

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 19th December, 2007**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Central Area Planning Sub-Committee

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

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

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1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by members in respect of items on the agenda.	
3. <b>MINUTES</b> To approve and sign the minutes of the meeting held on 21st November, 2007.	1 - 14
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the Council's current position in respect of planning appeals for the central area.	15 - 18
<b>APPLICATIONS RECEIVED</b>	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. <b>DCCE2007/3362/F - 31 KINGS CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1GY</b> Two storey extension to side of existing property. Ward: Aylestone	19 - 24
6. <b>DCCE2007/3205/F - LEYS FARM, TARRINGTON, HEREFORDSHIRE, HR1 4EX</b> Change of use of two mobile homes to facilitate rest room accommodation from 1st September to 2nd February in any year. Ward: Backbury	25 - 30

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| 7.  | <b>[A] DCCW2007/2633/F AND [B] DCCW2007/2634/C - WAREHOUSE AT LAND ADJACENT TO 47 BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY</b> | 31 - 38 |
|     | Demolition of existing vacant warehouse for three no. terraced town houses and associated parking facilities.                       |         |
|     | Ward: St. Nicholas  |         |
| 8.  | <b>DCCW2007/3399/F - LAND OFF STATION ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY</b>  | 39 - 44 |
|     | Erection of 4 no. 2 bedroom dwellings.  |         |
|     | Ward: St. Nicholas  |         |
| 9.  | <b>DCCW2007/3247/F - KINGSLEY HOUSE, DINMORE, HEREFORD, HEREFORDSHIRE, HR1 3JP</b>  | 45 - 52 |
|     | Conversion of redundant building to two residential units with extension to existing dwelling.                                      |         |
|     | Ward: Wormsley Ridge  |         |
| 10. | <b>DCCW2007/3582/F - 10 LUARD WALK, HEREFORD, HEREFORDSHIRE, HR2 7BA</b>  | 53 - 60 |
|     | Construction of a single dwelling   |         |
|     | Ward: Belmont   |         |
| 11. | <b>DATE OF NEXT MEETING</b>   |         |
|     | Wednesday 23rd January, 2007.   |         |

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 21st November, 2007 at 2.00 p.m.**

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

**Councillors:** PA Andrews, WU Attfield, DJ Benjamin, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, 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)

**87. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors AJM Blackshaw, ACR Chappell and RV Stockton (ex-officio).

**88. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Councillor	Item	Interest
WUA Attfield	Minute 91, Agenda Item 5 DCCW2007/2834/F <b>Land to the rear of Mulberry Close, Belmont, Hereford</b>	Declared a personal interest.

Mr. Withers, the Central Team Leader, declared a personal interest in item 6 [DCCW2007/2684/F - 131 Whitecross Road, Hereford, HR4 0LS].

**89. MINUTES**

The minutes of last meeting were received.

**RESOLVED:** That the minutes of the meeting held on 24th October, 2007 be approved as a correct record and signed by the Chairman.

**90. ITEM FOR INFORMATION - APPEALS**

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

**91. DCCW2007/2834/F - LAND TO THE REAR OF MULBERRY CLOSE, BELMONT, HEREFORD [AGENDA ITEM 5]**

*Proposed erection of 69 dwellings and delivery of Haywood Country Park.*

Referring to the Schedule of Committee Updates/Additional Representations that

was circulated at the meeting, the Central Team Leader reported that:

- The Environment Agency had raised an objection due to potential flooding in the north-east corner of the site and the associated lack of clarification in respect of sustainable drainage/surface water run-off techniques proposed.
- The Highways Agency was reviewing the additional information submitted in relation to junction capacity modelling and the Residential Travel Plan.
- A Draft Section 106 Agreement had been received from the applicants confirming agreement to the contributions as stated in the report.
- An amended plan had been provided which showed an improved distribution of the affordable units.
- An amended bridge design had been received but was the subject of consultation with the Conservation Manager.
- The applicants had submitted a proposed phasing condition for delivery of the Country Park.
- The Council's Conservation Manager had requested additional conditions confirming compliance with the Arboricultural Method Statement and the Ecological Planning Statement.

The Central Team Leader commented that:

- The applicants had submitted additional information to the Highways Agency and Environment Agency in order to overcome their respective objections but these matters remained unresolved at the time of the Sub-Committee meeting. Therefore, the recommendation sought officer delegation to approve or refuse permission before 7 December 2007, based upon the outcome of ongoing discussions, in conjunction with the Chairman and Local Ward Members.
- The topography and land ownership difficulties of providing access to Newton Coppice were outlined and the Sub-Committee was advised that an alternative approach was being investigated by the Parks and Countryside Manager. Given the need for funding to establish its feasibility, this requirement was reflected in the increased contribution set against the Transportation Section of the revised Planning Contributions.
- The affordable housing numbers remained at 35% of the development identified but the proposed tenure split had changed to 12 rented and 12 shared ownership, thereby enabling an increase in the Planning Contributions budget.
- The revised Planning Contributions were given as:
  1. £90,000 Education/Children and Young People.
  2. £216,528 Transportation improvements in the area including provision of car parking, directional signage and appropriate infrastructure for the countryside centre, the provision of a safe crossing across Haywood Lane and the enhancement of safe access to Newton Coppice (including footpath upgrades and speed restrictions on the A465 as deemed necessary). This contribution would include any feasibility or detailed design work as well as implementation costs required to provide enhanced facilities.
  3. £28,350 Enhancement of sports facilities in the area.
  4. £34,500 in lieu of LEAP play area.
- In addition to the above contributions, it was recommended that the Section 106 Agreement should enable flexibility to allow any monies not required to be directed towards the design and implementation of the Countryside Centre.

- The phasing condition proposed was considered acceptable subject to the inclusion of the car park and signage for the Country Park.

Councillor PJ Edwards, a Local Ward Member, drew attention to the debate at the last meeting [Minute 85 refers] and to the objections of Belmont Rural Parish Council and Callow & Haywood Parish Council. He commented that there was a difficult balance between providing the long anticipated Country Park for the wider community of Belmont and protecting the amenities of the residents of Mulberry Close. It was noted that the officers and Local Ward Members had worked hard to address the concerns of the parish councils, mitigate the impact of the development and secure suitable contributions for the benefit of the locality. He felt that, subject to the satisfactory resolution of the outstanding issues, the officer's recommendation could be supported.

Councillor H Davies, also a Local Ward Member, felt that the access via Mulberry Close would have an unacceptable impact on local residents and could compromise highway and pedestrian safety. It was noted that concerns had been raised at the last meeting about the use of Mulberry Close as the only means of access for the development and Councillor Davies did not feel that this issue had been addressed. Other members expressed similar views.

Councillor GFM Dawe, Member for the adjoining Hollington Ward, felt that the increase from 60 dwellings indicated in the Unitary Development Plan to 69 dwellings through this application represented over intensification in the use of this site. He felt it essential that sustainable means of transport were promoted and asked that monies be allocated specifically to deliver good cycleway connections between the Country Park and the city.

In response to questions from Councillor AP Taylor, the Central Team Leader advised that, whilst it would not be possible to prevent parking on the public highway directly through this residential scheme, the new car parking area for the Country Park would be provided off Treago Grove and measures would be put in place to actively encourage visitors to use this parking provision in order to reduce occurrences of on street parking.

Councillor PA Andrews drew attention to references in the report to a proposed emergency access off Kingfisher Road and questioned whether this could be utilised as all or part access to the development, particularly given the potential problems resulting from the narrowness of Mulberry Close. The Central Team Leader advised that the issue of access had been raised with the applicant but an access off Kingfisher Road was not without its own problems due to on street parking and the number of accesses in this location. He added that dual access could result in 'rat running' through the estate. Furthermore, the Unitary Development Plan [UDP] sought to identify a preferred vehicular access off Kingfisher Road but the Inspector stated that 'I did not gain the impression that access via Mulberry Close would be any more damaging'.

Councillor AT Oliver expressed concerns about the potential for granting planning permission for unsuitable schemes on the back of the desire to secure funding for separate infrastructure improvements. He also felt that the outstanding objections, especially in relation to flooding, had to be addressed.

Councillor SJ Robertson acknowledged the wider community benefits but felt that this should not be to the detriment of the quality of life for local residents. She also felt that a Local Equipped Area of Play should be an integral part of the scheme and not located on the edge of the development where there might not be adequate

natural surveillance.

Councillor MAF Hubbard sympathised with the concerns of local residents and felt that the impact of the development could be mitigated through the provision accesses from both Mulberry Close and Kingfisher Road but with each serving one side of the development only. He suggested that cycleways should be fully linked up with other residential developments. He also felt that the limited spread of affordable housing through the development was unsatisfactory and could be improved.

Councillor RI Matthews commended the hard work of officers and the Local Ward Members on this application to achieve the identified benefits to the wider community.

A number of members supported the suggestion of dual but limited access but felt unable to support the scheme in its present form, particularly given the standing objections of the Highway Agency and Environment Agency.

Councillor DB Wilcox commented on the need for flexibility under the Heads of Terms to enable consideration to be given to a range of traffic management measures on or in the immediate vicinity of the site. He also suggested that the authority delegated to officers to determine the application be extended to enable the issue of dual access to be explored properly.

Councillor Edwards commented that: dual access should be explored if technically feasible; cycle routes between this area and the city centre were already established and well used; the UDP Inspector confirmed that the linkage to a residential scheme was appropriate to deliver the Country Park; the affordable housing provision was much needed; and there should be flexibility to allocate sums to a wide range of improvements but any monies not required should be directed towards the provision of the Countryside Centre.

The Development Control Manager advised that refusal on the grounds of highway safety could be difficult to sustain on appeal but noted that members' concerns about the consequential impact of additional traffic on residential amenities was a material planning consideration in this instance. Nevertheless, officers considered that the proposal was acceptable, having regard to the requirement to deliver the Country Park and the wider community benefits. The need for flexibility in respect of transportation improvements was noted and it was suggested that officers could look at this further with the local ward members.

In response to questions, the Central Team Leader advised that dual access was not part of the application and, therefore, it was unlikely that it could be progressed as part of this scheme in its current form.

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

**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, which in this case may be related to the outstanding concerns expressed by the Environment Agency and the Highways Agency)**

**provided that the Head of Planning Services does not refer the applications to the Planning Committee:**

- 1. The development is entirely reliant upon a single point of vehicular access from Mulberry Close, a lightly trafficked quiet residential cul-de-sac, and by reason of the number of dwellings proposed, there would be a significant uplift in vehicle movements that would be detrimental to residential amenity contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan 2007.**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

*[Note:*

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

**92. DCCW2007/2684/F - 131 WHITECROSS ROAD, HEREFORD, HR4 0LS [AGENDA ITEM 6]**

*Change of use to house of multiple occupancy [HMO].*

Referring to the Schedule of Committee Updates/Additional Representations that was circulated at the meeting, the Senior Planning Officer reported that:

- The applicant had submitted a revised proposal reducing the number of bedrooms to 7 by removing the bedroom in the basement in order to provide additional communal space.
- The revised proposal met the required standard and it had been confirmed that all of the properties in the terrace were licensed HMOs.
- A correction was made to paragraph 1.5 of the report so that it referred to seven and not eight bedrooms.

Councillor JD Woodward, a Local Ward Member, noted that a bedroom had been removed but said that this was not the only concern that resulted in the deferral of this application at the last meeting. Councillor Woodward noted that the proposal complied with housing standards but remained concerned about the lack of bathroom facilities on each floor and storage space. She also commented on perceived fear of crime issues, the limitations of this type of accommodation and the impact of HMOs on the character of the area.

Councillor DJ Benjamin, the other Local Ward Member, felt that this proposal would have a detrimental impact on the area, commented on the standard of accommodation and about difficulties experienced with similar uses in the locality. He noted that there was no off street car parking provision and felt that it was unrealistic to expect occupants not to have vehicles.

