials would need to be entered in a 'Source Log' to be compiled by the operator, including a risk assessment for each new source site, a record of the provenance and EWC code/s, and also a 'Site Diary' to record activities and deliveries, to be available for inspection on request. These measures could be secured through a condition, along with a restriction that only vehicles belonging to or authorised by the applicant would be allowed to access the site, details of which would be recorded in the Diary. The Source Log and Site Diary would together provide an auditable record of the provenance of the material, its composition, and the identities and numbers of vehicles using the site along with comments on any other issues that might arise on site. These records would also allow the Environment Agency and/or the local planning authority to ensure that there was no unauthorised establishment of a waste transfer station at the site. The Environment Agency have stated that they would not require regular reports, but that the Log and Diary should be made available for inspection on request to their own or Council officers.
- 6.9 The proposal includes a contingency to periodically segregate any over-large or unsuitable material with a mobile screen/crusher. Mobile plant is licensed at source by the operator, and the permit goes with the plant wherever it is sited. In the event of a noise nuisance arising due to its use, Environmental Health Officers would regulate it through environmental legislation. The site is well screened and distant from any residential property, the nearest being at Eltons Marsh about 400-500 metres away and the cottages near the access, which are over 500 metres away. Over-large items would be crushed and re-used in the scheme or for farm tracks, and unsuitable

material taken away for disposal or recycling. These precautions would ensure compliance with Herefordshire Unitary Development Plan Policies S2, DR4 and DR11. The applicant is anxious to avoid any contamination, but through the strict control and recording of deliveries and sources a paper audit would nonetheless be available. Sampling, testing and procedural controls are detailed in paragraph 1.15 of the submitted Method Statement, and the development (if permitted) would be required to be undertaken in accordance with all of the details as submitted, including the material types.

Public right of way

- 6.10 Public footpath PL8 crosses the site from east to west. Following a site visit the Rights of Way Officer does not object to the proposal, subject to appropriate precautions and final landforms. A Temporary Closure Order would be necessary at the appropriate time and the agent is aware of the process and cost. The proposal would not therefore conflict with Herefordshire Unitary Development Plan Policy T6. In principle the long-term environmental benefits would enhance the enjoyment of the footpath and the additional permissive recreational facilities proposed (e.g. picnic tables) would be beneficial and are welcomed.

Landscape impact

- 6.11 The site is not constrained by any designated areas, and the landscaping scheme has been designed so as to appear naturalistic and generally compatible with its surroundings. Once completed, the final landform and new woodland planting would be beneficial and its design and purpose would comply with Herefordshire Unitary Development Plan Policies D1, E12 and LA2, provided the work was undertaken strictly in accordance with the submitted Method Statements and plans. Conditions would be needed to ensure this, along with protection for existing mature trees and hedgerows on site in accordance with Herefordshire Unitary Development Plan Policy LA5.

Biodiversity and habitat enhancement

- 6.12 The applicant has retained the services of a qualified Site Ecologist to oversee the project, with particular attention being paid to the Great crested newt population in nearby pools and the proposals for woodland planting and new habitats. The application includes detailed surveys and a site-specific Biodiversity Action Plan (BAP) undertaken by the Farming and Wildlife Advisory Group (FWAG) in 2006. The development would proceed in accordance with FWAG's recommendations to create wildlife corridors, aquatic habitats and open clearings. Diversification at Lyde Arundel includes other biodiversity enhancement projects, and this proposal is designed to complement those. Overall this is welcomed and if secured by conditions would be supported by Herefordshire Unitary Development Plan Policies NC5, NC6, NC7, NC8, and NC9.

Recreational and conservation benefits

- 6.13 A significant element of the proposal is to allow access for visitors to the function rooms. This would involve woodland walks and possibly a picnic area with seats and tables near to where the public footpath crosses the site, thus including access for local residents and walkers. Permitted development rights would be removed by condition in order to ensure no other activities could take place without express

planning permission following public consultation. Herefordshire Unitary Development Plan Policies RST6 and RST13 support such proposals.

Sustainability

- 6.14 According to the Waste Hierarchy as detailed in PPS10, and Herefordshire Unitary Development Plan Policy S10, re-use of surplus soil and construction/demolition site waste is a priority. The need to reduce amounts going to landfill, the increasingly prohibitive levels of Landfill Tax, and issues of appropriate disposal are of considerable concern, particularly in the light of the targets for housing numbers and redevelopment of brownfield land. The only way proposals for importing soil for deposit on land may be supported is if there would be 'significant material planning gains that outweigh material objections' and no alternative sites exist nearer to waste sources (Herefordshire Unitary Development Plan Policy W2). In this case, the applicant has worked hard to propose a scheme that enables him to find a legitimate re-use for surplus soil. He has demonstrated that the proposal would contribute to target reductions of soil going to landfill whilst optimising the opportunity for environmental enhancement and mitigation including habitat creation and/or recreational space. The site is close to the city, from where much of the surplus soil arises, and in principle fulfils the essential requirements of Herefordshire Unitary Development Plan Policies S1, S2, S6, S7, S8 and S10 among others.

Conclusion

- 6.15 With regard to the generation of surplus soil and construction materials there is tension between the needs of the construction industry for development across the county, and the necessary tightening of environmental control, as well as increasing concerns about traffic congestion and waste management. Government proposals to introduce requirements for developers to segregate and minimise construction site waste at source may ease some of the difficulties in future but adequate provision for relocating surplus soil and other materials will still be necessary.
- 6.16 At Lyde Arundel, although no contamination has been found, the incomplete and unsatisfactory condition of the site requires a solution, and doing nothing would not seem to be a sensible option. Despite the previous difficulties this new proposal demonstrates a concerted attempt at sustainability and compliance with the key elements of PPS1, PPS9, PPS10 and PPS23. If permitted with the proposed conditions for recording the sources of imported material and activities on site, it may to some extent be regarded as a model for future examples. The combination of planning and Environment Agency regulatory controls based on the comprehensive submitted details would ensure that there would be no adverse environmental effects or overriding objections. The proposal is therefore recommended for approval as a practical solution to a county wide issue.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notice of the date of commencement shall be sent to the local planning authority within 7 days of that commencement. Please refer to Informative Note 1.**

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

- 2. Notwithstanding the imported material already deposited at the site, terms of this permission shall entirely supersede planning permission reference DCCW2005/1680/N dated 14th July 2005.**

Reason: To define the terms of this permission and for the avoidance of doubt.

- 3. No importation of soil, stone or any other waste material shall take place after the expiration of three years following the commencement date as notified to the local planning authority under condition 1, unless otherwise agreed in writing in advance by the local planning authority.**

Reason: To ensure the timely completion of the development in the interests of the amenity of the area and to comply with Herefordshire Unitary Development Plan 2007 Policies S1, S10 and DR4.

- 4. In all respects, unless otherwise agreed in advance in writing by the local planning authority, and except where otherwise stipulated by conditions attached to this permission, the development shall be undertaken in accordance with the submitted plans and the working details as follows:**

- (a) 'General Method Statement for mobile screening operations' dated 28th April 2006, revised 7th July 2007 and date stamped received 24th July 2007. (Please refer to Informative Note 9).**
- (b) 'General Method Statement for environmental work' dated 17th July 2007 and date stamped received 24th July 2007.**
- (c) 'General Method Statement and planting schedule' dated 17th July 2007 and date stamped received 24th July 2007.**

Reason: For the avoidance of doubt and to ensure the development is undertaken in accordance with the specific proposals and Herefordshire Unitary Development Plan 2007 Policies S1, S2, S10 and D1.

- 5. Before the development is begun, a scheme for compiling and maintaining a Source Log shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and include in particular:**

- (a) The source site name and address and a grid reference.**
- (b) A contact name.**
- (c) Description of the type of materials to be collected and used and the appropriate EWC descriptive code/s on the advice of the Environment Agency.**
- (d) Details of any ground or contamination investigation that has been carried out.**
- (e) Copies of any source test certificates, test/check results and Quality Assurance comments regarding inspection and/or test holes on sites prior to acceptance of materials for removal to Lyde Arundel.**
- (f) Brief source site risk assessment.**
- (g) Any other relevant information that would assist in maintaining a paper audit for these materials.**

- (h) Methodology for compiling, maintaining and storing the Source Log including prescribed instructions for its completion.
- (i) The location of the Source Log, including that an up to date copy of it shall be kept at the site and made available for inspection on reasonable request.
- (j) The person responsible for the Source Log including its maintenance and verification of entries by signature.

Reason: To prevent pollution or contamination of the site and to ensure that the operation of the site and the development are efficiently recorded and auditable to comply with Herefordshire Unitary Development Plan 2007 Policies S10, DR4 and W1.

6. Before the development is begun, a scheme for compiling and maintaining a Site Diary shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and indicate in particular that diary entries must include:

- (a) The date and time of each delivery.
- (b) The registration number of each delivery vehicle.
- (c) The quantity of material delivered or taken away.
- (d) The reference number of the Waste Transfer Note or other relevant documentation.
- (e) Description of the type and nature of delivered material including whether or not it is suitable, over large, or would require sorting or processing.
- (f) Details of any loads that are rejected or redirected, including reasons and onwards destination and the type of material rejected.
- (g) Records of any suspected or actual contamination and method of dealing with it.
- (h) Records of the location and period of operation of any mobile screening or crushing plant including the licence and amount of material processed.
- (i) Records of any other relevant occurrence.
- (j) Methodology for compiling, maintaining and storing the Site Diary including prescribed instructions for its completion.
- (k) The location of the Site Diary, including that an up to date copy of it shall be kept at the site and made available for inspection on reasonable request.
- (l) The person responsible for the Site Diary including verification of entries by signature.

Reason: To prevent pollution or contamination of the site and to ensure that the operation of the site and the development are efficiently recorded and auditable in accordance with Herefordshire Unitary Development Plan 2007 Policies S10, DR4 and W1.

7. Before the development is begun a summary scheme outlining the methodology for ecological enhancement and the conservation of European Protected Species shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and include in particular:

- (a) That the proposals and recommendations including timescales and after-care, given in the Sutton Surveys Report ref SS-07-242-4 dated June 2007, with particular reference to Appendices 'B' and 'C', will be adhered to.

- (b) That the submitted General Method Statement for Environmental Work dated 17th July 2007 will be adhered to.
- (c) The appointment of a named Site Ecologist and confirmation of that person's retention throughout the development period until the works and after-care are complete.

Reason: To ensure the protection of Great crested newts under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and Herefordshire Unitary Development Plan Policies S7, NC1, NC5, NC6 and NC7 and to conserve and enhance protected species habitats and foraging areas to comply with Herefordshire Unitary Development Plan 2007 Policies S7, NC6, NC7, NC8 and NC9.

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

Reason: In order to protect the visual amenities of the area in accordance with Herefordshire Unitary Development Plan 2007 Policies S7, LA5 and LA6.

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

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

10. Before the development is begun, a scheme for the protection of trees and hedgerows on and adjacent to the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be written in accordance with BS 5837 Trees in Relation to Construction, 2005 and implemented as approved. (Please refer to Informative Note 5).

Reason: To safeguard existing trees and the amenity of the area, in accordance with Herefordshire Unitary Development Plan 2007 Policies S7 and LA5.

11. G10 (Retention of trees).

Reason: In order to preserve the character and amenities of the area to comply with Herefordshire Unitary Development Plan 2007 Policies S7 and LA5.

12. No development approved by this permission shall commence until a scheme for the erection of pole-mounted warning signs on the A4110 highway in advance of the junction with the farm access from both directions has been submitted to and approved in writing by the local planning authority. The signs shall be erected in accordance with the approved details before any tipping takes place and must be maintained throughout the duration of the development.

Reason: In the interests of highway safety in accordance with Herefordshire Unitary Development Plan 2007 Policies S6 and T8.

13. Unless otherwise agreed in advance in writing by the local planning authority, no vehicles other than those owned or authorised by the applicant shall be allowed

to access the site in connection with the development hereby permitted, in accordance with details recorded in the Site Diary required by condition 6 above.

Reason: To ensure that only authorised vehicles use the site and to prevent pollution from fly-tipping in accordance with Herefordshire Unitary Development Plan 2007 Policies DR4 and W1.

14. For operations in connection with the development hereby permitted, vehicle access to the site shall be via the A4110 road and not the A49(T).

Reason: In the interests of highway safety and to prevent additional traffic impact on the A49 trunk road in accordance with Herefordshire Unitary Development Plan 2007 Policies S6 and T8.

15. Unless otherwise agreed in advance in writing by the local planning authority, there shall be no more than 10 vehicle movements into and 10 vehicle movements out from the site in any 24 hour period in connection with the development hereby permitted and recorded in the Site Diary required by condition 6 above.

Reason: To minimise traffic impact in the interests of road safety and in accordance with Herefordshire Unitary Development Plan 2007 Policies S6 and T8.

16. In connection with the development hereby permitted no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0800 - 1800 Mondays to Fridays, 0800 to 1300 Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

17. No tipping shall take place other than within the area identified and hatched black on the submitted plan ref. SS-07-242-4/11 and date stamped 24th July 2007 unless otherwise agreed in writing in advance by the local planning authority.

Reason: To define the extent of the tipping area and ensure a satisfactory form of development in accordance with Herefordshire Unitary Development Plan 2007 Policies DR1, DR2, W1 and W2.

18. Nothing other than uncontaminated excavated natural materials shall be tipped on the site, in accordance with the submitted 'General Method Statement for mobile screening operations' dated 28th April 2006, revised 7th July 2007 and date stamped received 24th July 2007.

Reason: To prevent pollution in accordance with Herefordshire Unitary Development Plan 2007 Policies S1, S2, DR4, W1 and W2.

19. There shall be no burning on site of any materials associated with the development hereby permitted.

Reason: To prevent pollution and protect the amenity of local residents in accordance with Herefordshire Unitary Development Plan 2007 Policies S1, S2 and DR4.

20. **During the course of the approved development, adequate precautions shall be undertaken and maintained to ensure that no materials are allowed to encroach on any watercourse or drain.**

Reason: To minimise the possibility of contamination of the water environment in accordance with Herefordshire Unitary Development Plan 2007 Policies S1 and DR6.