In response to a question from Councillor SJ Robertson, the Legal Practice Manager confirmed that fear of crime was a material planning consideration.

Councillor PA Andrews commented that some HMOs were well run but she felt that this type of accommodation was not satisfactory and that self-contained units would

be preferable. Councillor Andrews noted that the lack of parking provision was considered acceptable given the proximity of the town centre and availability of public transport.

Councillor PJ Edwards supported the views of the Local Ward Members and felt that the proposal would neither improve or enhance the locality and, therefore, proposed that the application be refused due to the impact on the character of the area.

Councillor MD Lloyd-Hayes felt that the lack of parking was unacceptable, that HMOs had a detrimental impact on the area, and on the serious problems encountered by the emergency services when tackling fires at HMOs.

Councillor AT Oliver commented that the proposal was contrary to Herefordshire Unitary Development Plan policy H17 (Subdivision of Existing Houses).

#### **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 application site is located within an established residential area, and the proposed conversion of the single dwelling to form a House in Multiple Occupation (HMO) is considered to give rise to an unacceptably harmful impact on the amenity and general character of the area contrary to Policy H17(3) of the Herefordshire Unitary Development Plan 2007.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

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

**93. DCCW2007/2806/F - BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET [AGENDA ITEM 7]**

*Continued use of land as a caravan site and retention of accommodation block for seasonal agricultural workers.*

Referring to the Schedule of Committee Updates/Additional Representations that was circulated at the meeting, the Central Team Leader reported that:

- Comments had been received from the Conservation Manager (no objections).
- Comments had been received from the Environmental Health and Trading Standards Manager (no objections).

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

Councillor KS Guthrie, the Local Ward Member, commented on the value of the site visit that had been undertaken. She expressed concerns about the scale of the development, both in its extent and in the impact on its surroundings and on the local community. Attention was drawn to the objections summarised in the report and it was noted that residents were worried about the potential for the site to become a dormitory settlement, with a population outnumbering that of Marden. The significant influx of workers had also resulted in fear of crime and anti-social behaviour issues. Councillor Guthrie was surprised that the Conservation Manager had no objections to the application given the landscape impact and that planting had failed. She was also surprised that the Environmental Health and Trading Standards Manager had no objections given the noise generated at the site. The impact on the local road network was also noted, particularly the disturbance caused by HGVs in the early hours of the morning. Given these considerations, Councillor Guthrie felt that application should be refused given the adverse impacts on residential amenities and felt that it was contrary to policy E13 (Agricultural and Forestry Development) of the Herefordshire Unitary Development Plan.

Councillor PJ Edwards supported the Local Ward Member and commented on the scale of the development. He felt that the impact on an adjacent Listed Building had been underestimated and the development was contrary to policy HBA4 (Setting of Listed Buildings). He also questioned whether the accommodation on site was solely for agricultural workers at Brook Farm.

Councillor DW Greenow said that he had sympathy for local residents but also noted the difficulties faced by the applicants, especially given the lack of people interested in agricultural work locally. Whilst he felt that the development was an eyesore and expressed concerns about living standards, he noted that the applicants needed the accommodation to support the operation at Brook Farm.

Councillor SJ Robertson commended the hard work of the Local Ward Member and felt that the impact on the landscape and local community was unacceptable.

In response to a question from Councillor AP Taylor, the Central Team Leader advised that the standard of accommodation was an issue for other legislation and was not a material planning consideration in this instance. The Development Control Manager added that fire regulations were also outside the remit of the Sub-Committee.

Councillor PA Andrews noted that the operation needed workers and that it was better for them to be on site than transported to and from the site every day. However, given the rapid expansion of the accommodation and impact on the locality, she suggested that the number of units be restricted to those given temporary permission previously.

Councillor WJ Walling noted that the purpose of temporary permission would be enable the authority to retain effective control over the development but he questioned how such controls could be enforced practically given the history of the site and the issues identified by local residents. In response, the Central Team Leader advised that temporary permission would provide further opportunities to consider the acceptability of the development periodically but noted that it was not possible to monitor the site constantly. He advised that, if permission was refused, the applicants had a fall back position whereby permitted development rights could enable seasonal agricultural workers' caravans to be placed on the land without the

need for planning permission.

Councillor RI Matthews commented on sensitivities in the locality and felt that the applicants could do more to work with the local parish councils.

Councillor NL Vaughan expressed concern about the influx of migrant workers and social cohesion issues.

Councillor MD Lloyd-Hayes noted that comments were awaited from the Environment Agency but there were no objections from council consultees. She also noted that there were large numbers of migrant workers making a positive contribution to the county.

Councillor SPA Daniels, noting that conditions had not been complied with previously, questioned whether the proposed Section 106 Agreement would be effective in this instance. She also expressed concerns about the quality and safety of the accommodation.

Councillor MAF Hubbard commented on the potential difficulties that could result from the refusal of planning permission and felt that any enforcement response should be co-ordinated and involve all relevant services of the authority. The Development Control Manager said that the issue of joined-up enforcement was a priority for the Director of Environment. He re-iterated the reasoning behind the officers' recommendation and commented that the alternatives, where caravans were moved seasonally or where workers were transported to the site each day, could be more disruptive. However, it was noted that the scale of the development was a material planning consideration.

#### **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 site lies in open countryside where residential development will not be permitted unless it is clearly necessary in connection with agriculture and cannot be located within an existing settlement. It is not considered that sufficient justification has been provided to support the scale of accommodation currently provided at Brook Farm and as such the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007. Furthermore the overall scale of accommodation, the size of the agricultural workers population the associated need to transport workers on the local road network and the proximity to residential property is considered to have a detrimental impact upon the amenity and setting of the village of Marden and the surrounding locality contrary to Policies DR2, DR3, DR13, E11, E13 and LA3 of the Herefordshire Unitary Development Plan 2007.**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons**



**for refusal referred to above.**

[Notes:

- i. *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.*
- ii. *In accordance with SO 4.15.4, Councillors PA Andrews, MD Lloyd-Hayes and WJ Walling wished it to be recorded that they abstained from voting.*
- iii. *In response to a request from Councillor PJ Edwards, the Development Control Manager said that details of the areas covered by accommodation at Brook Farm would be circulated to members.]*

**94. DCCW2007/2689/F - BROOK FARM AND NINE WELLS FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET [AGENDA ITEM 8]**

*Retention of polytunnels.*

Referring to the Schedule of Committee Updates/Additional Representations that was circulated at the meeting, the Central Team Leader reported that:

- Comments had been received from Natural England (no objections).
- Comments had been received from the Environmental Health and Trading Standards Manager (no objections).
- Comments had been received from the Council's Ecologist (no objections). The recommendations of the Landscape Officer in relation to the removal of a section of polytunnels and the planting of a new hedgerow to the north of the public right of way were supported. Consequently, an additional condition was suggested and is incorporated into the recommendation.

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

Councillor KS Guthrie, the Local Ward Member, noted that the application had to be considered on individual merit but felt that the cumulative impact of development at Brook Farm and the impact on its surroundings had to be taken into consideration. She said that her late father, former Councillor JGS Guthrie, had on many occasions expressed concerns about the extent of the polytunnels in Marden and the detrimental impact on the landscape and on the amenity of local residents. She drew attention to the concerns raised in the letters of objection and felt that the level of activity at the site was more akin to industrial use rather than rural enterprise. She felt it essential that the character and amenity of the area be protected and that the application be refused as the development would be contrary to PPG7 (Sustainable Development in Rural Areas) and policies S2, S7, DR1, DR2, DR4, E6, E10, E13, LA2 and LA3 of the Herefordshire Unitary Development Plan.

Councillor DW Greenow drew attention to the letters of representation and, in particular, noted the unsightly nature of polytunnels, the need to ensure that water and mud did not run-off onto nearby roads, and the need to control hours of operation.

Councillor SJ Robertson was surprised that the Public Rights of Way Manager did not object, especially given recent injuries to horses resulting from rubbish being left on bridleways. She agreed with the Local Ward Member that the application should

be refused given the impact on the area and also commented on the potential impact of the development on tourism.

The Development Control Manager acknowledged concerns about the other polytunnels in the area but emphasised the need to focus on the application before the Sub-Committee. He added, unlike some other areas, officers felt these two fields to be well related to the farm complex and were contained within areas considered acceptable in landscape terms.

Councillor PJ Edwards supported the officers' appraisal and felt that, with the recommended conditions and appropriate landscaping, the site would be reasonably well screened. Furthermore, refusal of planning permission would undermine the authority's position in respect of less suitable sites.

A number of members commented on the detrimental impact of polytunnel development on Marden and the wider landscape, particularly from public vantage points throughout the county.

Councillor AT Oliver felt that the proposal was not a sustainable form of development, particularly in terms of the use of non-renewable resources, and should be refused. Councillor GFM Dawe concurred and commented on the aesthetic intrusiveness of polytunnels.

Councillor DB Wilcox drew attention to the recommended conditions, noted the need for farm diversification and the benefits to the local economy, and felt that temporary planning permission provided the best opportunity to control the development.

#### **RESOLVED:**

#### **That**

- (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
  - 1. The retention of the polytunnels is considered unacceptable due to their detrimental visual impact on the landscape quality of the area and when taken cumulatively with the existing polytunnels at Brook Farm, the setting of the village of Marden. Accordingly the development is contrary to Policies S2, S7, DR1, DR2, DR4, E6, E10, E13, LA2 and LA3 of the Herefordshire Unitary Development Plan 2007 and the guiding principles of PPS7 - Sustainable Development in Rural Areas**
- (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.]*

**95. DCCE2007/3194/F - LAND ADJACENT 'OLD VICARAGE', PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE [AGENDA ITEM 9]**

*Siting of wooden cabin to accommodate needs of disabled person.*

Referring to the Schedule of Committee Updates/Additional Representations that was circulated at the meeting, the Senior Planning Officer reported that:

- An additional letter had been received from the occupants of The Old Vicarage, Preston Wynne and the comments were summarised.

In accordance with the criteria for public speaking, Mrs. Fletcher spoke on behalf of Preston Wynne Parish Council and Miss Davies spoke in support of the application.

Councillor DW Greenow, the Local Ward Member, commented on a number of issues, including: the individual needs and wish of the applicant to achieve independence yet remain within the local community; that the temporary nature of the wooden cabin should overcome previous concerns about a permanent structure in this location; he considered the design and scale of the proposed development to be acceptable; no objections had been received from local residents and there was significant support from the parish council and villagers; no objections had been received from statutory consultees, the Traffic Manager or the Public Rights of Way Manager; and the applicant's doctor supported the proposal. Given these considerations, he felt that the exceptional circumstances of the applicant were such that they should override the planning policy objections, particularly if planning permission was restricted to the lifetime of the applicant and a spouse or dependents.

Councillor MD Lloyd-Hayes supported the application, felt that there were contradictions in the Unitary Development Plan and the report, considered that the proposal was backed by community strategy and housing needs objectives, and the personal restriction would control the future use of the site.

Councillor PJ Edwards noted that the dimensions of the development would exceed those given in the definition of a caravan and would be larger than what would be permissible as a three-bedroom dwelling in a smaller settlement. He commented that there were thousands of people in the county who would want a similar dwelling and felt that the Sub-Committee should focus on the national and local planning policy issues. Whilst acknowledging the specific needs of the applicant, he noted that the application did not meet the relevant criteria and supported the officer's recommendation of refusal.

Councillor MAF Hubbard suggested that, if planning permission was granted, the temporary nature of the proposal had to be ensured and suggested conditions preventing connection to mains drainage, requiring overhead connection to main services and restricting the permission to the lifetime of the applicant only and not to a spouse or dependents.

**RESOLVED:**

**That**

- (i) **The Central Area Planning Sub-Committee was minded to approve the application subject to conditions 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.

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

[Note:

*Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation and there were crucial policy issues at stake, he was minded to refer the matter to the Head of Planning Services.]*

**96. DCCE2007/3147/F - PART 48, ST OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2PU [AGENDA ITEM 10]**

*Proposed change of use from retail unit and private members club to A3 restaurant use.*

Referring to the Schedule of Committee Updates/Additional Representations that was circulated at the meeting, the Senior Planning Officer reported that:

- Comments had been received from Hereford City Council (no objections).

In accordance with the criteria for public speaking, Mrs. Wyllie and Mr. Branczik spoke in objection to the application.

Councillor MAF Hubbard, the Local Ward Member, commented that the corner position of the premises meant that noise generated inside carried some distance along nearby streets, thereby having a detrimental impact on residential amenity. It was noted that businesses occupying the premises had folded and he questioned the economic viability of A3 restaurant use in this location. However, he felt that the re-use of the building should be supported, particularly as there had been some vandalism recently, and noted that the Castle Street & District Residents' Association supported the application in principle subject to safeguards. It was considered essential that the amenities of residential property in the locality were protected and additional restrictions were suggested in respect of operating and closing times.

In response, the Legal Practice Manager drew attention to recommended condition 5 which would only allow the use to be open to customers until midnight. Whilst it was for the Sub-Committee to determine the principle of development, it was for the regulatory framework to determine individual applications and conditions in relation to liquor licensing and any additional licensable activities.

In response to a question from Councillor PA Andrews, the Senior Planning Officer advised that the type of restaurant was not specified in the application. The Development Control Manager advised that takeaway use was a different use class and commented that, as the application related to existing commercial premises, it could be difficult to sustain a refusal of planning permission on appeal.

A number of members expressed concerns about the potential for this development to expand further through the incorporation of the former 'Doodies' restaurant. The Senior Planning Officer advised that this restaurant was in the same A3 use class but any direct link created between the premises would require listed building consent.

Given the concerns raised, the Senior Planning Officer suggested additional conditions to prevent the sale of takeaway food, to prevent the use of amplified music, and to require a scheme of noise attenuation. This was supported by the Sub-Committee.

**RESOLVED:**

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

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

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

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

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

3. **No external flues or extractor equipment shall be installed at the premises without the prior written approval of the local planning authority.**

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

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

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

5. **The use hereby permitted shall not be open to customers outside the hours of 0800 hours and 2400 hours (midnight) Mondays to Sundays.**

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

6. **The applicant shall submit for the prior written approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of the use.**

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

7. **No amplified or other music shall be played in the premises.**

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

properties.

8. The premises shall be used as an A3 restaurant and for no other purpose.

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

**Informatives:**

1. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
2. This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application). Separate application should be made to Herefordshire Council in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992.
3. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

S1 - Sustainable development  
S2 - Development requirements  
S5 - Town centres and retail  
S6 - Transport  
DR2 - Land use and activity  
DR4 - Environment  
TCR1 - Central shopping and commercial areas  
TCR2 - Vitality and viability  
TCR4 - Secondary shopping frontages  
TCR6 - Non-retail uses (Classes A2 and A3)  
HBA3 - Change of use of listed building  
HBA6 - New development within conservation areas

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

**97. DATE OF NEXT MEETING**

19th December, 2007

The meeting ended at 5.45 p.m.

**CHAIRMAN**

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

**APPEALS RECEIVED****Application No. DCCE2007/2076/F**

- The appeal was received on 13th November, 2007.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. P. Beale.
- The site is located at Marshfield, Cross Keys, Hereford, Herefordshire, HR1 3NL.
- The development proposed is a proposed new building to be used for the storage and repair of vintage vehicles household equipment and business.
- The appeal is to be heard by Hearing.

**Case Officer: Debbie Klein on 01432 260136**

**Application No. DCCE2007/1930/F**

- The appeal was received on 15th November, 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 Strand Homes Ltd.
- The site is located at Frome Court, (Former Bartestree Convent), Bartestree, Hereford, Herefordshire, HR1 4BF.
- The development proposed is Erection of a terrace of 4 cottages. Amendment to parking areas. (Revised scheme).

This appeal is to be linked with the current appeal for Refusal of Planning Permission of application DCCE2006/1978/F at the same site. Both appeals will be dealt with at the same Hearing, which is due to take place on 9th January, 2008 at The Council Chamber, Town Hall, St Owen Street, Hereford.

**Case Officer: Ed Thomas on 01432 261961**

**APPEALS DETERMINED****Enforcement Notice EN2007/0035/ZZ**

- The appeal was received on 23rd May, 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr. A.R. Badham.
- The site is located at 59 St. Owen Street, Hereford, HR1 2JQ.
- The breach of planning control alleged in this notice is:  
*Without planning permission, the erection of steel security shutters on the shop front of the commercial property situated on the land.*
- The requirements of the notice are:
  - Remove the security shutters and associated galvanized steel housing, side runners and brackets from the building.*
  - Restore the shop front to its condition prior to the unauthorized works being carried out.*

- The main issue is effect of the works on the character and appearance of the surrounding area.

**Decision:** The appeal was DISMISSED on 12th November, 2007.

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

#### **Enforcement Notice EN2007/0033/ZZ**

- The appeal was received on 5th June, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. K. Lancett.
- The site is located at Marshfield Cottage, Cross Keys, Withington, Hereford.
- The breach of planning control alleged in this notice is:  
*On 14th January 2004 planning permission was granted for the change of use of the land to domestic cartilage, subject to conditions. One of those conditions removed the permitted development rights relating to development within the cartilage of a dwelling house. It appears to the Council that the condition has not been complied with, because a gazebo has been erected without planning permission.*
- The requirements of the notice are:
  - (i) *Remove the unauthorized gazebo from the land.*
  - (ii) *Restore the land to its condition prior to the commencement of the building operations.*
- The main issue is the impact of the development on the landscape

**Decision:** The appeal was DISMISSED and the enforcement notice was UPHELD on 27th November, 2007.

**Case Officer:** Ed Thomas on 01432 261961

#### **Application No. DCCE2006/3424/F**

- The appeal was received on 1st February, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Morbaine Ltd.
- The site is located at Land at rear of former Denco site, Holmer Road, Hereford.
- The application, dated 24th October, 2006, was refused on 23rd January, 2007.
- The development proposed was Variation of condition 6 of planning permission DCCE2005/1752/O to allow up to 2090.3 sq.m of the permitted retail floorspace to be used within one unit only for the sale of sports equipment, sports clothing and sports footwear and up 2090.3 sq.m of the floorspace within the development to be used for Class D2 and fitness uses.
- The main issue is the effect of the proposed variations on the vitality and viability of Hereford Central Shopping and Commercial Area, with particular reference to its proposed extension to the Eign Gate Regeneration Area (EGRA).

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

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



**Application No. DCCE2006/2483/F**

- The appeal was received on 26th 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 Morbaine Limited.
- The site is located at Land at rear of former Denco Holdings, Hereford, Herefordshire, HR4 9SJ.
- The application, dated 24th July, 2006, was refused on 31st January, 2007.
- The development proposed was Variation of condition no 6 of planning permission DCCE2005/1752/O to allow (1) Goods from a catalogue showroom retailer including jewellery, clocks, watches, cutlery, crockery & glassware where ancillary to main range of goods sold, (2) Clothing & footwear.
- The main issue is the effect of the proposed variations on the vitality and viability of Hereford Central Shopping and Commercial Area, with particular reference to its proposed extension to the Eign Gate Regeneration Area (EGRA).

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

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

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



**5 DCCE2007/3362/F - TWO STOREY EXTENSION TO SIDE OF EXISTING PROPERTY. 31 KINGS CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1GY**

**For: Mr. & Mrs. Prassanan, 31 Kings Crescent, College Estate, Hereford, HR1 1GY**

**Date Received: 25th October, 2007    Ward: Aylestone    Grid Ref: 51098, 41275**

**Expiry Date: 20th December, 2007**

Local Members: Councillors NL Vaughan and DB Wilcox

**1. Site Description and Proposal**

- 1.1 The application seeks permission for the erection of a two-storey side extension to the existing dwelling at 31 Kings Crescent, College Estate, Hereford. The dwelling is a modern end of terrace in a block of three. The development faces the railway line, which is shielded from view by a close-boarded fence. The dwellings back onto the older style properties in Kingsway. The area to the front of the dwellings is hard landscaped. The estate road serving the development terminates a short distance to the north.
- 1.2 The extension would be built against the existing southern elevation, towards the neighbouring dwelling, No. 30. The extension is designed so that the building line is set back by 2 metres from the front elevation of the existing dwelling, with the effect that the ridge height over the extension is lower than that of the existing dwelling.
- 1.3 The proposed extension would add a dining room, store and wc at ground floor with an en-suite bedroom over. The internal layout has been arranged so that the principle windows are at the front, with smaller obscured glazed windows to the rear at ground and first floor. These would serve wcs. An obscure glazed window is proposed to the flank elevation at ground floor.
- 1.4 The extension would have the effect of shortening the existing drive. One space would be lost with the result that the drive would only be able to accommodate one vehicle.

**2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007:

DR1	-	Design
H18	-	Alterations and extensions

**3. Planning History**

- 3.1 None relevant.

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

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Traffic Manager: No objection. Whilst it is recognised that only one off-street parking space will remain, there is available and ample off-street parking, little likelihood of significant further development nearby and the proposal is at the distant end of Kings Crescent.

4.3 Conservation Manager (Ecology): No response.

#### **5. Representations**

5.1 Hereford City Council: No objection.

5.2 Two letters of objection have been received from Mrs. G. Townsend and Mr. P. Knights, 30 Kings Crescent, Hereford and Mr. P. Johnson, 33 Kings Crescent, Hereford. The content of the letters can be summarised as follows:

- The erection of the extension and future maintenance would be likely to require access over neighbouring land. Permission for this is unlikely to be forthcoming;
- The extension would reduce available parking within the curtilage, increase on-street parking and restrict access to existing driveways;
- The extension would result in a loss of privacy to the rear garden of No. 30;
- The extension would block out afternoon and evening sunshine to the rear garden of No. 30;
- The extension would reduce the amount of natural light to the bathroom window of No. 30;
- The extension would adversely affect the street scene, halving the existing distance between properties.

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

#### **6. Officer's Appraisal**

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

- The impact that the extension would have upon the residential amenity of adjoining dwellings, particularly the immediate neighbour to the south, No. 30 Kings Crescent; and
- The impact upon the availability of off-street parking, referring to Policy H18 – Alterations and extensions.

##### Residential Amenity

6.2 The proposed extension is considered acceptable in terms of appearance, detailed design and scale. Measures have been taken to ensure that the original dwelling would remain the dominant feature as is required by Policy H18 (1). The front of the

extension is set back 2 metres from the front of the existing dwelling and the ridge height is thus lower. These features combine to promote the original dwelling as the dominant element. In the event that planning permission is granted, a condition is recommended to ensure that facing materials match those used in the construction of the existing and adjoining dwellings. Materials are consistent throughout the development. It is also recommended that the ground floor window in the flank elevation be obscure glazed and non-opening.

6.3 The representations refer to the impact that the extension would have upon the residential amenity at No. 30 in particular. Reference is made to loss of privacy and light in particular. However, it should be noted that the internal layout of the extension results in the main windows being placed in the front elevation, overlooking the estate road. Windows in the rear elevation serve wcs and will thus be obscure glazed.

6.4 It should also be noted that the extension is to the north side of No. 30 and hence loss of light to the conservatory and rear garden would not be so significant so as to warrant refusal of the application.