21. **The premises shall be used for quiet recreational enjoyment, nature conservation and/or agriculture and for no other purpose (including any other purpose in the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and because any other use could have adverse environmental effects that would require further consideration by the local planning authority.

22. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development or use shall take place other than those expressly authorised by this permission, or agriculture.**

Reason: To ensure adequate control of development of the land and because any other use or development would require further consideration by the local planning authority.

23. **A copy of this permission shall be kept at the site along with copies of the Site Log and Site Diary for the duration of the development and made readily available for inspection by Officers of the local authority and/or Environment Agency and for reference by all operators and contractors undertaking the work.**

Reason: To ensure the development is undertaken in accordance with the planning permission.

Informatives:

1. **All pre-commencement conditions attached to this permission must have been formally approved and discharged in writing by the local planning authority before the permission can be implemented.**
2. **HN01 - Mud on highway.**
3. **HN02 - Public rights of way affected.**
4. **It is the responsibility of the developer to ensure that the natural drainage of the area is protected to minimise the possibility of contaminating local watercourses and to prevent flooding or other changes to the drainage of adjoining land.**

- 5. For advice about the scheme for protection of existing trees and hedgerows required by condition 10 and in particular on BS 5837 Trees in Relation to Construction 2005, please contact the Senior Landscape Officer on 01432 260150.
- 6. For advice about the road signage required by condition 12, please contact the Lead Engineer (Traffic), Herefordshire Council Transport Team, Thorn Business Park, Rotherwas, Hereford, HR2 6JT, telephone 01432 260963.
- 7. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
- 8. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.
- 9. You are advised to seek the necessary permit from the Environment Agency before any waste is imported onto the site. If an application is made for an exemption under the Waste Management Licensing Regulations 1994 (as amended) the necessary risk assessments and waste classifications must be submitted. Before proceeding please seek clarification on European Waste Catalogue codes and hazardous materials from guidance available on the Environment Agency website.
- 10. N19 - Avoidance of doubt.
- 11. N15 - Reason(s) for the Grant of PP/LBC/CAC.

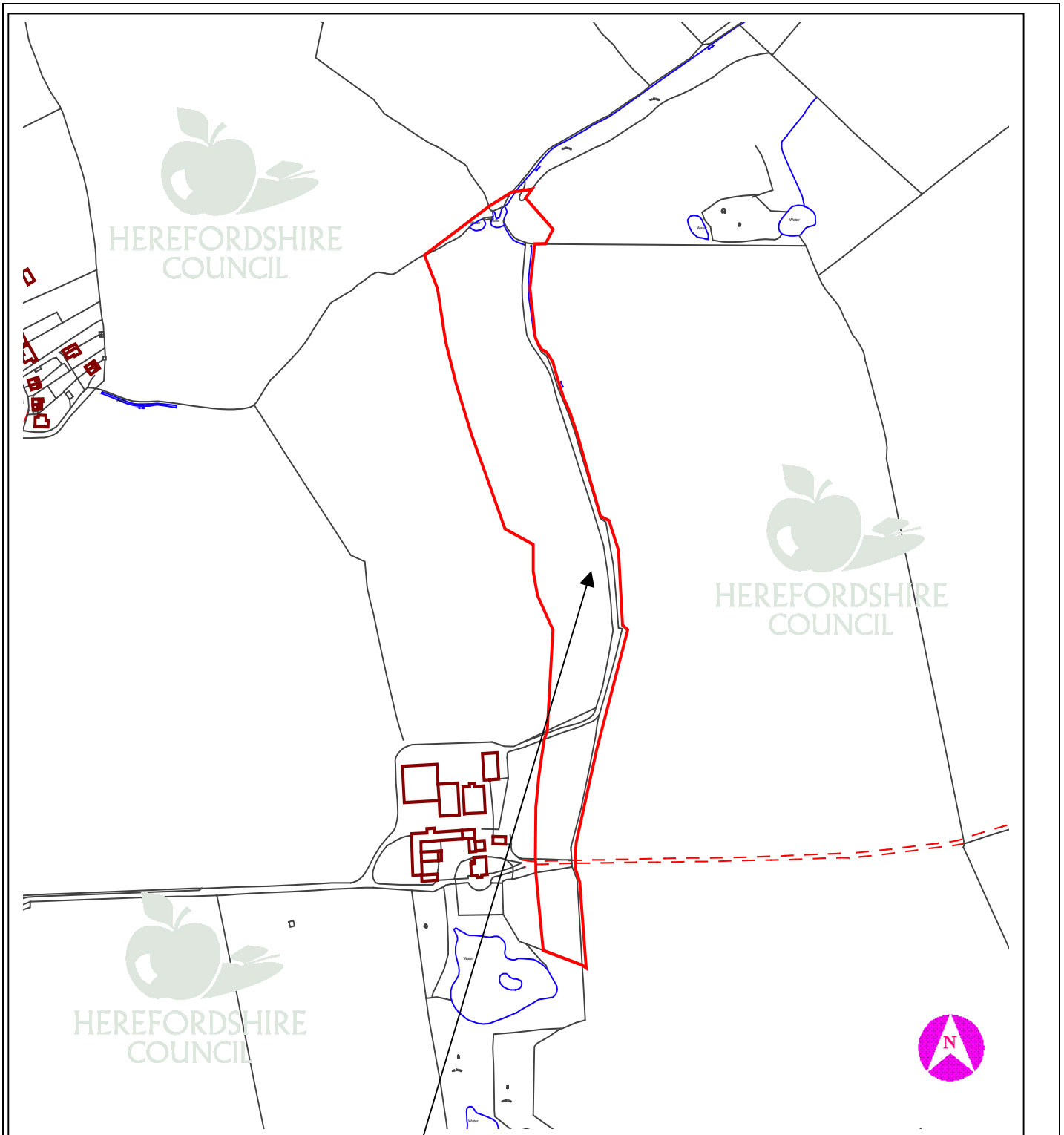
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2355/N

SCALE : 1 : 4989

SITE ADDRESS : Lyde Arundel, Canon Pyon Road, Hereford, Herefordshire, HR4 7SN

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10 DCCW2007/2317/F - PROPOSED DETACHED HOUSE WITH ANCILLARY GARAGE AND FORMATION OF NEW VEHICULAR ACCESS AT LAND AT JABRIN HOUSE, THE ROW, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AP

**For: Mr. & Mrs. A. Hughes per Paul Smith Associates,
19 St. Martins Street, Hereford, Herefordshire, HR2
7RD**

Date Received: 20th July, 2007

Ward: Wormsley Ridge

Grid Ref: 49074, 47781

Expiry Date: 14th September, 2007

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 Jabrin House is a detached cottage flanking the east side of The Row (C1109) towards the end of an informal ribbon of dwellings extending southwards from the principal village street and within the main village settlement boundary as defined in the Herefordshire Unitary Development Plan 2007.
- 1.2 The curtilage of Jabrin House includes a garden and small orchard area that stretches southwards some 45.00 metres along the highway frontage. The application site itself is formed from most of this area of land and has a frontage of some 41.00 metres and a mean depth of some 24.00 metres. It is elevated approximately 1.10 metres above the adjoining narrow carriageway and is enclosed by an attractive roadside hedge.
- 1.3 It is proposed to erect a detached four bedroom dwelling with front and rear dormer windows and a short gabled projection at the front. Its length would be 13.00 metres and width 7.00 metres plus the front projection of 1.20 metres. Eaves and ridge heights would be 4.20 metres and 7.90 metres respectively. The main front wall would be set back approximately 10.00 metres from the highway boundary. In addition the design includes such local architectural vernacular features as a bracketed porch canopy, brick arched lintels and an external tiered chimney stack. The proposed detached single garage would be set back between the north side of the proposed house and the proposed boundary with Jabrin.
- 1.4 Specified facing materials are natural slate for the roof and Redland 'Olde English Birtley' bricks for the walls.
- 1.5 A new vehicular access to the site would be formed in a position close to the south side of Jabrin. It would serve a driveway to the proposed garage, a parking area and turning head. Submitted details indicate that a 12.00 metre length of boundary hedge on the southern side of the access would be realigned to the rear of the proposed visibility splay.

- 1.6 Ground levels would be reduced by approximately 1.00 metres for the footprint of the house, garage and surrounding hard surfaces. This would result in the construction of an embankment to the immediate west and south of the building footprint.
- 1.7 On the opposite side of the road is Gelerts Brow, a detached bungalow also elevated above the carriageway and with a front main wall set back some 4.50 metres from the highway boundary. To the south, set back behind the proposed position of the house is Salerno, a detached two storey dwelling and to the rear an orchard.
- 1.8 The application follows the refusal of planning permission for a detached dwelling (DCCW2006/2733/F) and is the result of lengthy discussions with officers to overcome the previous reasons for refusal.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design

3. Planning History

- 3.1 DCCW2006/1154/F Proposed erection of two detached houses and ancillary garage, new vehicular access. Withdrawn 23rd May, 2006.
- 3.2 DCCW2006/2733/F Erection of detached house and ancillary garage and formation of new vehicular access. Refused 15th November, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Request conditions relating to separation of foul water and surface water discharges from the site.

Internal Council Advice

- 4.2 Traffic Manager: Recommends standard conditions concerning visibility splays (2.00m x 43.00m (northside) and 2.00m x 33m (south side), driveway gradient, vehicular access construction, access gates set back 5.00m and implementation of access turning area and parking.

5. Representations

- 5.1 Wellington Parish Council: "The best has been done with the site to address the Parish Council's previous objections. The Parish Council have concerns over the narrow road

which is an obvious danger and should the application be passed, hope that a planning condition will be imposed to regulate traffic related to the building."

- 5.2 Letter of objection received from Mr. A. Lucas, Gelerts Brow, The Row, Wellington on the following grounds:-

"Firstly my whole bungalow, frontage and garden will be overlooked, both the siting and positioning of this dwelling will mean that the new occupants of this dwelling will be able to look directly into my kitchen, living room, bath room and one bedroom, resulting in a complete loss of personal privacy.

Secondly, the proposed site entrance (even though apparently redesigned from the last application by the applicants) is still onto a very narrow and at peak times very busy side road that is used as a "rat run" by most of the villagers, it is literally a few yards from the blind brow of a hill to the south and an equally blind corner to the north, the siting of this dwelling here would still only add to an already dangerous section of road.

Thirdly, many of the residents of The Row chose to live here because of its quiet location, the building of this dwelling would only detract from that, not only during the process of construction, but also after with even more everyday living noises and light pollution that increased population of a small area brings with it, undoubtedly the new owners of the proposed dwelling will be car owners themselves all adding to the number of vehicles using what would be a very dangerous access to the road."

- 5.3 Letter of objection received from Mrs. J.R. Lucas, Salerno, The Row, Wellington on the following grounds:-

"Firstly on the grounds of increased traffic on the narrow road that cannot cope with the volume of daily traffic that already uses it.

Secondly although there is a 30 mph limit on this road it is seldom adhered to, and the siting of an entrance point to this dwelling just over the blind brow of the hill would be a complete folly. Thirdly the dwelling would be quite literally a few yards from my front door, and at my age and condition the noise and dust from its construction would cause me great distress. I have been a resident of The Row for over fifty years and I have chosen to live here because of its peacefulness, but also because it is a close knit community, the building of this dwelling would drive a wedge into our community, not only during its construction, but also after with even more every day hustle and bustle, not to mention the increase daily noises and night time light pollution that we have already seen happen elsewhere in Wellington, also the new owners will almost certainly have at least one car themselves, may be more, all wanting to use the already over used road, and all trying to get in and out of a very dangerous access point."

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 previous application ref. No. DCCW2006/2733/F was refused on the following grounds:-

- “1. The proposal would necessitate the removal of a large section of hedgerow along this sunken lane which in itself would have a detrimental visual impact on its character and appearance. Furthermore the opening up of the site to form the access, by reason of its prominent and elevated nature, coupled with the size and scale of the proposed dwelling would detract from the attractive open and rural character of the site and surroundings. The proposal would therefore be contrary to Policies DR1, H4 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).
 2. The proposal, in the absence of the removal of the roadside hedgerow would fail to provide a safe and adequate means of access to the site and would therefore be contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).”
- 6.2 Having regard to the nature of the proposal, relevant development plan policies, representations received and other material considerations, it is considered that the key issues for consideration are as follows:-
1. The Principle of Development
 2. Siting, Design and Visual Amenity
 3. Residential Amenity
 4. Highway Safety

The Principle of Development

- 6.3 The site lies within the defined Main Village settlement boundary for Wellington as defined in the Herefordshire Unitary Development Plan 2007.
- 6.4 Policy H4 of the Herefordshire Unitary Development Plan 2007 states that the provision of housing in the main villages will be restricted to sites within the identified settlement. Residential development will be permitted on both allocated and windfall sites within these boundaries where proposals are in accordance with the housing design and other policies of the Plan.
- 6.5 In the above-mentioned development plan policy context, it is considered that there is a clear presumption in favour of residential development on the application site.

Siting, Design and Visual Amenity

- 6.6 The siting some 10.00 metres back from the highway boundary gives a transitional building line midway between Jabrin to the north and Salerno to the south. Spacing in relation to those neighbouring dwellings is not too tight so the proposed house would sit comfortably within the roadside scene.
- 6.7 The position of the proposed dwelling has also been offset in relation to the main face of Gelerts Brow, the bungalow facing the southern end of the application site. A cross section on the submitted drawings indicates the relative building levels at this point and a distance of some 18.00 metres between the southwest corner of the proposed house and the northeast corner of Gelerts Brow.
- 6.8 Taking account of the building to building spacing, their relative levels and topography of the area, it is considered that the design character of the proposed dwelling respects

the diverse scale and character of neighbouring dwellings in the rural context of the locality.

- 6.9 With regard to the visual implications of the proposed access, the position now proposed, close to Jabrin will result in less disruption to the existing boundary hedge and less ground works compared to that previously proposed. Moreover the position of the access will be further away from Gelberts Brow and the rising length of hedgerow opposite. It will now appear more appropriately related to Jabrin itself. In the circumstances it is considered that the proposal overcomes the previous grounds of refusal and will not detract from the open rural character of the site and its surroundings.