#### Car Parking

6.5 The development will result in the loss of one of the existing parking spaces upon the driveway. However, the Traffic Manager has no objection to the development. This is on the basis that there is unrestricted on-street parking and there is no prospect of major development with implications for the use of Kings Crescent estate road in the future. Additionally, the dwelling is located at the far end of the crescent, rather than adjacent to the junction with Kingsway and Regent Gardens and as such any displacement of vehicles would not result in any highway safety concerns in this specific case.

#### Conclusion

6.6 The development proposed would not unduly affect the living conditions of neighbouring properties and the loss of a parking space within the curtilage is acceptable for the reasons given above. The application is recommended for approval subject to conditions.

### **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

**Informatives:**

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

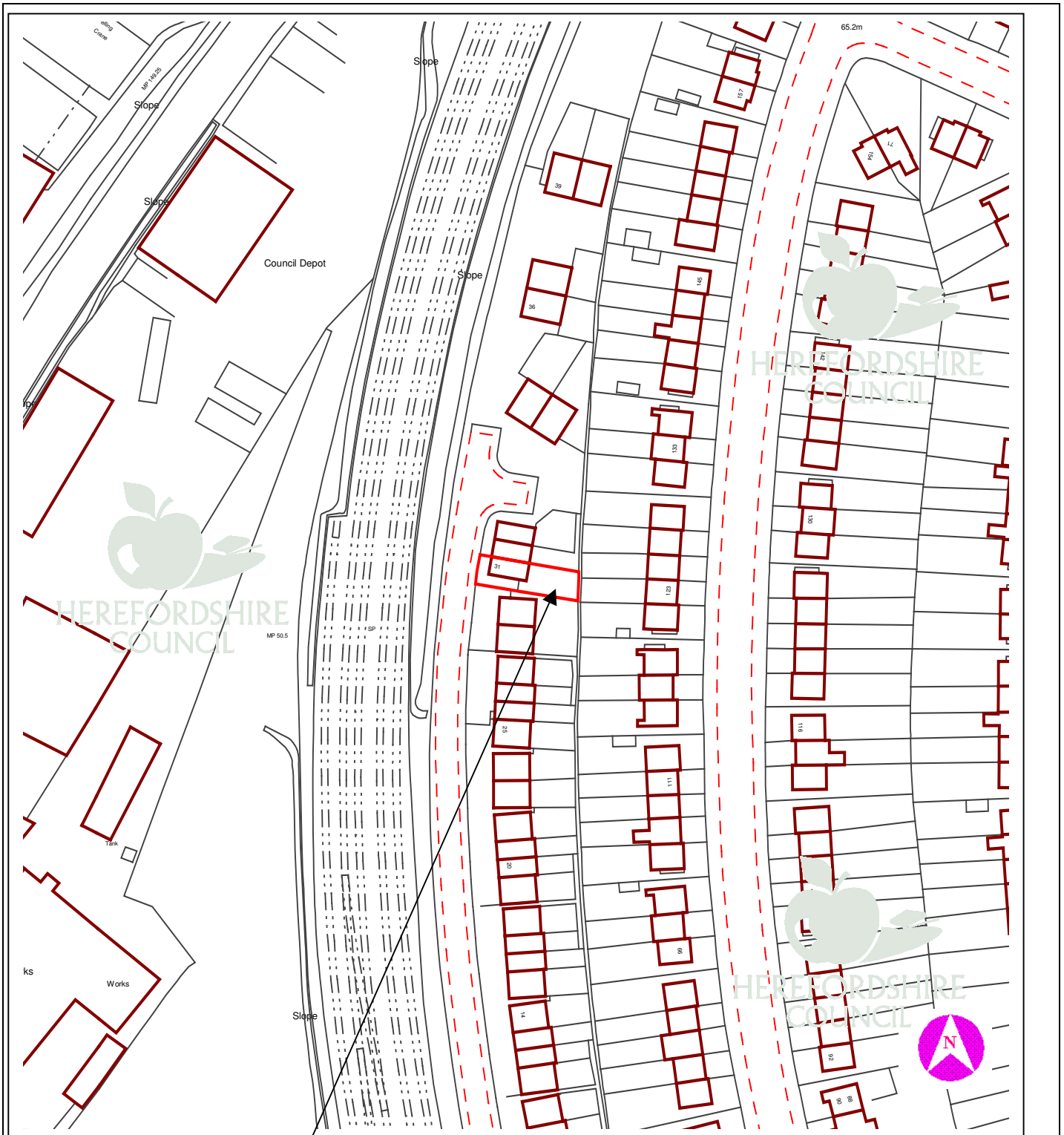
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/3362/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 31 Kings Crescent, Hereford, Herefordshire, HR1 1GY

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





**6 DCCE2007/3205/F - CHANGE OF USE OF TWO MOBILE HOMES TO FACILITATE REST ROOM ACCOMMODATION FROM 1ST SEPTEMBER TO 2ND FEBRUARY IN ANY YEAR. LEYS FARM, TARRINGTON, HEREFORDSHIRE, HR1 4EX**

**For: Mr. I. Musto, per Mr. D.A. Thompson, Agriculture House, Tillington Road, Hereford, HR4 9QJ**

**Date Received: 15th October, 2007 Ward: Backbury Grid Ref: 61281, 40596**

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

Local Member: Councillor JE Pemberton

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

- 1.1 Planning permission is sought for the use of two mobile homes as gamekeeper's rest rooms throughout the duration of the game season. The mobile homes are currently found within an agricultural building at The Leys Farm, Tarrington, 0.5km west of the village. The original farm complex is found immediately to the east, the historic barns having been converted to residential use.
- 1.2 The mobile homes are presently subject to an enforcement notice requiring the cessation of residential use and removal from the building. Also required by the notice is the removal of the foul drainage connection and demolition of a kennel block located in the south east corner of the building. An enforcement appeal has been withdrawn pending the outcome of this application, although the requirements of the notice remain in force.
- 1.3 The residential use of the mobile homes has ceased, although they remain within the barn. It is assumed, in view of the proposed use, that the connection to the mains drainage also remains. The agent promotes this application as an appropriate use of the mobile homes in connection with the sporting rights over the Stoke Edith Estate.

### **2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
DR2	-	Land use and activity
E13	-	Agriculture and forestry development
RST14	-	Static caravans, chalets, camping and touring caravan sites

### **3. Planning History**

- 3.1 EN2007/0117/ZZ - Enforcement notice requiring cessation of residential use of mobile homes, removal from the building of the mobile homes, disconnection to the main drainage and demolition and removal of kennel blocks.

The notice was served on 11th July, 2007 to take effect on 20th August, 2007. An appeal was lodged, but has since been withdrawn. The enforcement notice remains in force.

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

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Traffic Manager: No comment.

#### **5. Representations**

5.1 Tarrington Parish Council: The Parish Council strongly objects to the application and is concerned that the existing problem on the site might continue. It would be difficult to ensure that the mobile homes would not be used for residential purposes, especially as it is not clear what is meant by rest home accommodation, and the parish council queries whether they would remain empty for the remainder of the year.

5.2 Five letters of objection have been received from occupants of the adjoining Leys Farm barn conversions. The content of the letters can be summarised as follows:

- The caravans have become permanent fixtures and there is no justification for their retention as is evidenced by the requirements of the enforcement notice;
- The existing use of the building, including the kennelled dogs, continues to blight the residential amenity of adjoining properties;
- This application is an attempt to sidestep the original issues and achieve the (alleged) end objective of achieving residential use of the mobile homes.

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

#### **6. Officer's Appraisal**

6.1 The application seeks, in effect, the retention of the two existing mobile homes within the barn, for the purposes of providing rest room accommodation for male and female gamekeepers for the duration of the game season: 1st September - 2nd February. The application is slightly unusual in that there is no directly applicable policy. Nonetheless, the key issues in the determination of the application are considered to be:

- The principle of allowing the retention of the mobile homes for the purposes applied for, paying due regard to the previously alleged breaches of planning control and the requirements of the enforcement notice.
- The impact that the retention of the mobile homes for the purposes applied for would have upon the residential amenity of the adjoining dwellings.

### Principle of Development

- 6.2 The use of the caravans as rest rooms/offices etc for bona fide agricultural workers would not, in most circumstances, require the benefit of planning permission. Whilst it is recognised that the use of the caravans as gamekeeper's rest rooms does not fall within the definition of agriculture, the proposed use would be incidental to an activity that, by definition, has to take place within the countryside. Hence it is not considered unreasonable that some form of ancillary building or facilities is required in conjunction with the exercising of sporting rights.
- 6.3 In this instance, the intention is to retain two mobile homes for the duration of the sporting season. In landscape terms, the existing location within the building provides a high degree of screening from the public vantage points. The mobile homes are not visible other than from within the building or the concrete apron to the immediate west. None of the letters of representation comment on landscape impact. In this respect the proposal satisfies the landscape related requirements of Policy E13 (Agricultural and Forestry Development). The principle of allowing retention of the mobile homes for the purposes specified in the application is considered acceptable.

### Impact upon Residential Amenity

- 6.4 A number of the letters of representation make reference to the continued disturbance caused by the housing of dogs within the building. In this respect, the enforcement notice requires demolition of the kennel block and will be pursued as a separate issue.
- 6.5 In essence therefore the principle concerns of residents do not relate to the current application but rather uses that have been enforced against and irrespective of the recent history of the site the local planning authority is duty bound to consider this application on its merits.
- 6.6 It has already been noted that the retention of the mobile homes has no impact upon the quality or character of the local landscape.
- 6.7 In relation to residential amenity, it is considered that suitable conditions could mitigate potential adverse impacts. The application specifies that the use of the mobile homes would endure for the duration of the game season i.e. 5 months between September and February, and a condition could be imposed to ensure non-use outside those dates. Likewise a condition could be framed to prevent residential occupation of either of the mobile homes, and the fallback position, should this occur, is the continued existence of the enforcement notice.
- 6.8 Subject to the imposition of and compliance with planning conditions, the application is recommended for approval.

## **RECOMMENDATION**

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

- 1. The use of the mobile homes identified in positions A and B on the approved plan shall be solely for the purposes described in the application and for no other purpose without the prior written consent of the local planning authority.**

**Reason: In the interests of preserving residential amenity and in recognition that no justification presently exists for alternative uses.**

- 2. The mobile homes shall not be used between 2nd February and 31st August in any given year.**

**Reason: The continued use of the mobile homes is only acceptable for purposes incidental to the game season.**

**Informatives:**

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

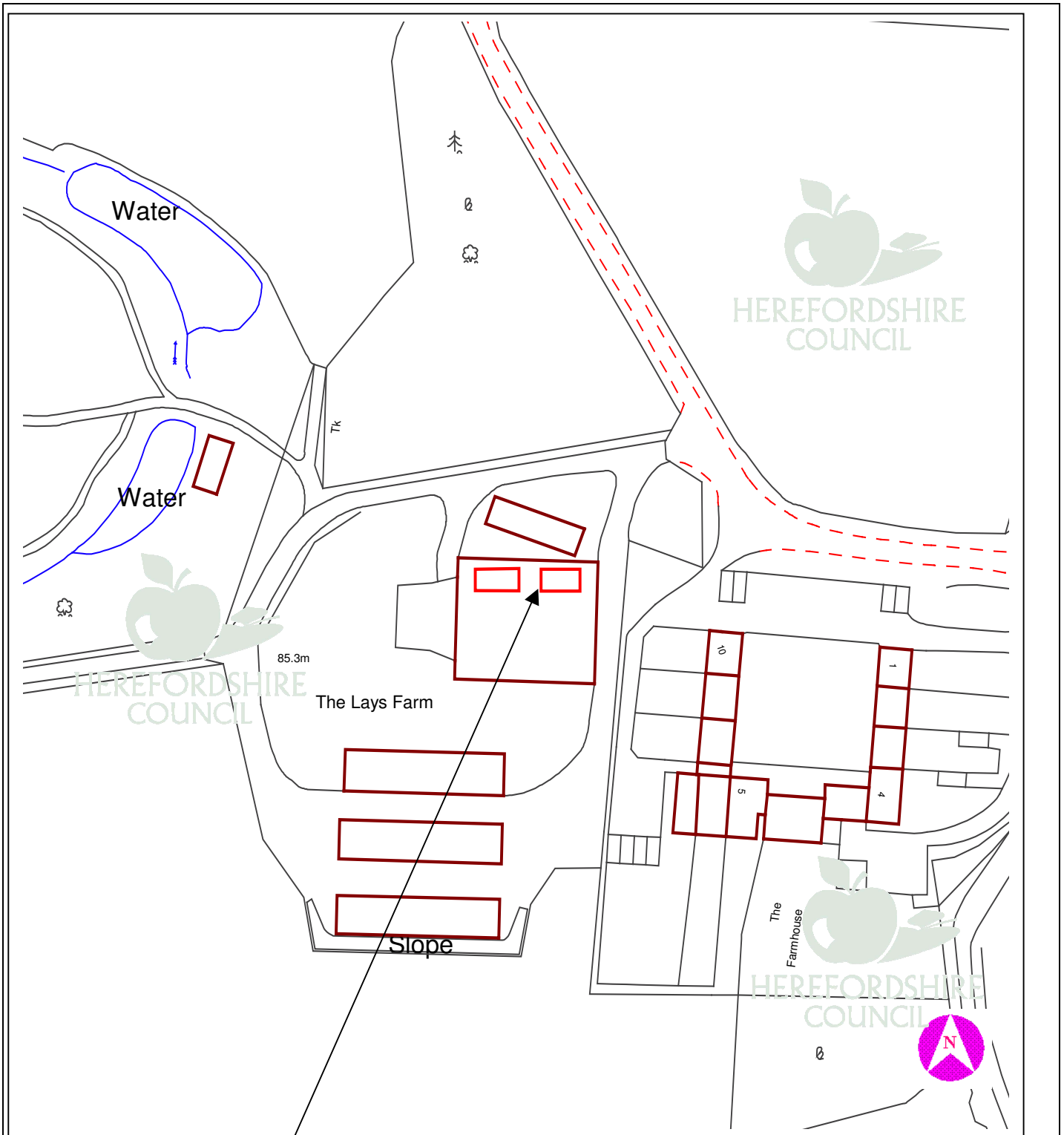
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/3205/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Leys Farm, Tarrington, Hereford, Herefordshire, HR1 4EX

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**7A DCCW2007/2633/F - DEMOLITION OF EXISTING VACANT WAREHOUSE FOR THREE NO. TERRACED TOWN HOUSES AND ASSOCIATED PARKING FACILITIES AT WAREHOUSE AT LAND ADJACENT TO 47 BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY**

**For: Mr. A.J. Chadd per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, Herefordshire, HR1 2JW**

**7B DCCW2007/2634/C - DEMOLITION OF EXISTING VACANT WAREHOUSE FOR THREE NO. TERRACED TOWN HOUSES AND ASSOCIATED PARKING FACILITIES AT WAREHOUSE AT LAND ADJACENT TO 47 BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY**

**For: Mr. A.J. Chadd per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, Herefordshire, HR1 2JW**

**Date Received: 17th August, 2007    Ward: St. Nicholas    Grid Ref: 50428, 39697**

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

Local Members: Councillors DJ Benjamin and JD Woodward

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

- 1.1 The application site is located on the southern side of Barton Road between Nos. 47 and 57. No. 47 Barton Road to the east and No. 50 opposite are Listed Buildings and the site is located within the Conservation Area.
- 1.2 The proposal is to demolish the former warehouse and replace it with a terrace of three dwellings with underground parking. The new dwellings will be three storeys high with a private way along the road frontage providing pedestrian access to the dwellings. The access to the underground parking would be via the existing vehicular access serving the warehouse. A total of five car parking spaces together with secure motor cycle and bicycle parking spaces are proposed.
- 1.3 The design takes the form of a contemporary terrace of town houses incorporating render for the walls and a zinc roof. Balconies are proposed on the rear south elevation at ground floor level only.

- 1.4 This is a joint report dealing with the planning application for the three dwellings and the Conservation Area Consent application for the demolition of the existing warehouse.

## 2. Policies

### 2.1 National:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPG15	-	Planning and the Historic Environment
PPS25	-	Development and Flood Risk

### 2.2 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy E5	-	Safeguarding Employment Land and Buildings
Policy T11	-	Parking Provision
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas

## 3. Planning History

- 3.1 DCCW2006/2744/F Demolition of existing vacant warehouse for three terraced town houses and associated parking facilities. Withdrawn 5th October, 2006.
- 3.2 DCCW2006/2738/C Demolition of existing vacant warehouse for three terraced town houses and associated parking facilities. Withdrawn 5th October, 2006.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: Raise no objections subject to conditions to ensure separate discharge of foul and surface water.
- 4.2 Environment Agency: Observations awaited.

### Internal Council Advice

- 4.3 Traffic Manager: No objection but recommends conditions.



- 4.4 Conservation Manager (Ecology): Raises no objection subject to a condition to ensure bat bricks are used on the new build.
- 4.5 Conservation Manager (Historic Buildings Officer): The warehouse building detracts from the character and appearance of the adjacent buildings within the Conservation Area through its rundown appearance and industrial character.

As the roofline and style of the south elevation are modern in style and do not relate to the red brick buildings surrounding the site it does not seem necessary to clad the north elevation in red brick. A rendered finish to the same specification as that on the southern elevation would be more appropriate and honest. This would also link the development in terms of style with the neighbouring buildings of similar style.

## 5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 ESG Herefordshire Ltd: No objection.
- 5.3 Conservation Area Panel: No context given, difficult to see how this fits in, lack of good design, details confused front and rear elevations.
- 5.4 Four letters of objection have been received from Mr. R.J. Benjamin, 47 Barton Road, Hereford; L. Johnson & C. Hawkins, Red Roses, 57 Barton Road, Hereford; R. Griffiths, 50 Barton Road, Hereford and D. Jones, 36 Barton Road, Hereford.
- 5.5 A petition signed by 18 people has also been received.
- 5.6 The main planning points of the representations received are:-
1. There is no footpath this side of Barton Road which is a very busy road.
  2. Vehicles already park on the pavement opposite and this will make the situation worse.
  3. The proposed impact on the setting of the Listed Building.
  4. Invasion of privacy of No. 47 with windows in side elevation and over rear garden from windows and balcony.
  5. Construction problems with building boundary walls.
  6. Re-development will impact on the stability of adjoining dwellings.
  7. Potential access to main services.
  8. Vehicular access concerns.
  9. Bats have been seen in the area.
  10. The proposal impacts on the Human Rights of adjoining residents.

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

## 6. Officer's Appraisal

- 6.1 This proposal seeks to remove a former brick built warehouse and replace with a terrace of three, three storey dwellings.
- 6.2 The planning application has been considered under the following:
1. Principle of Development
  2. Design
  3. Impact on Neighbours
  4. Setting of Listed Building/Impact on Conservation Area
  5. Highway Safety
  6. Ecology
  7. Human Rights

### Principle of Development

- 6.3 This former commercial site is located within the settlement boundary for Hereford City where re-development for residential purposes is broadly supported by Plan policy. The loss of the commercial use of the site is not considered unacceptable in this instance in view of its limited value in employment terms and the benefits of enhancing this predominantly residential environment. The principle of re-development is therefore considered to be acceptable in principle.

### Design

- 6.4 A contemporary approach to the development is proposed with a split mono pitch zinc roof and rendered walls. Whilst this does not match the traditional brick and tile roof that characterises Barton Road it does provide a link in terms of style with other buildings in the vicinity. The Council's Historic Buildings Officer has reviewed the proposal and raises no objections to the amended design which provides for render on all walls. The front elevation is traditional in its form with appropriate door and window spacing and provides a vertical emphasis which matches the character of other buildings in the locality. The rear elevation provides a horizontal emphasis taking advantage of the extensive views south towards the River Wye. This elevation has expanses of glass and exhibits a contemporary approach similar to more recent development in the area. These two main elevational treatments are considered acceptable and complement the townscape and Conservation Area setting.

### Impact on Neighbours

- 6.5 The concerns of the neighbours are noted, however the rear windows will only enable overlooking over the additional garden area immediately behind that property. In addition the balconies are only proposed on the ground floor and solid extending walls are proposed to maintain privacy. In addition the side (east) elevation only has one glazed ground floor window with the first and second floors having dummy windows for design purposes. The ground floor windows will help provide surveillance over the access to the car parking area. Therefore whilst there will be a limited degree of overlooking associated with the proposal, this will not be at a level that is considered sufficient to warrant refusal of planning permission.

Setting of the Listed Building/Impact on Conservation Area

- 6.6 The proposal has been assessed in relation to the two Listed Buildings that are located opposite and to the east of the site together with its location within the Conservation Area. The Council's Historic Buildings Officer has assessed the existing building and considers that it detracts from the character and appearance of adjacent Listed Buildings and the Conservation Area. Furthermore it is considered that the amended scheme with the render finish will complement more recent development in the locality and provide an appropriate contrast with the more traditional red brick associated with older properties on Barton Road. It is considered that this proposal would enhance the character of the Conservation Area.

Highway Safety

- 6.7 The access to the underground parking area would be via the existing access but this arrangement would be improved by setting the new building back off the road. The Traffic Manager has considered the existing use which could continue or change to other permitted employment uses without planning permission and considers that the proposed access for this residential proposal to be acceptable in highway safety terms.

Ecology

- 6.8 A bat survey accompanied the planning application. The conclusions identify that the warehouse has been used very occasionally as a feeding perch only and that there is a low risk of bats being present in the building. Therefore the loss of the building will not have a detrimental effect on the bat population. Mitigation measures concerning demolition and bat habitat creation is recommended and included as a proposed condition.

Human Rights

- 6.9 Consideration has been given to the objectors rights under Article 8 of the Human Rights Act 1998 and particularly the right to respect for a private and family life. The planning system does provide for an appropriate assessment of these rights in the consideration of the planning application and as such it is not considered that the objectors' Human Rights would be breached by the granting of planning permission.

Conclusion

- 6.10 This proposal has been assessed in relation to its location within the Conservation Area, adjacent to Listed Buildings; highway safety; the amenity and privacy of adjoining neighbours together with their Human Rights under Article 8. The conclusion is that the scheme is acceptable and will provide an enhancement to the Conservation Area and not detract from the setting of the Listed Buildings. Highway safety has been assessed in relation to the lawful use of the site and the improvements proposed through this residential scheme. The Traffic Manager has confirmed that in consideration of these aspects a safe access can be achieved.
- 6.11 Finally, whilst privacy and amenity will be affected there will be no direct overlooking of neighbouring property. Furthermore the ecological value of the site will be mitigated by way of a condition.