Residential Amenity

- 6.10 The front main wall of Gelerts Brow contains windows to a kitchen, living room, bathroom and bedroom. The occupiers have expressed fresh concerns about overlooking and loss of privacy from the proposed house. Taking account of the building-to-building relationship referred to earlier, it is considered that the proposal would not produce an unacceptable risk of overlooking or loss of privacy. With regard to the concerns about everyday living noises and light pollution, it is not considered these will be of a level that would cause undue harm to residential amenity. However it would be reasonable to include an appropriate condition relating to the restriction of hours during construction in order to protect the amenity of local residents.
- 6.11 Salerno the neighbouring detached dwelling is positioned gable end on to the south side of the application site rearwards of the proposed dwelling. It has three windows in the gable end to a landing, bedroom and attic. The south facing gable end of the proposed dwelling would have two living room windows at ground floor level and an ensuite bathroom window and secondary bedroom window at first floor level. The oblique gable-to-gable distance would be some 19.00 metres. It is not considered that the proposal would result in an unacceptable risk of overlooking or loss of privacy. Other amenity issues raised by the neighbouring occupier have been previously addressed.
- 6.12 The rear of the proposed dwelling would be fairly close to the rear boundary to an extended orchard area, however it is not considered that there would be any negative amenity consequences.
- 6.13 In relation to Jabrin itself, it is also considered that the siting would be acceptable.

Highway Safety

- 6.14 Along the frontage of the application site, the width of the adjacent carriageway is narrow. The position of the proposed access has now been moved away from the brow of the rising land to the south. It is now proposed in a position close to the side of Jabrin which fronts the edge of the carriageway. However the alignment of the road curves away immediately to the north of the access point and would allow for an acceptable degree of visibility in that direction. Moreover being further away from the brow to the south, it would improve visibility in that direction.
- 6.15 The Traffic Manager has no objection subject to conditions regulating visibility splay provision, driveway gradient, vehicular access construction, access gates set back and implementation of turning area and parking.

- 6.16 Notwithstanding the narrowness of the lane, given that the access is considered acceptable from a highway safety point of view, the additional traffic likely to be generated by one house is not considered to represent an unacceptable safety hazard.

Conclusions

- 6.17 The comments of the Parish Council and the concerns of the objectors have been taken into account but in the light of this appraisal, it is considered this proposal is acceptable in accordance with development plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. No development shall take place until a scheme of replacement hedge planting for the length of realigned hedge along part of the front boundary of the site, has been submitted to and approved by the local planning authority. All hedgerow planting in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development whichever is the sooner.**

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

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

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

- 5. Foul water and surface water discharges must be drained separately from the site.**

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

- 6. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the local planning authority.**

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. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**

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

- 8. Before any other works hereby approved are commenced, visibility splays shall be provided and thereafter be maintained from a point at the centre of the access to the application site and 2.00 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly for a distance of 43.00 metres to a point at the centreline of the road (north) and for a distance of 33.00 metres to a point at the centreline of the road (south). 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.

- 9. Before any works are commenced in connection with the formation of the visibility splays required pursuant to condition 8 above, details of the engineering works including earth moving, finished ground levels, construction materials and surface treatment for the formation of the visibility splays shall be submitted to and approved by the local planning authority.**

Reason: In the interests of highway safety.

- 10. H05 (Access gates) (5 metres).**

Reason: In the interests of highway safety.

- 11. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 12. H09 (Driveway gradient).**

Reason: In the interests of highway safety.

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

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

Informatives:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.**
- 2. HN01 - Mud on highway.**
- 3. HN04 - Private apparatus within highway.**
- 4. HN05 - Works within the highway.**
- 5. HN10 - No drainage to discharge to highway.**

- 6. N03 - Adjoining property rights.
- 7. N19 - Avoidance of doubt.
- 8. N15 - Reason(s) for the Grant of PP/LBC/CAC.

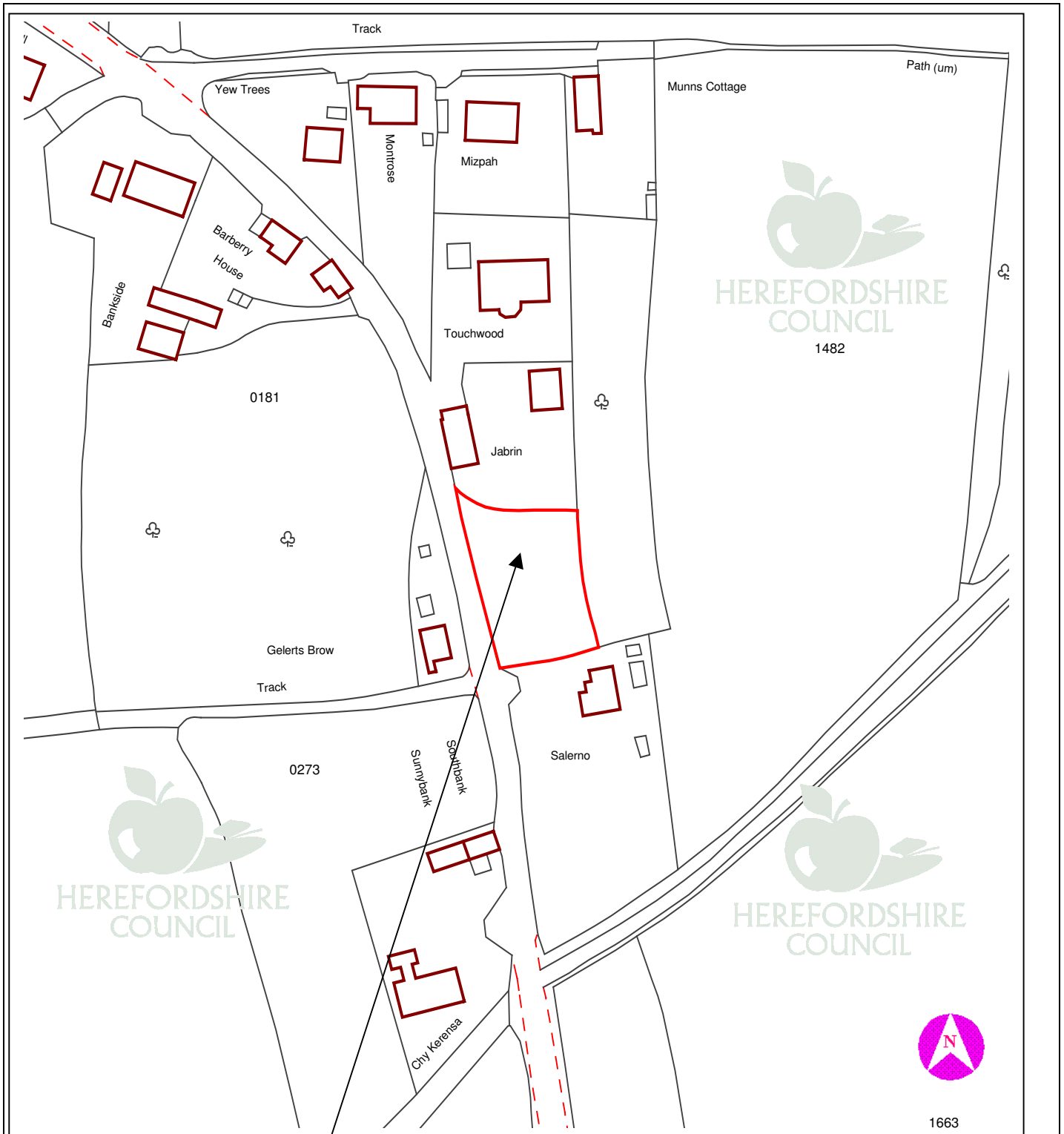
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2317/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Jabrin House, The Row, Wellington, Hereford, Herefordshire, HR4 8AP

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11 DCCW2007/2490/F - ERECT REAR EXTENSION AND PORCHES AND CONVERT EXISTING BUILDING TO 2 NO. DWELLINGS AT TALBOTS FARM, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3BB

For: Mr. J. Stanley per G.C. Smith Build Plans Inc., 3 Summer Hollow, Broadmore Green, Rushwick, Worcester, WR2 5TE

Date Received: 6th August, 2007 Ward: Sutton Walls Grid Ref: 53477, 45164

Expiry Date: 1st October, 2007

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 Talbots Farm is a large two storey farm house located within the Sutton St. Nicholas village settlement and Conservation Area.
- 1.2 It is sited on an elevated terrace, side on to a narrow rural lane. Skirting the northern boundary is a short private drive serving two modern detached dwellings to the north east of the site and access to a field at the rear. To the south is a range of dilapidated timber farm buildings also within the applicant's ownership. On the opposite side of the lane is open countryside. Other residential properties are located to the east and west along the north side of the lane.
- 1.3 It is proposed to vertically subdivide the farm house to provide two dwellings utilising the ground floor, first floor and attic. The scheme includes the erection of two extensions, external alterations, the formation of a vehicular access and the provision of on site parking and turning space.
- 1.4 A two storey gable ended extension would project 3.00 metres from the middle of the rear (north west) elevation. Its width would be 5.16 metres with eaves and ridge heights of 5.20 metres and 7.50 metres respectively. This means that the eaves would be below the existing eaves level and the ridge roof would link into the lower part of the existing roof slope. Facing materials for the walls would be stone at ground floor level render at first floor level. Roof materials are not specified.
- 1.5 The other extension would be lean-to projecting 3.82 metres from the north east side wall for a width of 4.30 metres. The lean-to roof would slope up to the existing eaves level to give sufficient volume for a first floor bathroom over a ground floor kitchen. Facing materials would be the same as before.
- 1.6 Other external alterations include minor fenestration works and a series of additional conservation roof lights.
- 1.7 The new vehicular access is proposed off the adjacent private drive. It would serve four parking spaces and driveway/turning space.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H14	-	Reusing Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy H18	-	Alterations and Extensions
Policy NC1	-	Biodiversity and Development
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy HBA6	-	New Development Within Conservation Areas

3. Planning History

- 3.1 DCCW2007/1428/F Erect rear extension and porches and convert existing building to 2 no. dwellings. Withdrawn 25th June, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No comment.

Internal Council Advice

- 4.2 Traffic Manager: No objections subject to a condition requiring construction details of access, turning area and parking and subsequent implementation.
- 4.3 Conservation Manager (Conservation Areas): Recommends approval subject to use of appropriate materials, details of landscaping and boundary treatments.
- 4.4 Conservation Manager (Ecology): Requests ecological report (Bat survey).

5. Representations

- 5.1 Sutton St. Nicholas Parish Council: "Supports the application, as it is felt it will return a derelict site to residential use and enhance the appearance of the area."
- 5.2 Two letters of objection have been received from Mr. & Mrs. M.D. Jones, Long View, Sutton St. Nicholas and Paul Smyth, New Century house, Plot 1 rear of Talbots Farm, Sutton St. Nicholas.

The following is an extract from the first letter:-

"We are extremely concerned about the safety of the proposed access, which is situated on the plans as off the adjacent private road.

This is a very narrow driveway currently leading to two properties, (one of which is ours) and traffic at present can be observed clearly ahead on approach. The proposed access means that vehicles will be exiting on a blind corner which will severely compromise safety of any approaching vehicles or pedestrians due to lack of visibility.

In addition this is of particular concern as we have two young children who would be put at risk either travelling in a vehicle or more seriously on foot.

The site map drawing is misleading as it implies that the driveway is wide enough for two cars to pass each other. It is just wide enough for one car and also very steep so a certain amount of acceleration is required to ascend.

We feel a report and site meeting from a traffic safety officer would be imperative before the proposed access is considered.

We also object to the access as it will be detrimental to our outlook and privacy and feel it would not be in keeping with the surrounding area.

We fail to see any reason why the original plans for access directly off "The Rhea" lane were withdrawn, as this would be a much safer and more in keeping solution. Or an alternative option would be to use the existing courtyard situated SE of the property which could provide ideal access and car parking."

5.3 The following is an extract from the second letter:-

"We feel that this particular proposal to substantially increase traffic passing over this small single track private access driveway from currently 4 cars to more than 8 is a very unreasonable and a very unsafe request. For a number of reasons as follow we object to this:

1. Impossibility for 2 cars to pass each other within a single car width driveway.
2. The subsequent additional weight/wear and damage to be incurred to the tarmac surface which are currently solely financially responsible for the upkeep of.
3. The impracticality and restricted turning ability at that crucial turning point of our driveway.
4. The accuracy of the design statement that the farm (rear aspect NW) currently backs onto open farmland when in actual fact the farm side is adjacent to a field but fronts and backs onto several other homes, one of which is ours!
5. The property is a character house within a Conservation Area and its proposed new appearance will detract from its original charm.
6. The knock on possible effect of undoubted additional visitor cars parking within the small access drive will completely disable our turning area currently used for exiting our private driveways.
7. For these reasons we would object to this request and prefer the entry point to be off the main lane (The Rhea).

8. The trees lining the drive would also be interfered with and be detrimental to the visual aspect with dramatically increased noise levels if they were removed.
 9. We fail to understand how the design and access statement regarding the height at eaves and ridge can be correct as it is proposed to increase the property to 3 floors from its existing 2?
 10. The design element are contrary to existing surroundings.
 11. The property was lived in until last year and NOT DERELICT FOR A NUMBER OF YEARS AS STATED!
 12. The property fronts onto 2 barns NOT FARMYARD and an ideal solution to car parking carports. It isn't a street and creating a more populated property so close will detract from our surroundings."
- 5.4 A letter in support of the application has been received form Ian Nicholas, The Farthings, Millway, Sutton St. Nicholas.

The following is an extract from the letter:-

"I write in support of the application. I can see Talbot's Farm from my house and have watched it deteriorate over time. It is a sizable building, with a consequent impact on the neighbourhood. Given sympathetic treatment the building could look well. however, this would be spoilt by the Leylandii trees at the side of Talbot's's Farm.

As the building has become ever more dilapidated the Leylandii have grown and grown. They are now very tall indeed and quite unsightly. Would it be possible to make their removal a condition of planning consent?"

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 With its gable end to the road and elevated position, the farmhouse is prominent in the Conservation Area. The long hipped roof punctuated with tall chimneys, elements of timber framing and sandstone construction are particularly eye catching and give the building a distinctive presence. It is unlisted but probably of 17th century origin with considerable alterations down the years. The fabric of the building clearly exhibits much deterioration. However it has the potential for regeneration and consequent enhancement benefit for the Conservation Area.
- 6.2 In principle the proposed sub division of the building into two dwellings is compatible with the character of the building and its location within the village settlement boundary.
- 6.3 Both of the proposed extensions are in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting, detailed design and materials. They will appear appropriately subservient to the scale and mass of the building and will allow the retention of the strong profile of the roof and chimneys.

- 6.4 The proposed conservation style roof lights have been aligned close to the eaves level of the roof and would not appear unduly intrusive. Other minor alterations will also appear sympathetic.
- 6.5 Subject to the approval of facing materials, it is considered that the extensions and alterations will be sympathetic to the character of the building and will help to enhance the contribution it makes to the character of the Conservation Area.
- 6.6 The two dwellings served by the adjacent private drive are sited in line having a similar orientation to the farmhouse and as such do not directly overlook its curtilage. The closest is separated from the northeast boundary of the application site by a small turning head which also provides an access to a field at the rear.
- 6.7 The proposed access is positioned towards the head of the private drive across from the access spur to the two neighbouring houses. The distance from the junction of the private drive with the carriageway of the lane is only approximately 50.00 metres. On site car parking for four cars and turning space is proposed.
- 6.8 The main grounds of objection expressed by the residents relate to highway and public safety concerns regarding the position of the proposed access, increased traffic movements and risk of on street parking in the narrow driveway. In addition there are concerns about the loss of leylandii trees in the formation of the access and wear and tear to the driveway surface.
- 6.9 The Traffic Manager has visited the site and raises no objection subject to a condition requiring the approval and subsequent implementation of design details for the access, turning area and parking area.
- 6.10 It is considered that the level of traffic movements likely to be generated by the two proposed dwellings will not prejudice the safe use of the private drive by the residents of the two existing dwellings and their visitors. The short length of the driveway will inevitably mean that traffic speeds will be low. The position of the access will mean that traffic visiting the proposed dwellings will not pass directly in front of the existing houses. Although the access is positioned on the inside of a short curve to the turning head, it is not considered that visibility and turning movements will be unduly impaired. Users of the proposed access will have the facility to turn within the site. It is not uncommon for private drives to serve up to five dwellings in estate layouts and parking within the site satisfies parking standards such that there should be no risk of on-street parking.
- 6.11 In the previously withdrawn scheme the access was proposed directly off the lane. In this position it would have to penetrate the stone faced embankment. The difference in levels would involve significant ground works adversely affecting the setting of the farmhouse to the detriment of the Conservation Area.
- 6.12 In the circumstances it is considered that the proposed access arrangements are acceptable.
- 6.13 In the interests of visual amenity and the character of the Conservation Area, it is considered that a landscaping scheme and details of boundary treatment should be the subject of a planning condition.

- 6.14 As far as the representations relating to the boundary leylandii trees are concerned, the trees are not considered to be of significant amenity value. However it would be unreasonable to require their removal as part of this application. They may however be a consideration in the detailed design of the access and preparation of landscaping details.
- 6.15 Having regard to the disposition of neighbouring dwellings, it is considered that the proposed conversion scheme will not result in undue risk to the amenity of the occupiers of those properties.
- 6.16 A bat survey has been commissioned by the applicant and is in progress. It is understood that a report will be available prior to the Planning Sub-Committee. The Conservation Manager's comments and any planning implications will be reported orally.

Conclusion

- 6.17 Having regard to the previously mentioned policy considerations and the representations received, it is considered that the application is acceptable.

RECOMMENDATION

Subject to no further objection from the Council's Ecologist 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. **B07 (Stonework laid on natural bed).**

Reason: In the interests of conserving the character of the building.

4. **C10 (Details of rooflights).**

Reason: In the interests of safeguarding the character and appearance of this building and the character of the Conservation Area.

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

Reason: In order to safeguard the character and appearance of the building and the character of the Conservation Area.

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

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

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

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

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

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

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

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

Informatives:

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

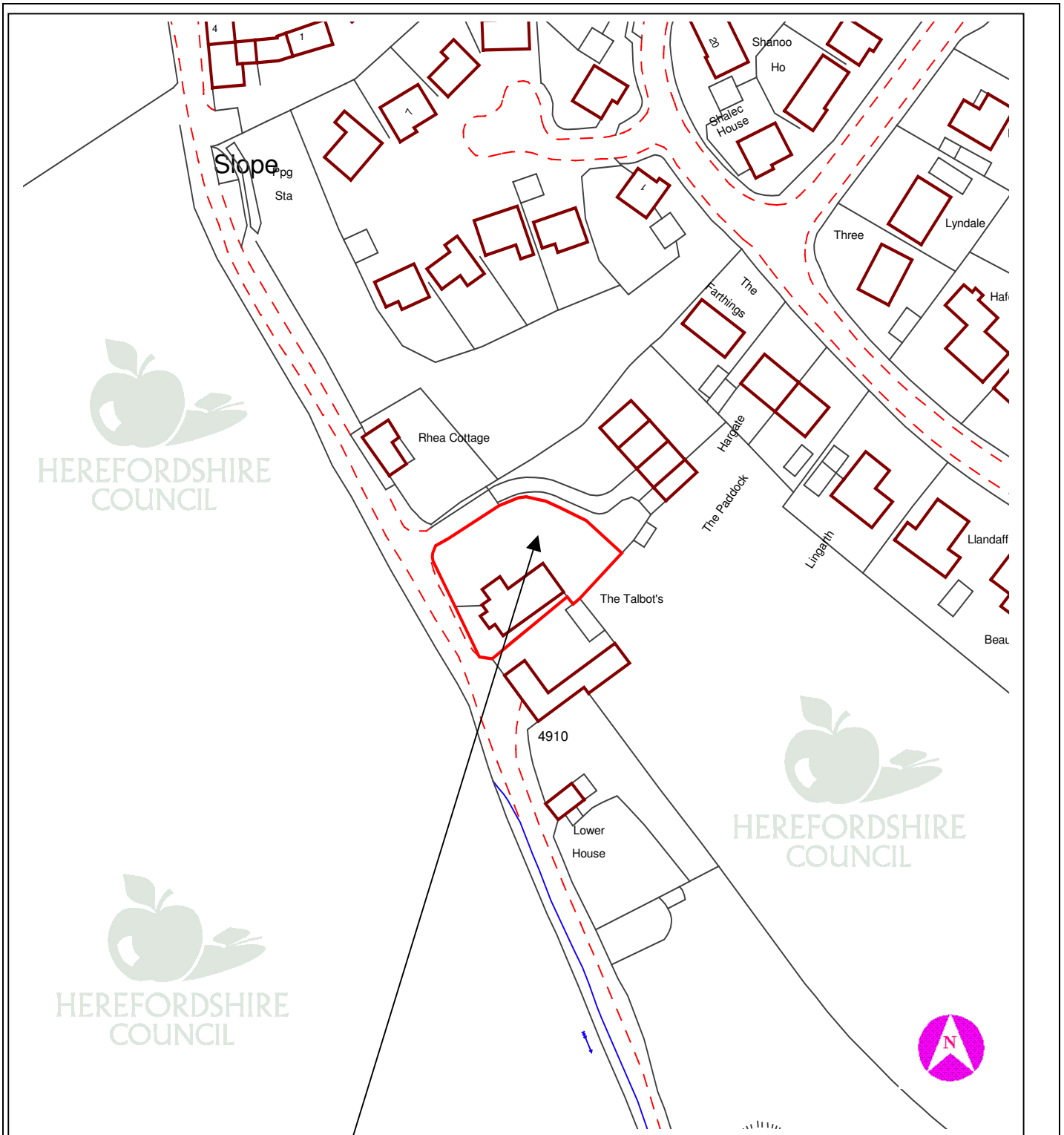
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2490/F

SCALE : 1 : 1250

SITE ADDRESS : Talbots Farm, Sutton St. Nicholas, Hereford, Herefordshire, HR1 3BB

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12 DCCE2007/1895/F - FORMATION OF CAR PARKING AREA AND AREA FOR THE PARKING OF HGVs INCLUDING CHANGE OF USE AT WHITESTONE BUSINESS PARK, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE

For: P.H. & H.H. Collins Properties per Collins Engineering Limited, Unit 5 Westwood Industrial Estate, Pontrilas, Hereford, HR2 0EL

Date Received: 15th June, 2007

Ward: Hagley

Grid Ref: 56595, 42325

Expiry Date: 10th August, 2007

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 The site extends to 0.225 ha and is found to the immediate south of the Whitestone Business Park. Currently disused, the site has a history of open-air storage use, including several applications in the 1990s relating to pallet storage. It is proposed to use the site for two purposes, namely the parking of vehicles associated with the adjoining businesses on the park and the stationing of lorries.
- 1.2 The site is located within open countryside for planning policy purposes and is bound to the north and south by the business park and the railway line respectively. Land to the east forms part of the access and approach to the handful of dwellings found in this direction. A separate yard is fenced off to the west, beyond which is Station House and the C1130 road (Bartestree to Withington road).
- 1.3 Access to the site is via an existing splayed opening, which serves the dwellings referred to above and the businesses at the southern end of the business park.
- 1.4 A total of 21 parking spaces are proposed around the north and east of the application site. This parking, if approved, would negate the need for business vehicles to park directly in front of their respective units and thus clear the access for the occupants of the dwellings beyond. The remainder of the site would be dedicated to lorry parking and turning.
- 1.5 It has been established during the application process that the lorry park is intended purely as a stationing point for 3 vehicles overnight and would not result in storage of materials or any transfer of goods.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

DR2	-	Land use and activity
DR3	-	Movement
E11	-	Employment in the smaller settlements and open countryside

T9	-	Road freight
T11	-	Parking provision
LA6	-	Landscaping schemes

3. Planning History

- 3.1 SH93/0021/PF - Open storage and repair of wooden pallets. Temporary permission 24th February, 1993.
- 3.2 SH95/0811PF - Renewal of SH93/0021PF for open storage and repair of wooden pallets. Temporary permission 20th September, 1995.
- 3.3 SC98/0589PF - Use of land for open storage and repair of wooden pallets (renewal of planning permission SH95/0811PF). Refused 18th November, 1998 owing to open countryside location, visual amenity and impact upon neighbouring properties. Enforcement Notice appeal against cessation of the use dismissed 24th May, 2000.
- 3.4 CE2005/1453/O - Re-opening of Withington Station, provision of parking, a new platform and office facilities. Refused. Appeal dismissed 15th May, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Network Rail: No objection, but point to a number of development requirements aimed at preserving the integrity of the rail line. This includes the position and type of boundary treatment, landscaping, external lighting and drainage.

These observations can be accommodated in any necessary conditions.

Internal Council Advice

- 4.2 Traffic Manager: "The car parking is a formalisation of parking for the offices and that traffic already exist on the access. Therefore the only additional traffic would be the lorries leaving in the morning and returning in the evening.

The access will be via the existing industrial estate part of the wide entrance, not the track by Station House. The point of emergence is therefore in the northern half of the access, with better visibility. I have received accident data for the area surrounding the access and these show only 1 accident in the last 5 years (2006), but this was not related to the access and involved a learner driver losing control on the railway bridge.

The speed limit has recently been reduced to 40mph on the C1130 from Bartestree to Whitestone. Although the access has below standard visibility, the access has for the last five years operated without any injury accidents. The amount of intensification is small and I therefore have no objection to the application".

- 4.3 Environmental Health Manager: No objection, although a condition is recommended to restrict the movement of HGV's between the hours of 10pm and 5am.

5. Representations

- 5.1 Withington Parish Council: Objection due to the unsatisfactory and inadequate access from the C1130 and the fact that the site falls outside Whitestone Business Park in open countryside. Concern is also expressed at the potential conflict of additional traffic with existing users.
- 5.2 Bartestree Parish Council: No objection.
- 5.3 Two letters of objection have been received from the residents of Station House and Mayfield House. The content is summarised as follows:
- The access route is not suited to lorries;
 - The visibility upon egress from the site is not adequate - particularly for lorries;
 - There is the potential for conflict between vehicles and children playing;
 - The lorry manoeuvres would create noise, dust and oil pollution.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issues in the determination of this application are as follows:
- The principle of development having regard to the open countryside location;
 - The adequacy of the vehicular access;
 - The impact of the development upon the amenity of adjoining residential properties.
- 6.2 The site is in open countryside as defined by Inset Map 46 "Withington" of the Unitary Development Plan. However, the proposed car-parking element of the scheme relates to existing businesses at Whitestone and is thus considered an appropriate use of land that would otherwise lie vacant.
- 6.3 The site is not prominent within the landscape being some distance from the road and bound to the north by the business park and the south by the railway. The former pallet storage use of the site was eventually curtailed owing to the open countryside designation and the adverse landscape impact. However, it is considered that with judicious landscaping, the parking of lorries would be less invasive than 15m high stacks of pallets. The Environmental Health Manager recommends a condition that movements are restricted and this would further reduce the impact upon neighbouring amenity.
- 6.4 The standard of the vehicular access has come under scrutiny. However, it is true to say that the only intensification would arise from the morning and evening movements of the lorries. The Traffic Manager has advised that there is a no record of accidents directly attributable to the use of this access within the last 5 years and records no objection accordingly.
- 6.5 Reference is made to the potential conflict between domestic and lorry vehicles, although it should be made clear that the route would only be shared for a limited distance. The scheme also has the benefit of removing existing parking from directly outside the southernmost business units, which would ease the passage of existing residents.

6.6 In conclusion, whilst the comments of the Parish Council and local residents are noted, the application is considered to promote a suitable use of this land.

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. G01 (Details of boundary treatments).

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

3. G04 (Landscaping scheme (general)).

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

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

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

5. 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.