**RECOMMENDATION**

In respect of DCCW2007/2633/F:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

6. **F22 (No surface water to public sewer).**

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

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

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

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

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

9. **The recommendations set out in the ecological report dated July 2007 shall be followed unless otherwise agreed in writing with the local planning authority. At least three bat bricks shall be built into the new properties, the location to be agreed with the local planning authority. Prior to development, a full working method statement should be submitted to the local planning authority and implemented as approved.**

**An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation works.**

**Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural habitats, &c.) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan 2007.**

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

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

**11. H09 (Driveway gradient).**

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

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

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

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

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

**Informatives:**

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

**In respect of DCCW2007/2634/C**

**That Conservation Area Consent be granted subject to the following condition:**

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

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

**Informatives:**

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

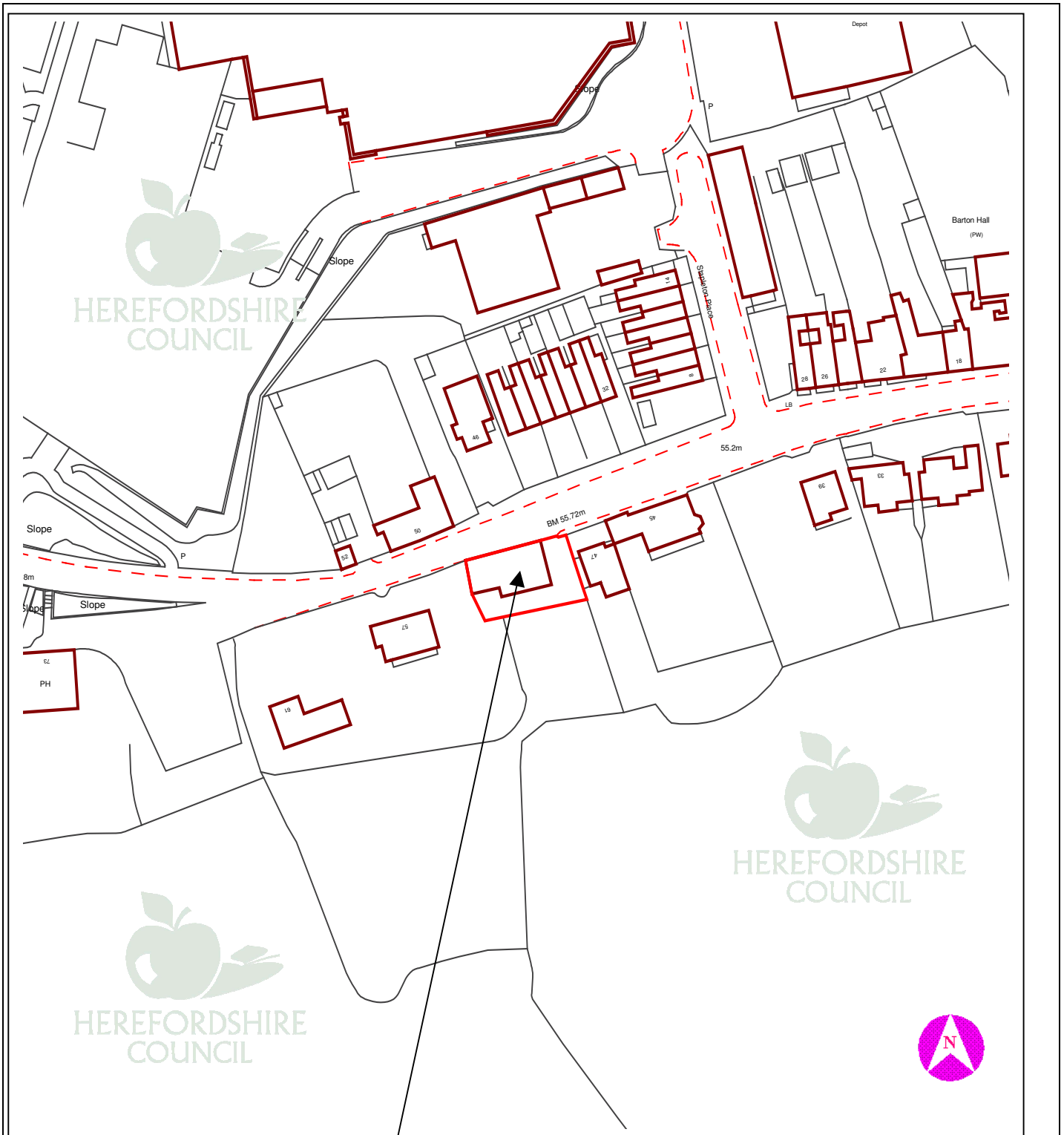
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NOS:** DCCW2007/2633/F & DCCW2007/2634/C

**SCALE :** 1 : 1250

**SITE ADDRESS :** Warehouse at land adjacent to 47 Barton Road, Hereford, Herefordshire, HR4 0AY

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## **8 DCCW2007/3399/F - ERECTION OF 4 NO. 2 BEDROOM DWELLINGS AT LAND OFF STATION ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY**

**For: A.C.T. Ltd. per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 30th October, 2007      Ward: St. Nicholas      Grid Ref: 50477, 39776**

**Expiry Date: 25th December, 2007**

Local Members: Councillors DJ Benjamin and JD Woodward

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

- 1.1 The site is located on the east side of Station Road, Hereford opposite Stapleton Place immediately north of Barton Road. The site is presently occupied by a vacant single storey workshop.
- 1.2 The proposal is to demolish the building and erect two pairs of semi-detached two bedroomed dwellings. The new dwellings are orientated to face Station Road with no rear windows on the first floor.
- 1.3 The site lies within the Conservation Area with dwellings located immediately to the south and west of the site.

### **2. Policies**

#### 2.1 National:

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

#### 2.2 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy E5	-	Safeguarding Employment Land and Buildings
Policy T11	-	Parking Provision
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas

### 3. Planning History

- 3.1 No recent planning history.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: No objection subject to separation of foul and surface water drainage.

#### Internal Council Advice

- 4.2 Traffic Manager: Recommends refusal in relation to the lack of visibility from the parking spaces onto the pedestrian pavement.
- 4.3 Conservation Manager: Generally the proposed development is acceptable and should sit well with the terraced houses to the south. I would request that, in order to better achieve the stated aim of reflecting the design and general style of the area, chimneys be added to the houses. The materials to be used for string courses and cills need to be agreed as it is not clear what they are from the application.

Recommend approval subject to the addition of chimneys and porches (design to be agreed) with further conditions to allow approval of materials prior to commencement.

### 5. Representations

- 5.1 Hereford City Council: Raise no objection but request Section 106 funding used to re-surface the access road.
- 5.2 Conservation Advisory Panel: Design quality an issue in the proposal. Maybe overdevelopment for the size. Site lacks any environmental benefits. Access is an issue.
- 5.3 Five letters of objection have been received from A. Lewis, 22 Barton Road, Hereford; R.A. Price, 14 Stapleton Place, Station Road, Hereford; D.R. & C.M. Evans, 20 Barton Road, Hereford; Mr. & Mrs. A. Hardy, 24 Barton Road, Hereford and S.D. Powell, 28 Barton Road, Hereford.
- 5.4 The main points raised are:
1. Parking is an on-going irritation in Station Road and this development will exacerbate the situation.
  2. Construction problems on such a small site for deliveries and storage.
  3. Before the development takes place priority should be given for residents only parking in Stapleton Place.
  4. Station Road has become a free car park for residents in flats and bedsits on Barton Road and commuters car park during the day.
  5. A party wall adjoins the site and needs to be protected.



6. The private sewer drain pipe could not cope with the increase and a new connection would be required.
7. Side window will overlook adjoining dwelling impacting on amenity.

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

## **6. Officer's Appraisal**

- 6.1 The site is located within the settlement boundary for Hereford City as identified in the Herefordshire Unitary Development Plan 2007 and is a brownfield site within an area designated as an Established Residential Area. Therefore the principle of residential re-development is broadly acceptable subject to design, layout, highway safety and impact on adjoining dwellings.
- 6.2 The proposal has been assessed by the Council's Conservation Manager who confirms that the proposal will be acceptable within the Conservation Area subject to the insertion of chimneys and porches which have been agreed with the agent. The brick detailing on the elevation will complement similar features on existing dwellings in the area.
- 6.3 The layout of the development ensures an orientation onto Station Road with no first floor windows to the rear. The side windows are to serve bathrooms and conditions could ensure obscure glass is used and retained to overcome any detrimental impact on adjoining dwellings. The limited amount of private amenity space is acknowledged by Officers in this instance but the provision of private parking and of a small yard for each dwelling is considered appropriate having regard to the small scale of the dwellings as proposed and is consistent with the existing terraced properties in Stapleton Place.
- 6.4 The Traffic Manager's concerns are noted. However in the context of this site vehicles will be visible and moving at very low speeds into the parking spaces. Accordingly this is not seen as a justifiable reason to refuse the planning application in this particular case. The problems with parking in Station Road are noted and whilst this development will reduce areas for parking, substantial on-street parking will still be available.
- 6.5 The parking problems and requests for a residents' parking scheme are noted and will be passed onto the Traffic Manager but ultimately are not matters that are grounds for withholding planning permission.
- 6.6 In response to concerns regarding drainage, it is advised that Welsh Water raise no objection but for the avoidance of any doubt a condition is proposed to secure the technical details. The suggestion of securing S106 monies towards upgrading the road surface is noted but in line with current procedure, the development falls below the established threshold for negotiating financial contributions.
- 6.7 In conclusion with the minor design revisions, the proposal is considered to accord with adopted Plan policy and would realise a sustainable redevelopment of the site and an enhancement to the residential amenity of the locality.

**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. **E18 (No new windows in specified elevation) (rear and side).**

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

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

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

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

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

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

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

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

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

8. **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.**

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

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

**Informatives:**

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

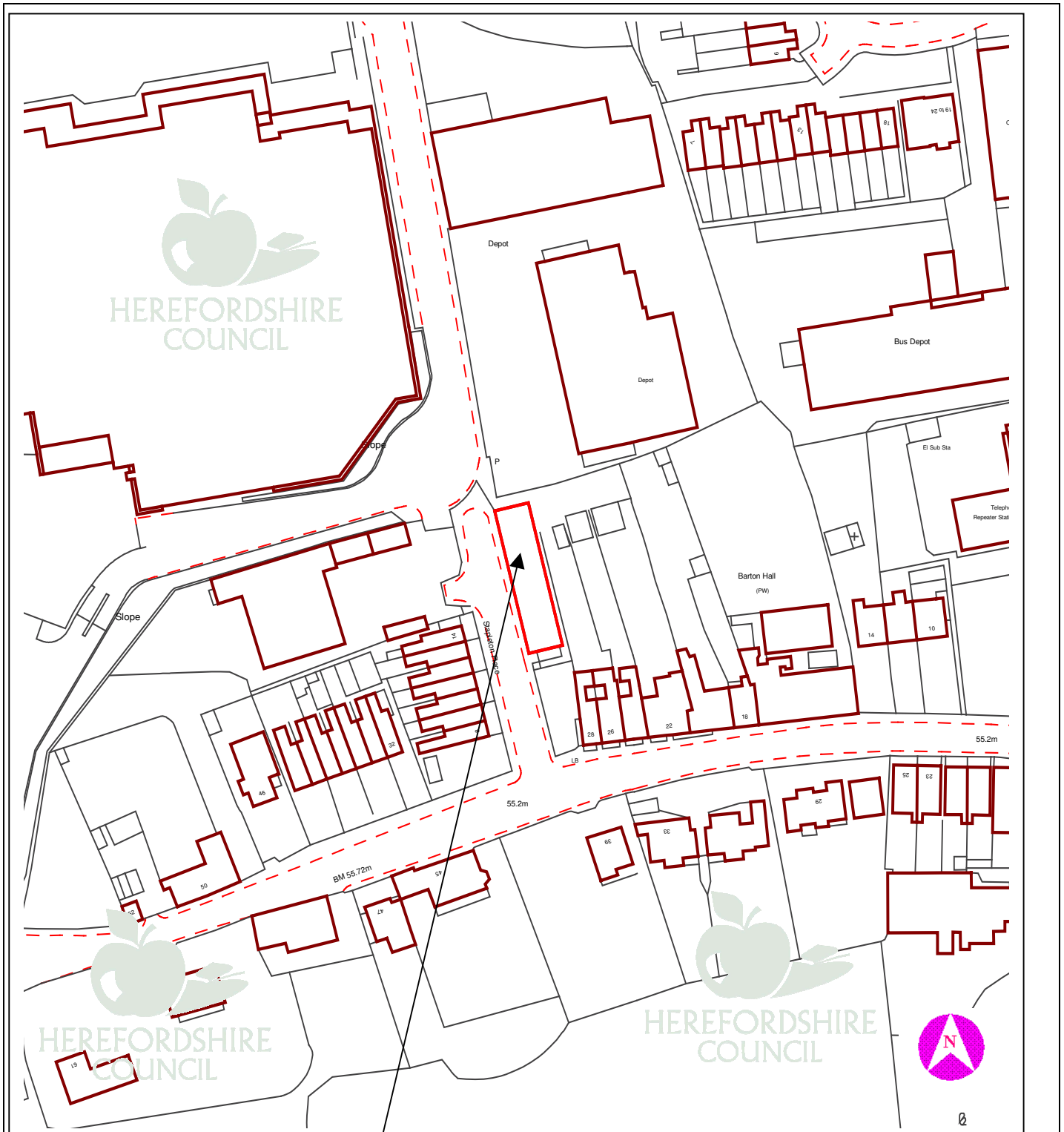
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2007/3399/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land off Station Road, Hereford, Herefordshire, HR4 0AY