6. E10 (Use restricted to that specified in application).

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard residential amenity.

7. There shall be no vehicular movements to or from the area demarked on the approved plans as turning area and lorry park between the hours of 2200 hours and 0500 hours on any day.

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

8. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

Informatives:

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

2. N19 - Avoidance of doubt.

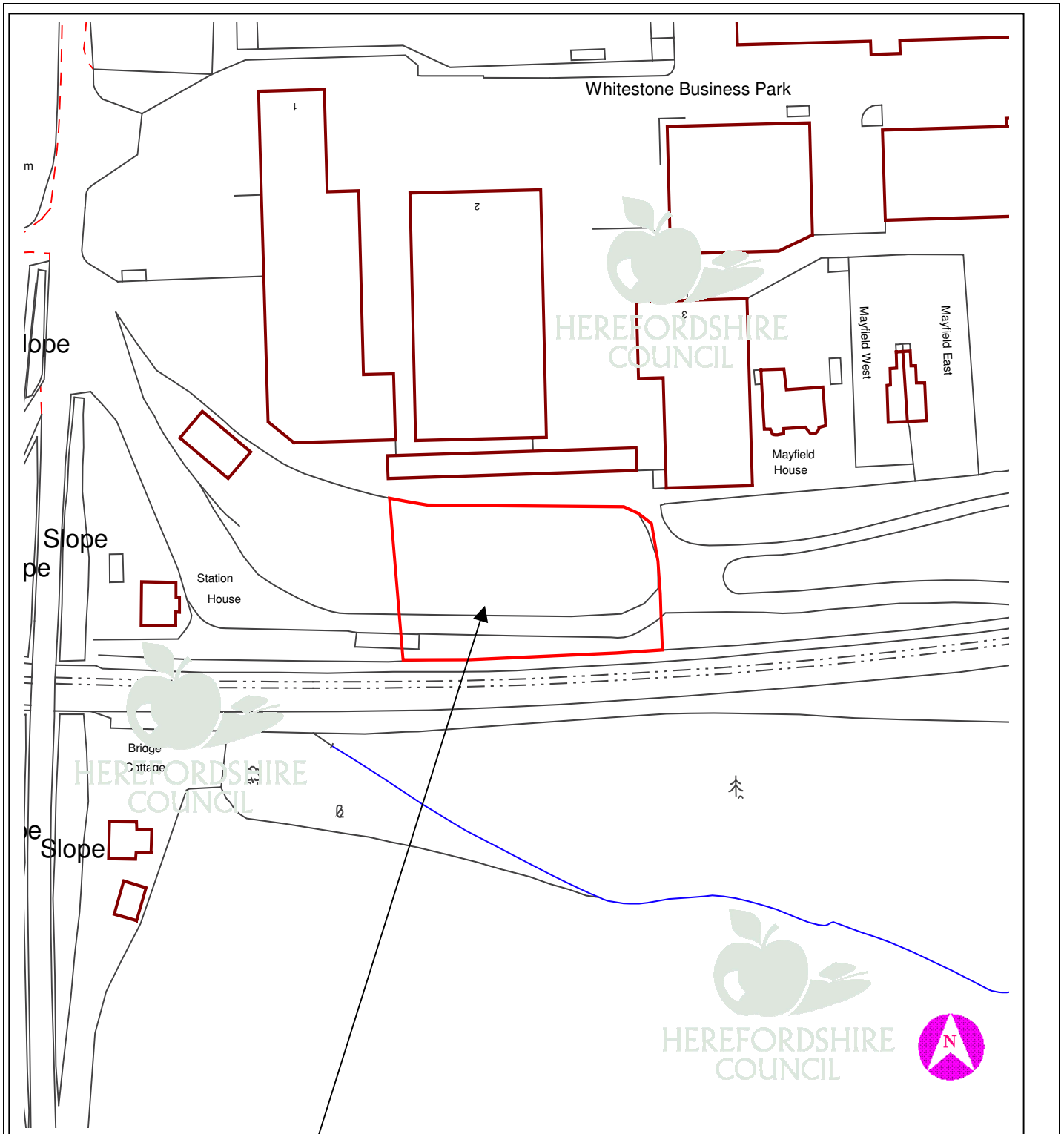
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1895/F

SCALE : 1 : 1250

SITE ADDRESS : Whitestone Business Park, Whitestone, Hereford, Herefordshire, HR1 3SE

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13 DCCE2007/2515/F - PROPOSED CONVERSION OF ONE DWELLING INTO THREE DWELLINGS AT 68 HINTON ROAD, HEREFORD, HEREFORDSHIRE, HR2 6BN

For: Mr. M. Booth per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, HR1 2JW

Date Received: 7th August, 2007

Ward: St. Martins & Hinton

Grid Ref: 51269, 38851

Expiry Date: 2nd October, 2007

Local Members: Councillors WU Attfield, ACR Chappell and AT Oliver

1. Site Description and Proposal

- 1.1 The site is a single detached dwelling and garden located on the southern side of Hinton Road, in an established residential area. The dwelling is set close to the road, with a large private garden found to the rear. It is proposed to subdivide the existing dwelling to form 3 independent dwellings each with garden and parking within the existing curtilage. The dwellings at either end would be modest, single bedroom properties; the central dwelling would be a 3 bedroom property with larger garden.
- 1.2 There are vehicular accesses at either end of the dwelling and these would be adapted to provide the western dwelling with its own access, turning and parking area and the remaining two dwellings would share the access, turning and parking area at the opposite end of the dwelling.

2. Policies

2.1 Planning Policy Guidance:

PPS3 - Housing
PPG13 - Transport

2.2 Herefordshire Unitary Development Plan 2007:

S1 - Sustainable development
DR1 - Design
DR2 - Land use and activity
H16 - Car parking
H17 - Sub-division of existing housing

3. Planning History

- 3.1 None recorded.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Recommend standard conditions concerning the separate discharge of foul and surface water drainage.

Internal Council Advice

- 4.2 Traffic Manager: The proposal involves little intensification over the existing property and has exiting accesses with acceptable parking provision. Secure cycle storage should be included.
- 4.3 Building Control Manager: Provided that the windows to the bedrooms and lounges in the two 1-bed dwellings are fire escape compliant, the internal layout is acceptable.

5. Representations

- 5.1 Hereford City Council: No objections.
- 5.2 A petition signed by a total of 6 signatories has been received. The signatories object to the proposal on the basis that there is insufficient parking within the site and the implication is that overflow parking will park on adjoining roads causing inconvenience for local residents.
- 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 application proposes the subdivision of an existing dwelling within an established residential area of the city. Subject to the provision of satisfactory internal and external spaces and car parking and there being no adverse impact upon the character of the dwelling or the immediate area, policy H17 of the Development Plan supports the principle of such proposals.
- 6.2 In this case the development would result in the creation of 3 independent dwellings, each with dedicated parking and usable private amenity space. The Traffic Manager is satisfied that a total of 5 parking spaces within the curtilage is satisfactory in this context and this would comply with the parking standards required by Policy H16 of the Herefordshire Unitary Development Plan 2007. Secure cycle parking will be required by condition.
- 6.3 The subdivision of the internal and external living areas would result in a satisfactory standard of living accommodation and would constitute an efficient use of both the building and site as a whole. This approach accords with the broad thrust of government guidance and local planning policy, where more intensive use of sustainable sites is supported subject to there being no obvious detriment to existing living conditions.
- 6.4 The development is not considered to harm the character of the dwelling nor its immediate surrounds and accords with the requirements of Development Plan policy.

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

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

3. **H09 (Driveway gradient).**

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

Reason: In order to preserve levels of residential amenity and control the external appearance of the development.

Informatives:

1. **HN05 - Works within the highway.**

2. **HN10 - No drainage to discharge to highway.**

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

4. **N19 - Avoidance of doubt.**

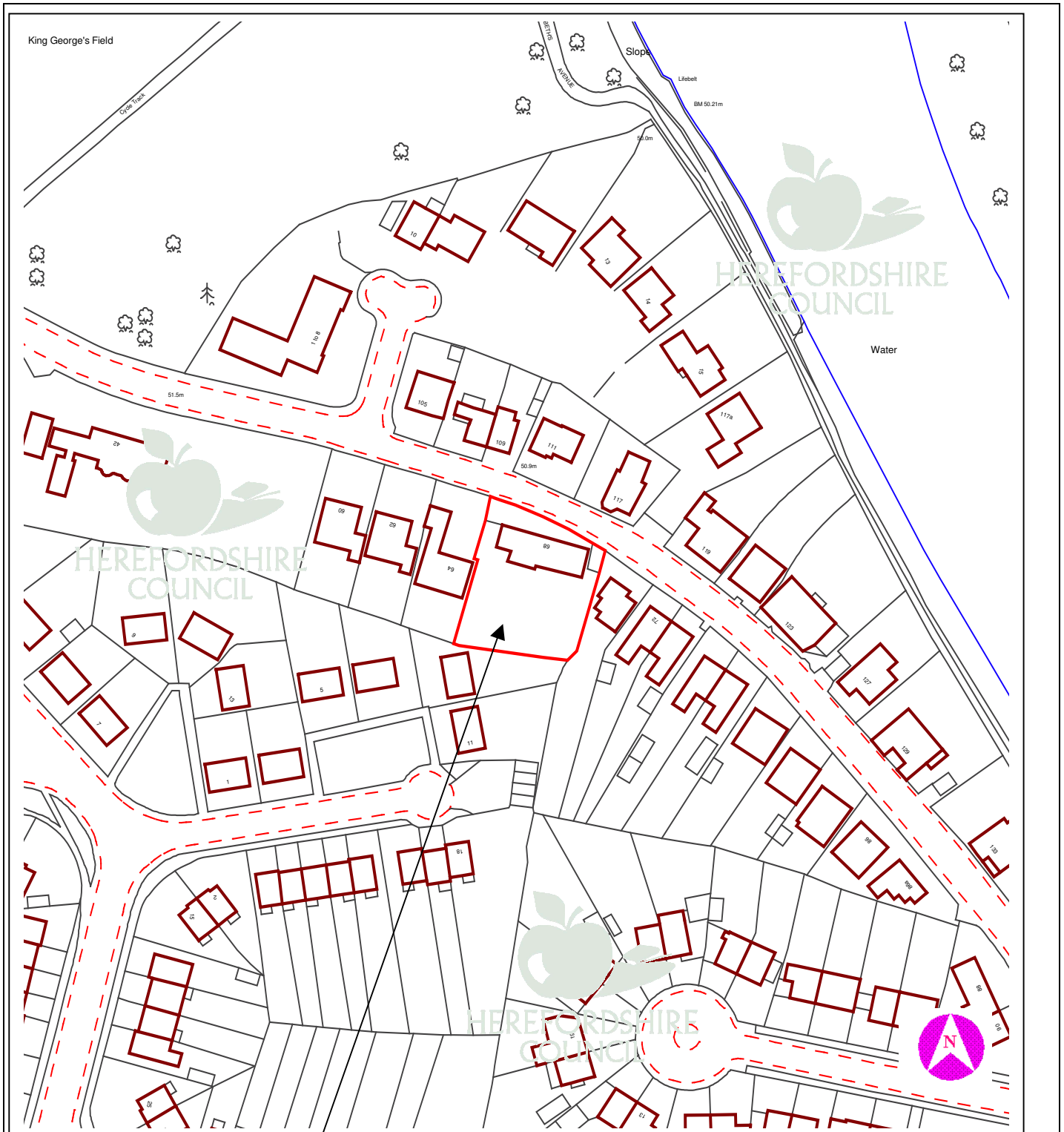
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/2515/F

SCALE : 1 : 1286

SITE ADDRESS : 68 Hinton Road, Hereford, Herefordshire, HR2 6BN

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14 DCCE2007/2558/O - ERECTION OF TWO NEW BUNGALOWS AT REAR OF 97 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA

For: Mr. B.R. Hemming, 97 Old Eign Hill, Hereford, HR1 1UA

Date Received: 10th August, 2007 Ward: Tupsley Grid Ref: 52909, 39524

Expiry Date: 5th October, 2007

Local Members: Councillors MD Lloyd-Hayes, AP Taylor and WJ Walling

1. Site Description and Proposal

- 1.1 The site is found to the rear of No.97 Old Eign Hill, part of a terrace of commercial premises at ground floor with flats over. The proposal is to erect what are described as 2 single bedroom semi-detached bungalows at the northeastern corner of the site with associated parking against the eastern boundary. The application is made in outline with all matters reserved and follows the withdrawal of an application for 3 dwellings (ref: DCCE2007/1695/O).
- 1.2 The applicant owns the site in its entirety and public access is restricted with the exception of the right of access to the rear of the premises for deliveries enjoyed by the Post Office and General Stores. Existing buildings on site comprise a range of tin clad garages located against the northern boundary, a Victorian stable building (not part of the development) and a part brick/tin store against the common boundary with No. 136 Hampton Dene Road. This would require demolition to allow for the parking as proposed.
- 1.3 The surrounding area is defined as an established residential area and the site is bound to the north and west by private gardens.
- 1.4 The previous application for 3 dwellings was withdrawn upon officer advice. This was on the basis that the scheme did not make any provision for private amenity space for prospective inhabitants and could not be amended to take account of this concern without compromising privacy distances. The reduced number reduces the footprint of the building and thus affords amenity space to the side and to a limited extent the rear of each dwelling.
- 1.5 The application is made in outline form and the precise detail in terms of the scale, layout, appearance and landscaping is as yet undetermined. Applicants are, however, required to give an indication of the scale and amount of development. In this context, this equates to a building measuring 6m x 14m in plan form. The illustrative plans show the building to measure 5.4m in height to the ridge with provision made for single forward facing dormers in the roof.

2. Policies

- 2.1 Planning Policy Guidance:

- PPS3 - Housing
PPG13 - Transport

2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable development
S2 - Development requirements
DR2 - Land use and activity
DR3 - Movement
H1 - Hereford and the market towns: settlement boundaries and established residential areas
H13 - Sustainable residential development
H16 - Car parking

3. Planning History

- 3.1 DCCE2007/1695/O - Erection of 3 new bungalows at the rear of 97 Old Eign Hill, Hereford. Withdrawn 25th July, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions requiring the separate discharge of foul and surface water drainage from the site and that run-off shall not discharge into the public sewerage system.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions relating to the construction and drainage of the parking area and the formation of a 2m x 2m visibility splay to the right upon egress from the site. At present there is a conifer hedge, in the control of the applicant, which overhangs the pavement and obstructs views in this direction.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Two letters of objection have been received from local residents at Nos. 130 and 142 Hampton Dene Road. The letters can be summarised as follows:
- Concern at the potential introduction, at a later date, of elevated rearward facing windows and resultant loss of privacy to habitable rooms, including a master bedroom;
 - Concern that the erection of bungalows at this point will result in deliveries to the Post Office occurring at the front of the property, adding to the existing traffic problems in the area.
- 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 issues in the determination of this application are as follows:

- The principle of development at this location;
- The impact of development upon the amenity of adjoining dwellings;
- Highways issues. Including parking provision, visibility splays and maintenance of deliveries to the rear of the Post Office and Stores.

6.2 The locality is defined as an established residential area and although “backland” in that the bungalows would not be street fronting, the site should also be recognised as previously developed (brownfield) land in a sustainable location. Government Guidance promotes the efficient use of vacant or derelict previously developed sites within the built up area, to assist in meeting nationally prescribed targets for re-use of such land. It is therefore considered that the principle of such proposals is acceptable, although material planning considerations will dictate in some circumstances that certain sites are not suitable.

6.3 The current application is made following the withdrawal of application DCCE2007/1695/O, which sought permission for the erection of a terrace of 3 bungalows upon the site. This was withdrawn upon advice from officers owing to the complete lack of usable private amenity space associated with the development. Subsequently the number of properties has been reduced to 2 and the resultant available land has been identified as garden space for each dwelling. Despite the fact that one-bedroom properties are proposed, the site offers the scope for the inclusion of private, usable gardens - considered beneficial where practicable.

6.4 The site is surrounded primarily by residential development and careful consideration needs to be given to the impact of development upon neighbouring properties. The location of the development is such that adequate window-to-window distances would be maintained from both front and rear windows. In response to the concern of one of the neighbours a condition could be imposed to prevent the future introduction of rearward facing roof lights or dormer windows. The introduction of appropriate boundary treatments would maintain the privacy of respective curtilages. The development is considered to maintain the existing levels of residential amenity.

6.5 The scheme makes provision for parking associated with the dwellings within the site itself. In this respect, no intensification of current on-street parking levels could be directly attributable to the development proposed. The Traffic Manager has recommended a condition on visibility splays that will require the trimming and maintenance of a hedgerow that currently overhangs the pavement. The hedgerow is under the control of the applicant and any condition would thus be enforceable.

6.6 One correspondent has expressed concern that the development would result in the delivery of goods to the front rather than the rear of the Post Office and General Stores. This concern is understandable, however access to the rear of the premises would be maintained for delivery purposes. A condition could be attached to ensure that this is followed through.

6.7 In the resubmitted format the application is considered to represent a sustainable and proportionate approach to development of this previously developed land, which makes provision for two modest dwellings, off-street parking and private garden space. The application is thus recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
4. **A05 (Plans and particulars of reserved matters).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
5. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
6. **E16 (Removal of permitted development rights).**
Reason: In order to preserve levels of residential amenity and control the external appearance of the development.
7. **E18 (No new windows in specified elevation).**
Reason: In order to protect the residential amenity of adjacent properties.
8. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
9. **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. H03 (Visibility splays).

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. 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.**

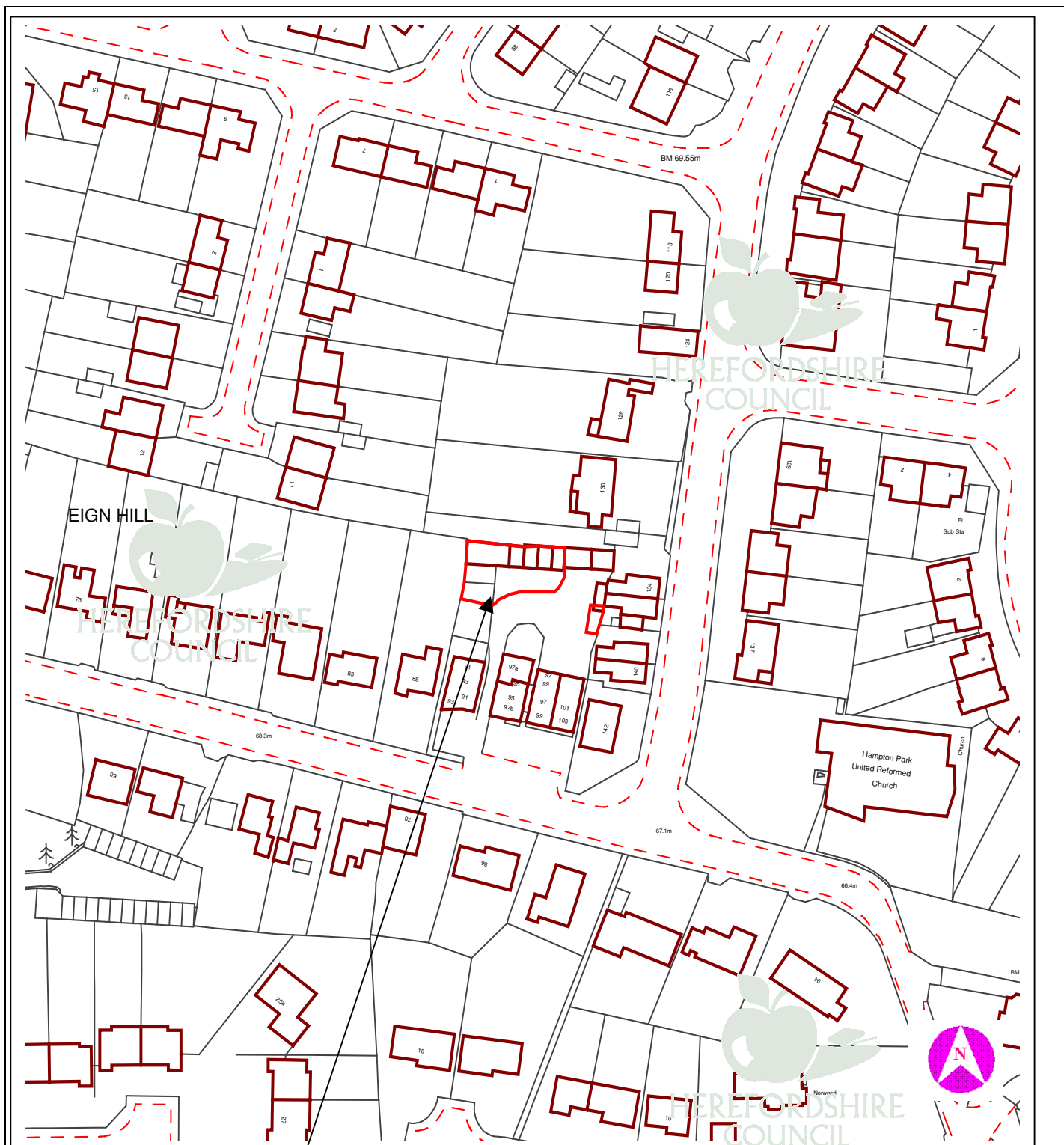
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/2558/O

SCALE : 1 : 1250

SITE ADDRESS : Rear of 97 Old Eign Hill, Hereford, Herefordshire, HR1 1UA

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15 DCCE2007/1762/F - CONVERSION OF HOUSE TO FORM 5 SELF CONTAINED APARTMENTS AT 130 ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2QF

For: J. Clay per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 6th June, 2007

Ward: Central

Grid Ref: 51640, 39573

Expiry Date: 1st August, 2007

Local Member: Councillor MAF Hubbard

1. Site Description and Proposal

- 1.1 The application site is found at the corner of St. Owens Street and St. James Road and comprises a pleasant detached mid-Victorian dwelling with garden to the rear. The wider locality is defined as an established residential area. Although there is a low quality flat roof, single-storey extension across the full width of the dwelling, it nonetheless retains an attractive appearance at this prominent location.
- 1.2 The application proposes the extension of the dwelling and conversion of the resultant building to 5 self-contained one bedroom residential apartments with associated parking within the curtilage via a new access from St. James Road. The extensions would take the form of a two-storey side extension towards the adjoining 3-storey terrace block, together with a two-storey rearward facing gabled extension of the same proportions that already exist. A lean-to would be constructed against the side of this extension, which would act to afford access to rear ground floor apartment.
- 1.3 The dwelling would be subdivided to create a self-contained basement, two ground floor apartments and two first floor apartments. The configuration would be such that the two first floor apartments would share the exposed flat roof above the existing extension as an amenity area. Parking for a total of four vehicles would be located at the rear of the property as would one of two bin and cycle stores. A further gated cycle and bin store would be located at the St. James Road side of the dwelling.
- 1.4 It is proposed that the low-stone boundary wall against St. Owens Street be extended across the existing sub-standard parking space, although a pedestrian access would be retained.
- 1.5 This application is a resubmission following an earlier refusal of a similar proposal for extension and residential conversion (ref: DCCE2007/0168/F). The first application was refused on the basis that the scale and design of the then proposed extensions would detract from both the original dwelling and the visual amenity of the locality. The currently proposed extensions are vastly different to those previously submitted and have been amended latterly as a result of lengthy negotiation.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H13	-	Sustainable residential design
H16	-	Car parking
H17	-	Sub-division of existing housing
H18	-	Alterations and extensions

3. Planning History

- 3.1 CE2007/0168/F - Conversion of house to form 5 self-contained apartments with two-storey extension. Refused under delegated powers on 12th March 2007 for the following reason:

"The proposed extension, by virtue of its design, siting and scale, would be out of keeping with the original dwelling house and would detract from the visual amenities of the locality. The proposal is therefore contrary to Herefordshire Unitary Development Plan Policies S2, DR1, H17 and H18".

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: Recommends conditions relating to vehicular access construction, formation of the parking area, off site works pertaining to the amendment of the on-street parking, site operative parking and cycle parking.
- 4.3 Conservation Manager: Comments that the amended scheme is a major improvement over the originally submitted plans and is now acceptable subject to the prior approval of materials.
- 4.4 County Archaeologist: No objection.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Three letters of objection were received to the original plans from the occupants of Nos. 3, 5 and 7 St James Road. Further letters have been received from these respondents in response to the amended plans. The content of the letters is summarised as follows:
- The development would adversely affect the privacy of neighbouring residents;
 - The proposed extensions and conversion to 5 self-contained apartments is too intensive for the site and would spoil the architectural quality of this Victorian house and the immediate surrounds;

- The parking is insufficient and would result in the loss of a space currently forming part of the residents' parking scheme;
- Approval would create a precedent for unsympathetic extensions and subsequent sub-division of character properties in the vicinity.

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 issues in the determination of this application are:

- The principle of development having regard to adopted planning policies, specifically those relevant to the extension and sub-division of existing housing.
- The impact of development upon the amenity of adjoining residential properties.
- The adequacy of car and cycle parking.

6.2 There are several policies within the adopted Development Plan that have direct relevance to this proposal. Those relating to car parking (H16), subdivision of existing houses (H17) and extensions and alterations to dwellings (H18) must all be referred to and satisfied if a proposal is to be regarded as acceptable.

6.3 It is fundamental that any extensions to the property are acceptable in their own right, irrespective of the intended subdivision. In this regard, it is considered that the amended plans are successful in preserving the architectural character and quality of the building. The amended scheme proposes a far narrower side extension than was previously pursued (2.2m rather than 4.6m) and the omission of a second 'front door' from the St. Owens Street elevation would help maintain the perception that the building remains a single dwelling.

6.4 At the rear a far greater proportion of the original building remains unfettered. The bulk of the two-storey rearward projecting extension being found directly behind the proposed side extension. The effect of the revised approach is to restrict the two-storey extensions to the portion of the site furthest removed from St. James Road. The span of the new gable replicates that of the original building, which results in a better-proportioned extension than originally proposed.

6.5 Objection has been raised to the use of the exposed flat roof as a terrace for occupants of the two first floor apartments. The flat roof equates to 40 square metres and could be utilised by a number of people at any one time. The formalisation of first floor outdoor space in this manner is not considered appropriate in this location due to the potential disturbance and prominence and a condition is recommended to preclude the use of this area as private amenity space.

6.6 It is concluded that the proposed extensions are now in accordance with the aims and objectives of policy H18.

6.7 Policy H17 of the Development Plan sets out the criteria against which proposals for subdivision of existing housing should be assessed. The policy requires the provision of adequate parking and access, adequate internal layout and external amenity space and the preservation of the character of the property, its curtilage and the amenity and privacy of neighbouring dwellings.

- 6.8 Subject to the restricted use of the flat roof area, the scheme is not considered to represent a threat to the residential amenity of neighbours. The size of the proposed apartments ranges from 21 square metres to 78 square metres (gross internal floor area). The scheme offers a range of apartments of varying sizes and an appropriate internal layout for small non-family units.
- 6.9 Owing to the provision of four parking spaces and a turning area within the existing rear garden, it is undeniable that there is very little usable private amenity space within the scheme. Currently, adopted policy does not go so far as to stipulate a minimum requirement, although there are recent examples where the authority has approved schemes promoting no outdoor amenity space where single bed apartments are proposed. Against this backdrop, it is considered unreasonable to withhold permission on the basis that the occupants would not enjoy sufficient outdoor space, although it is accepted generally that outdoor space should ideally form part of a scheme where units likely to be occupied by families are proposed.
- 6.10 The scheme makes provision for two bin stores and two cycle stores, located on either side of the site. The exact detail of both could be secured by condition.
- 6.11 Objectors have made reference to the inadequacy of the proposed parking levels. 4 spaces are proposed for the 5 apartments, together with secure cycle parking. In this context the Traffic Manager has not raised objection to this level of provision, nor has objection been raised to the loss of an on-street parking space. The scheme is considered acceptable in this regard.