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**9 DCCW2007/3247/F - CONVERSION OF REDUNDANT BUILDING TO TWO RESIDENTIAL UNITS WITH EXTENSION TO EXISTING DWELLING AT KINGSLEY HOUSE, DINMORE, HEREFORD, HEREFORDSHIRE, HR1 3JP**

**For: Mr. E. Haslam per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 16th October, 2007    Ward: Wormsley Ridge    Grid Ref: 51024, 50875**

**Expiry Date: 11th December, 2007**

Local Member: Councillor AJM Blackshaw

**1. Site Description and Proposal**

- 1.1 The application site forms part of a terrace of properties, located on the south eastern slope of Dinmore Hill, immediately adjacent to a classified road that leads from the A49(T) to the village of Bodenham.
- 1.2 The application site is comprised of a redundant commercial building and a vacant dwelling known as Coppice Cottage, the south western end of the building abuts a pair of dwellings known as Kingsley House and Kingfisher Creek respectively. The upper floors are level with the highway, with the ground falling away steeply to the east, providing access to the lower level at the rear.
- 1.3 The application seeks permission to convert the commercial building into two self-contained three bedroomed dwellings, including an extension of the existing cottage to provide an additional bedroom on the first floor above an enlarged and improved reception room. The three properties would have private gardens to the rear of the building and would be served by a divorced parking area located at the western end of the terrace.

**2. Policies**

2.1 National:

PPS7                    -            Sustainable Development in Rural Areas

2.2 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 H7            -            Housing in the Countryside  
 Policy H13          -            Sustainable Residential Design

- Policy HBA12 - Re-use of Rural Buildings  
Policy HBA13 - Re-use of Rural Buildings for Residential Purposes

### 3. Planning History

- 3.1 DCCW2005/0114/F Conversion of redundant building to three residential units. Refused 11th March, 2005.
- 3.2 DCCW2005/2961/F Conversion of redundant building to two residential units. Withdrawn 9th November, 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to conditions controlling the design and construction of the vehicular access.
- 4.3 Conservation Manager: The mitigation measures detailed in the ecological report are considered acceptable. Conditions controlling the construction of the bat loft are recommended.

### 5. Representations

- 5.1 Wellington Parish Council: No objection, but comment that at present most parking is on the road, therefore there should be sufficient off-road parking.
- 5.2 Mr. Davies, Kingfisher Creek - Objection.
- a) Issues of highways safety, arising from the potential for vehicles to be parked outside of the entrance when occupants of the proposed properties avoid having to walk from the car park.
- b) The close proximity of the proposed parking area will give rise to disturbance and a loss of amenity, parking would be placed at the opposite end of the building.
- 5.3 Mrs. Marron, Hazel Mount - Objection. In principle I welcome the proposal as it will replace an ugly corrugated shed with a development which is more in keeping with the surroundings. However my concern is one of highway safety, my access is located directly opposite the proposed development, therefore if vehicles park in front of the building this will force vehicles travelling from Bodenham onto the opposite side of the road, increasing the risk of collision with vehicles emerging from my driveway. Furthermore the distance between the building and the highway is less than 1 metre and the front doors will open onto the road with no pavement, also the projecting porches may pose a risk to high-sided vehicles. I believe that the existing parking area for Coppice Cottage is too small.

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

## 6. Officer's Appraisal

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

- The Principle of Development
- Design and layout
- Residential amenity
- Access and Highways Issues
- Ecology

### Principle of Development

6.2 The redundant commercial building is structurally sound, and save for re-cladding is capable of conversion without rebuilding or significant alteration. The building forms part of a terrace and is sandwiched between residential uses at either end. Therefore it is not considered that a commercial re-use of the building would be appropriate in this instance as it may harm the amenity of the existing dwellings. Consequently the proposal to convert the building into 2 new dwellings is acceptable in principle, subject to other material considerations being satisfactorily resolved.

### Design and Layout of the Development

6.3 Although the existing commercial building is of not of significant architectural merit in its own right, being comprised of a tin clad upper floor, atop of a brick built lower floor. Since it forms part of a terrace of buildings its retention is considered to be both reasonable and necessary to maintain the unity of the adjoining residential properties.

6.4 Having consideration for the character and appearance for the existing property, the external appearance of the proposed development is considered to improve the visual relationship with the attached neighbours, as well as the appearance of the building within the wider landscape. However as originally submitted the application proposed the introduction of small porches above each of the entrance doors adjacent to the highway, which were considered to add an unacceptable sense of domestication to the external appearance of the building. Therefore following negotiations with the applicants agent they have been removed.

6.5 The proposed development will comprise two new three bedroom dwellings arranged over two floors, whilst the existing cottage will be extended into the northern end of the commercial building resulting again in a three bed roomed dwelling. Private amenity space for each unit will be provided to the rear.

6.6 Overall the design and layout is considered acceptable and the proposed development would not appear out of character with the wider locality. However to ensure the continued satisfactory appearance of the development it is considered expedient to remove permitted development rights.

### Residential Amenity

6.7 It is acknowledged that the proposed development will inevitably alter the setting and outlook of the existing dwellings to which the commercial building is attached. However it is not considered that the proposal will result in an unacceptable level of overlooking

or overbearing impact, when measured against the existing relationship of those dwellings to each other.

- 6.8 With regard to the concerns raised in the letters of representation about a loss of privacy arising from the use of the new footpath linking the rear of the new dwellings with the parking area, given that the footpath is below the existing balcony it is not considered that there is any greater impact on privacy than presently arises out of the use of the existing private amenity space of the adjoining dwelling. Furthermore the modest increase in vehicular activity associated with the additional dwellings would not result in an unacceptable impact upon the amenity of the adjoining dwellings.
- 6.9 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.

#### Access and Highways

- 6.10 The property is served by an existing vehicular access, which will be upgraded and improved. This provides access to an area of hard standing located at the western end of the terraced buildings and will provide off-road parking for the two new dwellings. An existing off-road parking area will serve the cottage adjacent to the highway located at the northern end of the building.
- 6.11 In principle the Traffic Manager has no objection to the access and parking arrangements but comments that details are required of the construction of the upgraded access. These comments are considered reasonable and the appropriate conditions are recommended.
- 6.12 Whilst the comments of the neighbours are noted, in the absence of an objection from the Traffic Manager, it is not considered that the concerns raised in the letters of representation can be substantiated as grounds for refusal on highway safety grounds.
- 6.13 In order to ensure that the adjoining highway is not obstructed during the construction phase a condition requiring the provision of a site operatives parking area is recommended.

#### Ecology

- 6.14 The application is supported by a detailed ecological report, which has revealed that the building is used as a roost site by bats. The report recommends mitigation measures to both protect the habitat during construction and post-development.
- 6.15 In response to consultation the Conservation Manager has confirmed that the scope and findings of the ecological report are satisfactory and has recommended that the mitigation measures proposed in the report are imposed by condition.

#### Conclusion

- 6.16 Overall the proposal complies with the relevant policies in the Unitary Development 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. **B01 (Samples of external materials).**

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

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

**Reason: To ensure the satisfactory appearance of the development.**

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

**Reason: The local planning authority wish to control the resultant appearance of the building, in the interest of local amenity.**

5. **F28 (No discharge of foul/contaminated drainage).**

**Reason: To prevent pollution of the water environment.**

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. **H05 (Access gates).**

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

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

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

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.**

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

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

- 12. The mitigation and compensation measures to protect the habitat of species resorting to the building shall be concurrently carried out with the works to convert the property in accordance with the details set out in the ecological report submitted on the 12th September, 2007 and thereafter be retained in perpetuity.

Reason: In order not to disturb or deter the nesting or roosting of species protected by the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats &c) Regulations 1994 (as amended).

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

Reason: To safeguard residential amenity.

**Informatives:**

- 1. N01 - Access for all.
- 2. N03 - Adjoining property rights.
- 3. N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
- 4. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats
- 5. N14 - Party Wall Act 1996.
- 6. HN05 - Works within the highway.
- 7. HN10 - No drainage to discharge to highway.
- 8. HN13 - Protection of visibility splays on private land.
- 9. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites.'
- 10. N19 - Avoidance of doubt
- 11. N15 - Reason(s) for the Grant of PP/LBC/CAC.

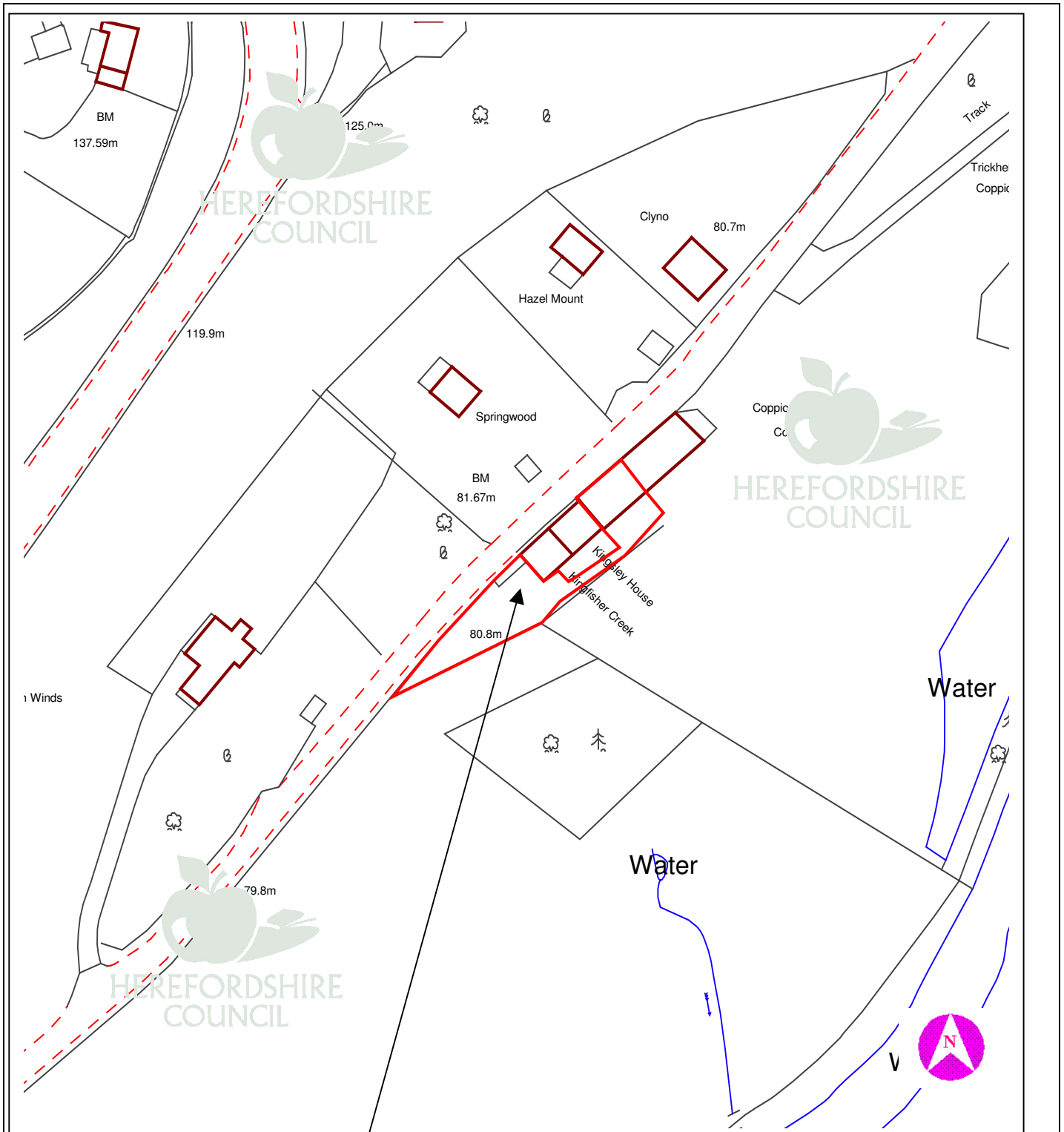
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2007/3247/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Kingsley House, Dinmore, Hereford, Herefordshire, HR1 3JP