RECOMMENDATION

Subject to the receipt of amended plans securing the removal of the balustrade around the flat roof amenity space and suitable revisions to fenestration 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. **C10 (Details of rooflights).**

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding 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. **E12 (No balconies/roof amenity area).**

Reason: To safeguard the character and amenities of the locality.

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

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

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

Reason: To protect the amenity of local residents.

- 8. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 9. **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.

- 10. **H17 (Junction improvement/off site works).**

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

- 11. **H27 (Parking for site operatives).**

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

- 12. **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.

- 13. **F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

Informatives:

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

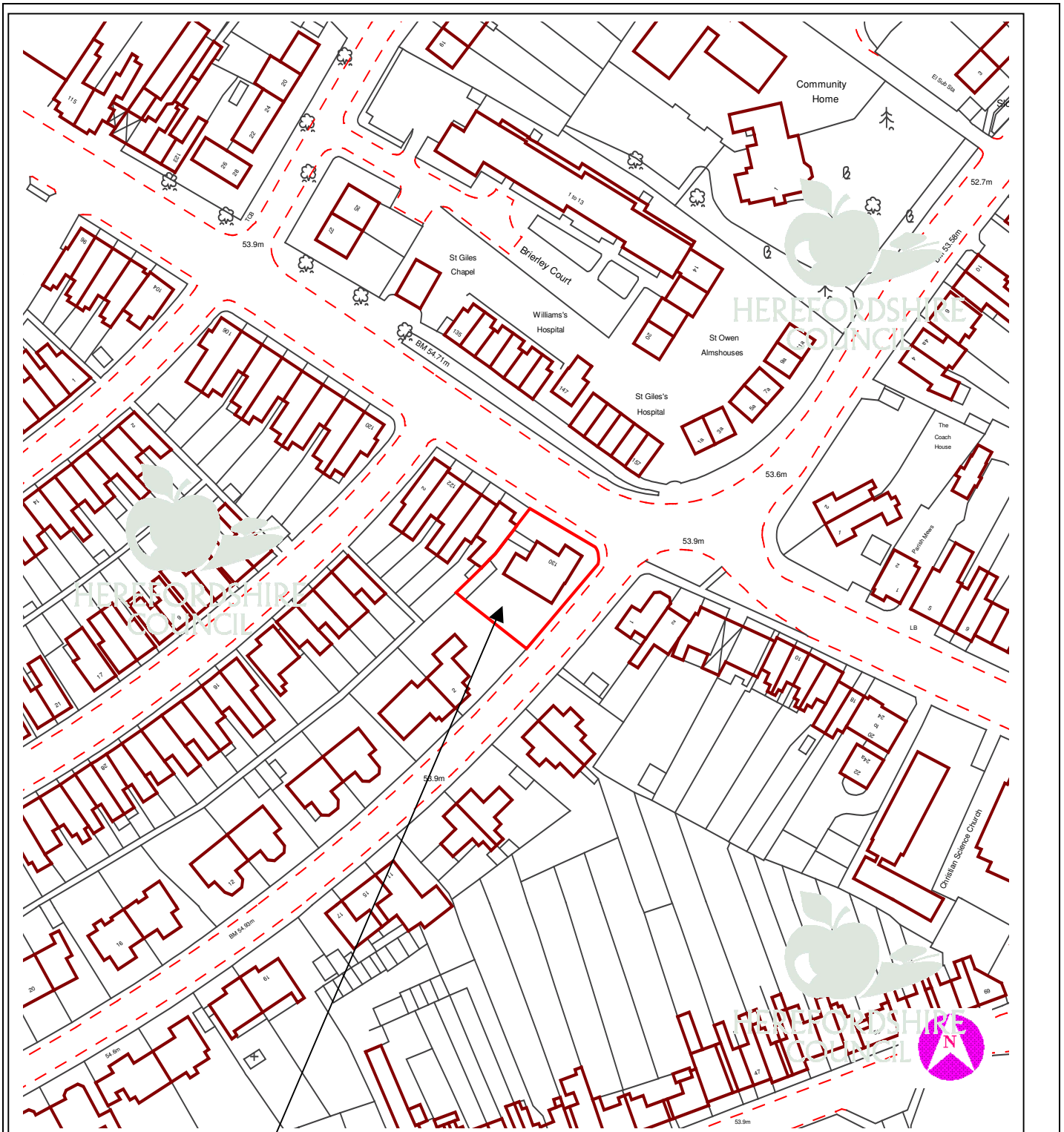
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1762/F

SCALE : 1 : 1250

SITE ADDRESS : 130 St. Owen Street, Hereford, Herefordshire, HR1 2QF

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Further information on the subject of this report is available from Mr. E. Thomas on 01432 261961

16 DCCW2007/2058/F - CONVERSION OF EXISTING GARAGE, STOREROOM AND UTILITY INTO SELF CONTAINED ONE BEDROOM GRANNY ANNEXE AT THE BIRCHES, WELLINGTON MARSH, HEREFORD, HEREFORDSHIRE, HR4 8DU

For: Mr. & Mrs. G.B. & M. Layton, The Birches, Wellington Marsh, Hereford, HR4 8DU

Date Received: 28th June, 2007 Ward: Wormsley Ridge Grid Ref: 49950, 47272

Expiry Date: 23rd August, 2007

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 The application site is comprised of a large detached two storey property set within its own curtilage, which fronts onto the southern side of an unclassified cul-de-sac approximately 50 metres to the east of the A49(T). The site lies within the hamlet of Wellington Marsh.
- 1.2 The application seeks permission to convert an integral garage into a self-contained annexe to provide accommodation for a dependant relative.
- 1.3 The proposed conversion would utilise the existing double garage, together with an adjoining utility room and workshop to provide a bedroom, bathroom and kitchen dining room.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy DR3	-	Movement
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H17	-	Sub-division of Existing Housing
Policy H18	-	Alterations and Extensions

3. Planning History

- 3.1 CW2000/3316/F Proposed extension to dwelling to provide new bedroom, study and bathroom. Approved 11th January, 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objection.

Internal Council Advice

4.2 Traffic Manager: No objection.

5. Representations

5.1 Wellington Parish Council: Objection: There is concern over adequate car parking and access. The Councillors believe that the car parking issue should be resolved before a decision on the planning application. Concerns expressed over the property being split into two and whether a Section 106 Agreement could be entered into.

5.2 One letter of objection has been received from Mr. and Mrs. Dubberley, Padston House, The Marsh, Wellington which states that whilst we do not oppose the application, we are concerned about the parking arrangements. There are already problems with congestion caused by on-street parking and the proposed development may exacerbate those problems.

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

6. Officers Appraisal

6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- Residential Amenity
- Access and Highways Issues

Principle of Development

6.2 The proposal requires the benefit of planning permission as it seeks to create a self-contained unit of accommodation.

6.3 Although Wellington Marsh is not an area identified as being suitable for new residential development, the proposal does not seek to create a new independent dwelling, but rather an annexe, which would be occupied by a dependant relative.

6.4 Subject to the imposition of conditions controlling the occupation of the annexe and prohibiting its separate lease or sale from the main dwelling, the proposed development is considered to be acceptable as it would not give rise to the creation of a separate dwelling.

Residential Amenity

6.5 The proposed development will not materially alter the relationship between the application site and its neighbours. Therefore the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the physical works to convert the garage.

Access and Highways

- 6.6 It is clear that local concerns rest largely with highway related matters and whilst the concerns about congestion caused by the existing levels of on-street parking are noted, it is not considered that the proposed development will materially alter these pre-existing highway conditions, as it does not give rise to any significant degree of intensification.
- 6.7 Neither the Highways Agency nor the Council's own Traffic Manager has raised any concerns about the proposed development. Therefore in the absence of a formal objection from either the Highway Agency or the Traffic Manager it is not considered that the concerns raised in the letters of representation or by the Parish Council can be substantiated as a reason for refusal on highway safety grounds in this instance. However, in order to ensure that adequate off-street parking is provided appropriate conditions are recommended.

Conclusion

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

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. E29 (Occupation ancillary to existing dwelling only (granny annexes)).**

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

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

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

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

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

- 6. 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. **HN05 - Works within the highway.**
3. **N19 - Avoidance of doubt.**
4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

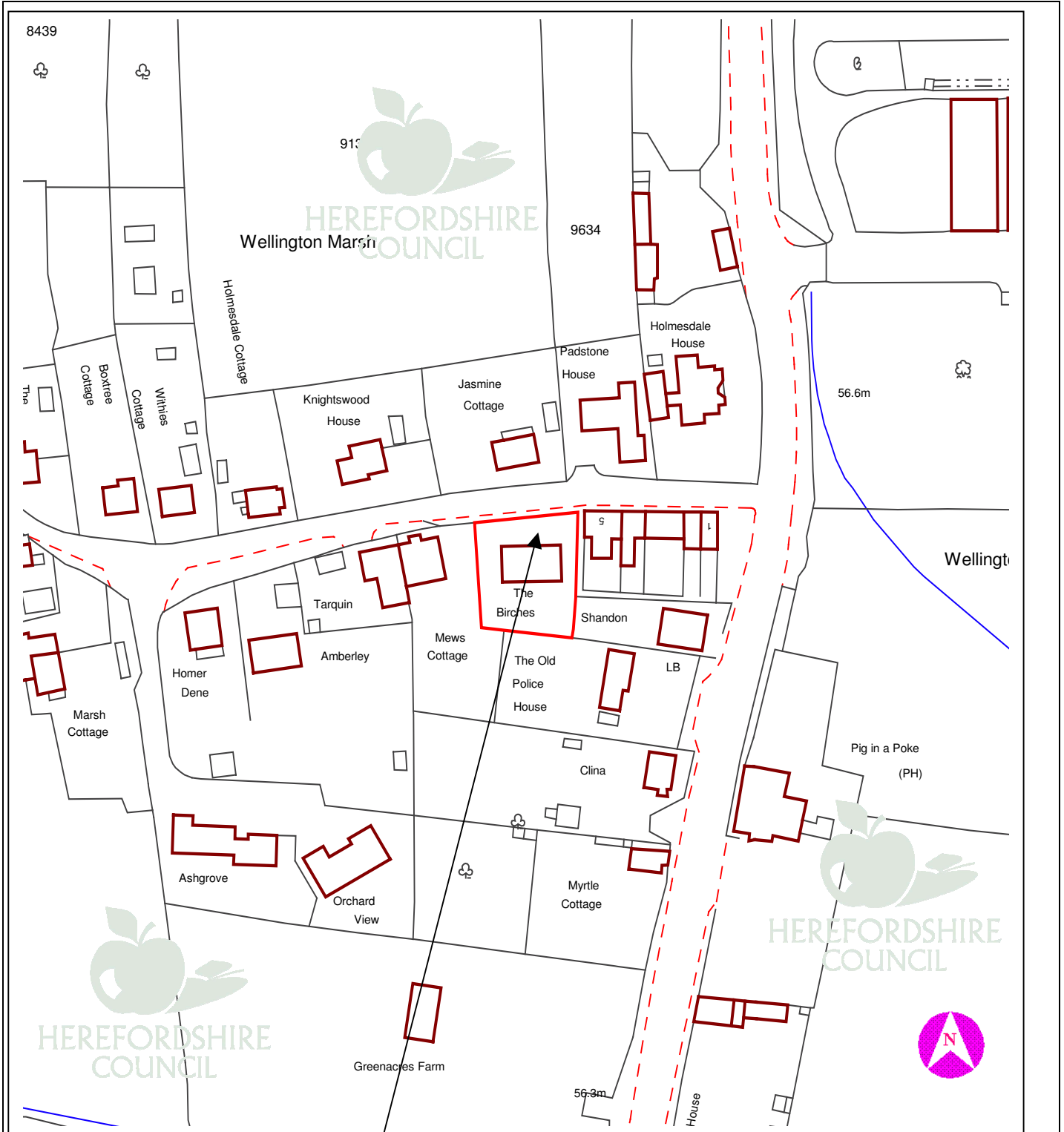
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2058/F

SCALE : 1 : 1250

SITE ADDRESS : The Birches, Wellington Marsh, Hereford, Herefordshire, HR4 8DU

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17 DCCW2007/2414/F - PROPOSED PROVISION OF 2 NO. NEW 5.0 METRE SQUARE "JUMBRELLA" PARASOLS OVER EXISTING OUTSIDE DRINKING AREA AT THE SPREADEAGLE PUBLIC HOUSE, 2 KING STREET, HEREFORD, HR4 9BW

For: Enterprise Inns Plc per Heron Design, Queen Street, Normanton, Wakefield, WF6 1AB

Date Received: 30th July, 2007

Ward: Central

Grid Ref: 50888, 39767

Expiry Date: 24th September, 2007

Local Member: Councillor MAF Hubbard

1. Site Description and Proposal

- 1.1 The application site is a licensed public house (A4) known as The Spreadeagle located on the southern side of King Street and lies within the Central Shopping and Commercial Area of Hereford and the Central Conservation Area.
- 1.2 The building is Grade II listed.
- 1.3 The application seeks planning permission to install two 5-metre square 'Jumbrella' sunshades in the existing beer garden to the rear of the property.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy DR13	-	Noise
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development Within Conservation Areas

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Conservation Manager: No objection, the installation of the 'Jumbrellas' will not affect the character of the listed building or the surroundings.

4.3 Head of Environmental Health & Trading Standards: I have examined the application and have no objection to the proposed development.

4.4 Traffic Manager: No objection.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Conservation Advisory Panel: No objection.

5.3 Alcocks Chartered Surveyors: No objection.

5.4 Gwynne Street Properties: Objection, in the form of a letter counter signed by six of their tenants.

"We own all of the properties known as 9 to 19 Gwynne Street, therefore on behalf of our tenants we strongly object to the provision of the 'Jumbrellas' as this will lead to more noise and disturbance."

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 'Jumberellas' will be installed within an established beer garden which has historically served as an open area accessible to patrons to frequent, and it is permanently equipped with a number of tables and chairs.

6.2 The beer garden is completely enclosed on all sides with only a very limited public vantage point being afforded via a side passageway which leads out onto King Street. Therefore the proposed development will not harm the visual amenity of the surrounding conservation area, or harm the setting and appearance of the listed building itself such that the refusal of planning permission could be justified.

6.3 The primary issue in determining this application is considered to be whether the presence of the 'Jumbrellas' will give rise to a material intensification of use of the beer garden resulting in a loss of amenity to the neighbouring properties, in particular those in residential use in the surrounding locality.

6.4 The Head of Environmental Health & Trading Standards has not raised an objection to the proposed development, therefore whilst the comments raised in the letter of representation are noted, they are not considered to give rise to a defensible reason for refusal in this instance.

6.5 The proposed development is not considered to give rise to a material intensification of use measured against the existing situation such that there is a demonstrably adverse impact on the residential amenity of the wider locality and accordingly approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following condition:

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

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

Informatives:

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

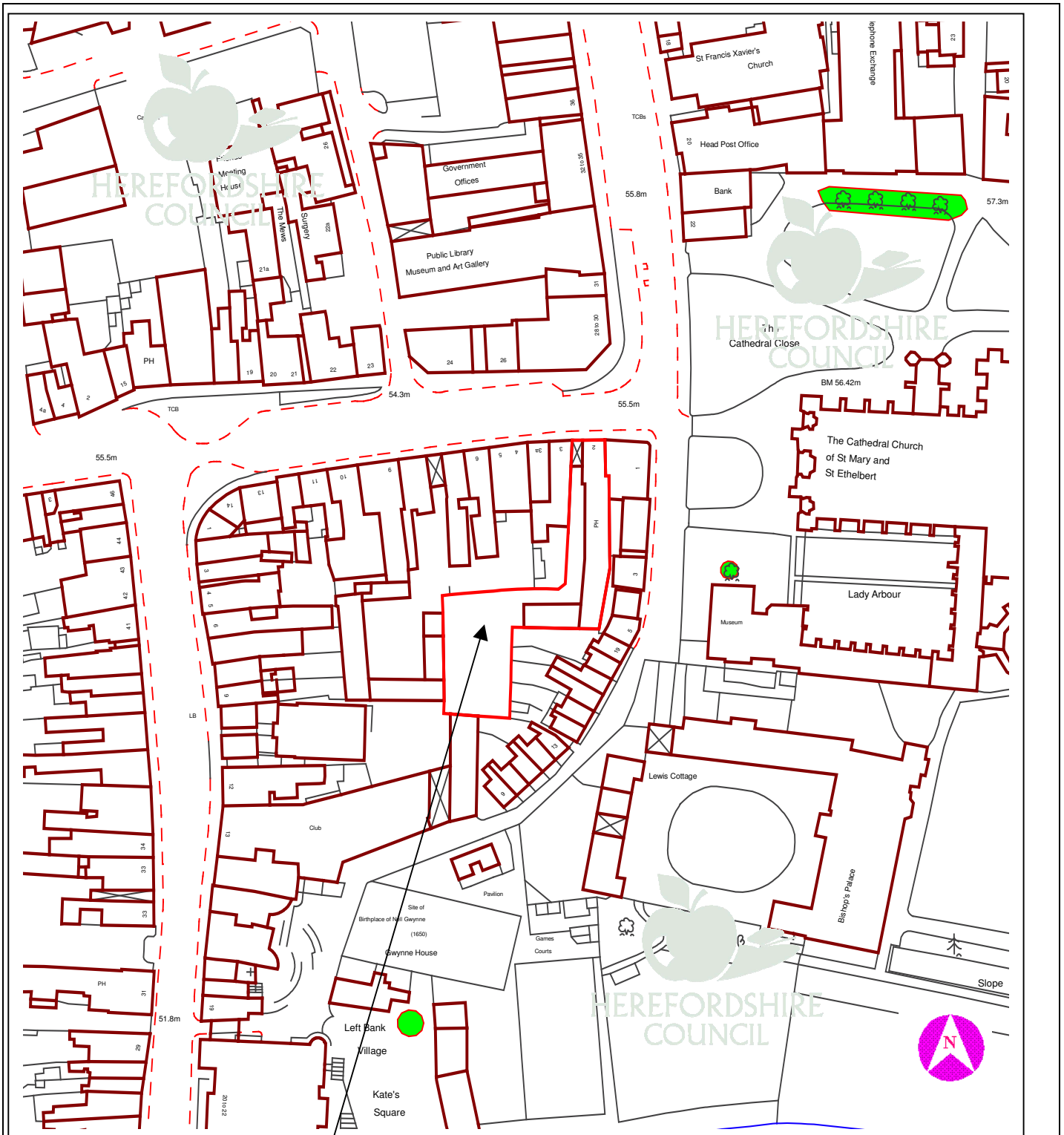
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2414/F

SCALE : 1 : 1250

SITE ADDRESS : The Spreadeagle Public House, 2 King Street, Hereford, HR4 9BW

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18 DCCE2007/1750/F - CHANGE OF USE FROM A GAMES ROOM TO OFFICE - RETROSPECTIVE AT CROFT COURT, BARTESTREE, HEREFORD, HR1 4BD

For: Hicks Associates Ltd per Croft Court, Bartestree, Hereford, HR1 4BD

Date Received: 5th June, 2007

Ward: Hagley

Grid Ref: 56259, 41668

Expiry Date: 31st July, 2007

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Croft Court, formerly known as The Bungalow, is a detached dwelling with a detached garage to the side and an outbuilding in the rear garden along the eastern boundary. The site is situated within the open countryside just outside the settlement boundary of Bartestree. Access to the site is via a long narrow farm track.
- 1.2 The site is bounded to the north and west by agricultural land. Adjacent to the east of the site is a Grade II Listed Building, Garden Cottage, which is located approximately 15m away from the building subject of this application.
- 1.3 This proposal seeks retrospective permission for the change of use of the existing outbuilding from garden room to a commercial office. No external alterations are proposed. The business is a web-based IT company offering a number of services including designing, installing and maintaining networks for the medical sector.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
E9	-	Homes based business

3. Planning History

- 3.1 SH971000PF - Proposed bedroom extension. Approved with conditions 16th October, 1997.
- 3.2 SH920497PF - Small extension for family room and basement for playroom. Approved with conditions 15th May, 1992.
- 3.3 SH911624PF - Small extension for family room. Approved with conditions 31st January, 1992.
- 3.4 SH880510PF - Retention of a swimming pool with raised patio surround. Approved with conditions 25th June, 1990.

3.5 SH880205PF - Extension to form swimming pool, wc and hall and form new en-suite bathroom. Approved with conditions 1st March, 1989.

3.6 SH820201PF - Conversion of loft for domestic use. Approved with conditions 19th April, 1982.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Conservation Officer: The building is already in position and therefore the impact on the adjacent building would not change. However, we would be concerned were the business to expand and a large building may be difficult to accommodate on the site.

4.3 Traffic Manager: No objection. Provided the proposal in the supporting statement are conditioned as part of the permission, to minimise traffic on the access land.

4.4 Public Rights of Way Officer: No objection.

5. Representations

5.1 Lugwardine & Bartestree Parish Council: Objections. "We object to this application as the use of the office has increased the volume of traffic using what is really a farm lane to the detriment of the other residents. We understand that a number of the residents of the lane have raised concerns about the increased traffic".

5.2 Mr. J.A. Turner of East Wilcroft: "The basis of my objection is the excessive traffic using what is not a lane but a farm track...I considered that the business traffic generated by Wilcroft Court (shall be Croft Court) has been substantial since a business started and it is a safety hazard not only for the users of the track but also in generating the extra traffic entering and exiting from the public C-class road...I therefore ask that you refuse the application on the grounds of safety and that the business use needs to be transferred to a location used for employment purposes where there are normal industrial and office units in use".

5.3 Two more letters have been received from Mr. R. Cooke of Tamara and Mr Hugh Morris of West Wilcroft with regard to the extent of the business and highway safety concerns.

5.4 Two supporting comments have also been received from Mrs. L. Price of 25 Barneby Avenue, Bartestree and Mr D.W. Stokes of Grove Cottage, Westhide.

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

6. Officers Appraisal

6.1 Herefordshire Unitary Development Plan Policy E9 indicates that small businesses operating from home will be permitted, if the business operation will not lead to

adverse impacts upon residential amenity or the character of the area through its scale, nature of operations, access and parking provision, noise or traffic generated including visitors, staff and deliveries and the appearance of the building is not materially altered. It is considered that the proposal is therefore acceptable in principle subject to satisfying the criteria set out in the policy.

- 6.2 It is clear from the objection letters received in response to this application that nuisance and public safety relating to vehicular traffic coming and going from the site are serious concerns associated with this particular use.
- 6.3 In response to these the applicants have provided a supporting statement seeking to ameliorate the local concerns. The applicant has stated that the proposed office would be primarily used by himself on a daily basis and his son would work away from the application site most of the time but would occasionally return to the office. His wife would also work on a part time basis to run the administrative side of their business.
- 6.4 With regard to deliveries to and from the site, the applicant has confirmed that this issue has been resolved as these will now be direct to his contractor at the Rotherwas Industrial Estate and then directly to their clients through a courier. Therefore, there would be no deliveries to or from the site and this can be made a condition of any approval.
- 6.5 It is acknowledged that a home-based business will potentially increase the volume of traffic in the locality but it is not considered the case in this instance. The Traffic Manager has advised that subject to the control over deliveries and the nature of this particular use of the building, there would be a very limited effect in highway safety terms that would not justify the refusal of planning permission.

Conclusion

- 6.6 The main issues with this application are whether the proposal will have an adverse impact upon the existing residential area in terms of noise, nuisance and highway safety. Having regard to the scale of this operation, it is considered that this low profile home based business will not prove detrimental to the character or amenities of the existing residential area nor would it result in any detriment to highway safety.
- 6.7 It is considered that the proposed development is in accordance with the relevant planning policies and with appropriate conditions applied, the proposal represents an acceptable form of development.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. E06 (Restriction on Use).**

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

3. E27 (Personal condition).

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

4. No deliveries associated with the applicants business (Hicks Associates Ltd) shall be taken at or despatched from the application site at any time.

Reason: To protect the amenity of local residents and in the interests of highway safety.

Informatives:

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

2. N19 - Avoidance of doubt.

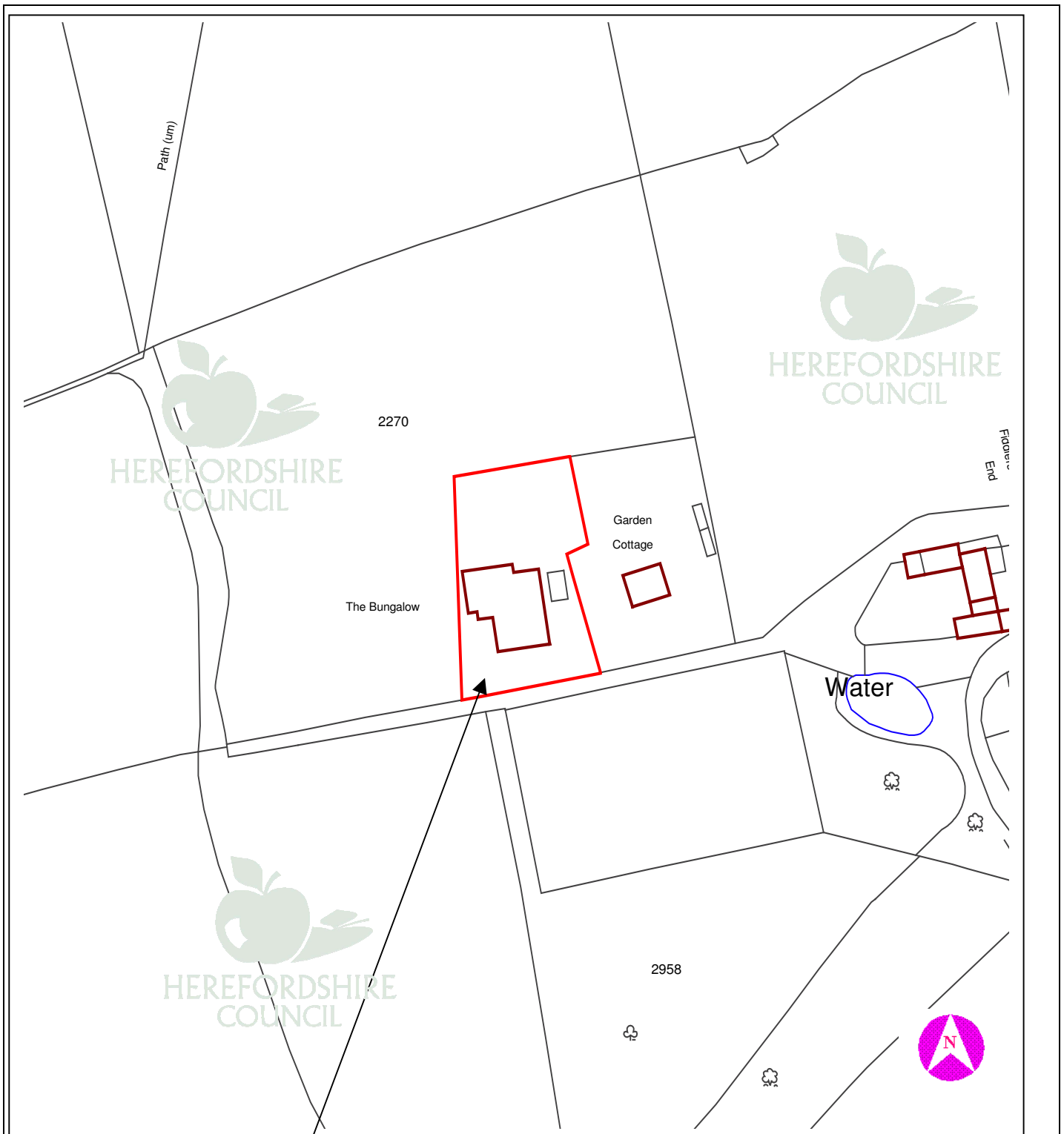
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1750/F

SCALE : 1 : 1250

SITE ADDRESS : Croft Court, Bartestree, Hereford, HR1 4BD

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