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**10 DCCW2007/3582/F - CONSTRUCTION OF A SINGLE DWELLING AT 10 LUARD WALK, HEREFORD, HEREFORDSHIRE, HR2 7BA**

**For: Mr. & Mrs. J. & C. Brady per S.J. Methven, 42 Churchill Way, Long Manborough, Witney, Oxon., OX29 8JL**

**Date Received: 19th November, 2007    Ward: Belmont    Grid Ref: 50037, 39225**  
**Expiry Date: 14th January, 2008**

Local Members: Councillors H Davies; PJ Edwards and GA Powell

**1. Site Description and Proposal**

- 1.1 The application site forms the eastern third of an existing domestic curtilage which serves a two storey detached dwelling known as 10 Luard Walk, located within an established residential area known as Hunderton. The application site is bounded to the west and south by residential development, an area of public open space incorporating a children's play area lies to the east, whilst the banks of the River Wye form the northern boundary. The site is located within the Conservation Area.
- 1.2 The application seeks planning permission for the erection of detached two storey dwelling, comprising a kitchen, dining room, two reception rooms and a balcony on the first floor above four bedrooms and a bathroom on the ground floor.

**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 DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy HBA6	-	New Development Within Conservation Areas

**3. Planning History**

- 3.1 DCCW2007/2401/F    Construction of a single dwelling. Withdrawn 10th September, 2007.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Environment Agency: No objection subject to the finished floor levels being no lower than 54.07 metres (AOD).

##### Internal Council Advice

- 4.2 Conservation Manager: No objection, the proposed design has taken account of discussions following the previous application and addresses the particular issues of this site much more successfully. The south elevation is well proportioned and should sit comfortably within this part of the conservation area while the arguably more important north and east elevations should have a positive impact on a part of the conservation area that has suffered from poor quality design in the past.
- 4.3 Traffic Manager: No objection, but recommends the use of conditions to control the access and parking arrangements.

#### 5. Representations

- 5.1 Hereford City Council: Comments awaited.
- 5.2 One letter of objection has been received from Mrs. D. Pace, 3 Luard Walk which are summarised as follows:
- There is no footpath so pedestrians could be at risk using the highway.
  - Children walking to the playground may be at risk from vehicles accessing the site.
  - Loss of view.
  - Increased traffic.
  - Existing property prices will be devalued.
- 5.3 At the time of writing it is acknowledged that the consultation period has not expired and the recommendation reflects this. All further responses will be reported verbally at the meeting.

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

#### 6. Officer's Appraisal

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

### Principle of Development

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

### Design and Layout of the Development

- 6.3 The application site lies just within the southern boundary of the Broomy Hill Conservation Area, which incorporates a wide strip of land parallel to the southern riverbank of the River Wye. Therefore regard has been had to the impact of the proposed development on the character and appearance of the conservation area, as well as its impact on the established residential area to the south.
- 6.4 The pattern of development along the riverbank within the conservation area is characterised by older detached two storey cottages which are intermixed with more modern residential development. These properties front onto the public highway to the south and have private amenity space to the north which runs down to the top of the riverbank.
- 6.5 To the south the pattern of residential development forms part of a large planned housing estate comprised of semi-detached and terraced dwellings arranged in a linear formation, fronting onto the adjoining highway with private gardens lying to the rear.
- 6.6 In this particular case the design, bulk and massing is considered to be reflective of the wider locality. Therefore the design and layout is considered acceptable as the proposed development would not appear out of character with the urban grain of wider locality or harm the character and appearance of the conservation area. However to ensure the satisfactory appearance of the development it is considered expedient to recommend conditions requiring the prior approval of external materials and a landscaping scheme including the type and design of any boundary treatment.
- 6.7 In terms of the more strategic impact of the proposed development on distant views across and along the river corridor, it is not considered that the development will be a discordant feature within the landscape, being read against the backdrop of the established residential area that fully bounds the application site to the south.

### Residential Amenity

- 6.9 The siting and orientation of the proposed dwelling takes appropriate account of the position and orientation of the adjoining properties and the separation distances are equal to that experienced by the existing properties to the north and south of Luard Walk.
- 6.10 With regard to the concerns raised in the letters of representation about the loss of a view, it is acknowledged that the proposed development will alter the outlook of the surrounding properties, and particularly those immediately to the south. However the right to a view is not a material planning consideration, and therefore these concerns do not give rise to sustainable grounds for refusal in this instance.

- 6.11 With regard to the proposed balcony on the rear elevation (northern) this is not considered to give rise to an unacceptable level of overlooking or overbearing impact on the existing dwelling known as 10 Luard Walk.
- 6.12 Overall the proposed development is not considered to give rise to any demonstrable harm to the 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 construction phase.

#### Flooding

- 6.13 The site is located within Zones 2 & 3 on the Environment Agency's indicative flood plain maps. Therefore in accordance with standing advice a Flood Risk Assessment (FRA) was submitted in support of the application which demonstrates that proposed slab level of the development will be 54.43m (AOD) which is in excess of the 54.07m (AOD) required by the Environment Agency allowing for climate change. Therefore it is not considered that there is any significant flood risk which would justify refusal or the inclusion of any conditions requiring specific measures to protect the development from future flood events. However notwithstanding the submitted plans it is considered expedient to recommend a condition specifying the finished slab level to ensure that the dwelling remains free from flood risk

#### Access and Highways

- 6.14 In principle the Traffic Manager has no objection to the access and parking arrangements, having consideration for the existing use of the property and the condition and capacity of the public highway, but comments that standard conditions are required to control the design and construction of the access and parking arrangements. These comments are considered reasonable and the appropriate conditions are recommended. Whilst the comments raised in the letters of representation about the perceived risk to pedestrians are noted, in the absence of any objection from the Traffic Manager, it is not considered that the concerns can be substantiated a basis for refusal on highway safety grounds.

#### Conclusion

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

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



3. The finished slab level of the dwellings hereby approved shall be set no lower than 54.43 metres above Ordnance Datum.

Reason: To protect the development from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

4. G01 (Details of boundary treatments).

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

5. G02 (Landscaping scheme (housing development)).

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

6. 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.

7. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

8. H09 (Driveway gradient).

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. H05 (Access gates).

Reason: In the interests of highway safety.

11. H27 (Parking for site operatives).

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

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

Reason: To safeguard residential amenity.

#### **Informatives:**

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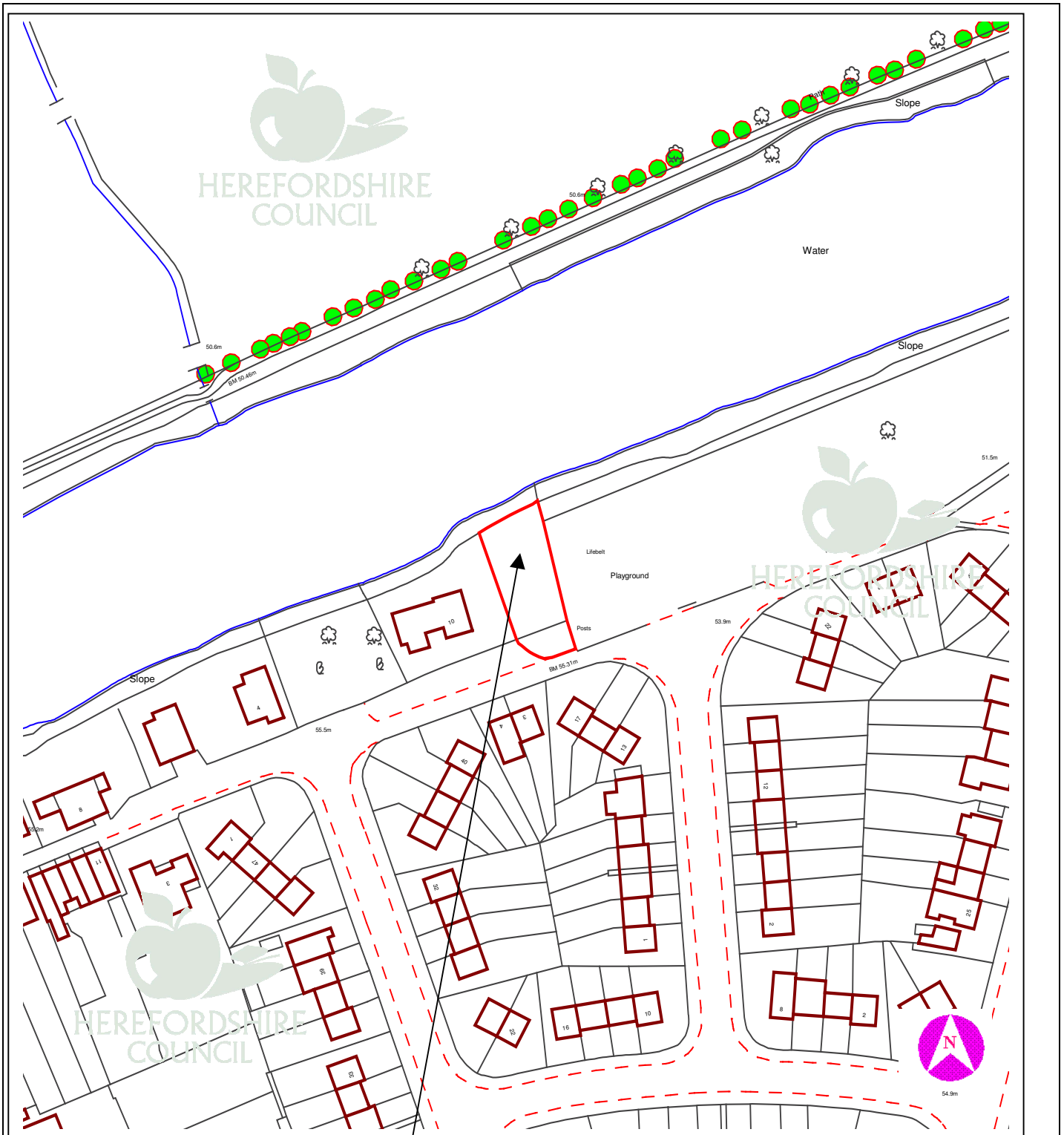
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**Background Papers**

Internal departmental consultation replies.



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