

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 23rd January, 2008**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p>3. MINUTES</p> <p>To approve and sign the minutes of the last meeting.</p>	1 - 8
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the Council's current position in respect of planning appeals for the central area.</p>	9 - 10

Applications Received

To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

Agenda items 5 to 8 were the subject of site inspections following the last meeting and the remainder are new applications.

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| <p>5. DCCE2007/3249/F - HAMPTON GRANGE NURSING HOME, 48-50 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH</p> <p>Erection of nine apartments with associated car parking and landscaping.</p> <p>Ward: Tupsley</p> | <p>11 - 24</p> |
| <p>6. DCCW2007/3582/F - 10 LUARD WALK, HEREFORD, HEREFORDSHIRE, HR2 7BA</p> <p>Construction of a single dwelling.</p> <p>Ward: Belmont</p> | <p>25 - 32</p> |
| <p>7. [A] DCCW2007/2633/F AND [B] DCCW2007/2634/C - WAREHOUSE AT LAND ADJACENT TO 47 BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY</p> <p>Demolition of existing vacant warehouse for three no. terraced town houses and associated parking facilities.</p> <p>Ward: St. Nicholas</p> | <p>33 - 42</p> |
| <p>8. DCCW2007/3399/F - LAND OFF STATION ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY</p> <p>Erection of 4 no. 2 bedroom dwellings.</p> <p>Ward: St. Nicholas</p> | <p>43 - 48</p> |
| <p>9. DCCW2007/3403/F - WOODFIELDS FARM, TILLINGTON COMMON, TILLINGTON, HEREFORDSHIRE, HR4 8LP</p> <p>Proposed conversion of existing stone barn and attached ancillary building into 2 no. residential units.</p> <p>Ward: Burghill, Holmer & Lyde</p> | <p>49 - 52</p> |
| <p>10. DCCE2007/3707/F - 18 FROME COURT, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BF</p> <p>Glazed porch to rear elevation.</p> <p>Ward: Hagley</p> | <p>53 - 56</p> |
| <p>11. DCCE2007/3378/F - PLOT 1, PEACOCK LODGE, RIDGEHILL, HEREFORD, HEREFORDSHIRE, HR2 8AE</p> <p>Four polyhouses 17m x 5m for the production of ornamental vegetable plants etc.</p> <p>Ward: Hollington</p> | <p>57 - 62</p> |

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| <p>12. DCCE2007/3542/F - 16 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HS</p> <p>Change of use from two flats (residential) to House in Multiple Occupation.</p> <p>Ward: Aylestone</p> | <p>63 - 68</p> |
| <p>13. DCCE2007/3385/F - LAND ADJACENT TO RAMSDEN COURT, RAMSDEN ROAD, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6NP</p> <p>Proposed light industrial units for B2 and B8 use.</p> <p>Ward: Hollington</p> | <p>69 - 74</p> |
| <p>14. DATE OF NEXT MEETING</p> <p>20th February, 2008</p> | |

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
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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, 19th December, 2007 at 2.00 p.m.

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

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

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

98. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors SPA Daniels, KS Guthrie, MD Lloyd-Hayes, RI Matthews and AP Taylor.

99. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
SJR Robertson	Minute 105, Agenda Item 8 DCCW2007/3399/F Land off Station Road, Hereford, Herefordshire, HR4 0AY	Declared a prejudicial interest and left the meeting for the duration of the item.
SJR Robertson	Minute 106, Agenda Item 9 DCCW2007/3247/F Kingsley House, Dinmore, Hereford, Herefordshire, HR1 3JP	Declared a prejudicial interest and left the meeting for the duration of the item.
GA Powell	Minute 107, Agenda Item 10 DCCW2007/3582/F 10 Luard Walk, Hereford, Herefordshire, HR2 7BA	Declared a personal interest.

Mr. K. Bishop, Principal Planning Officer, declared a personal interest in item 5 [DCCE2007/3362/F – 31 Kings Crescent, Hereford].

100. MINUTES

Councillor PJ Edwards drew attention to minute 93 [planning application DCCW2007/2806/F - Brook Farm, Marden], page 9, note iii. He advised that rather than ‘details of the areas covered by *accommodation* at Brook Farm’, he had asked for ‘details of the areas covered by *polytunnels which had planning permission* at Brook Farm’. The Principal Planning Officer reported that no polytunnels at Brook Farm had planning permission.

RESOLVED: That, subject to the above amendment, the minutes of the meeting held on 21st November, 2007 be approved as a correct record and signed by the Chairman.

101. 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.

102. DCCE2007/3362/F - 31 KINGS CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1GY [AGENDA ITEM 5]

Two storey extension to side of existing property.

In accordance with the criteria for public speaking, Mr. Knights spoke in objection to the application and Mrs. Prassanan spoke in support of the application.

In response to questions from Councillor DB Wilcox, the Local Ward Member, the Senior Planning Officer advised that:

- The objector's reference to minimum distances between boundaries was incorrect as the figures given in the Town and Country Planning (General Permitted Development) Order 1995 were 'trigger' points at which a proposal ceased to be permitted development and, consequently, where a planning application would be required.
- The front of the extension was set back from the front of the existing dwelling.
- Similarly, the rear of the extension was in keeping with existing building lines.

Councillor Wilcox, whilst sympathising with the concerns of the objectors, noted the advice that the proposal would not extend further forward than the existing property and respected general building lines. Furthermore, the pattern of built development in the area meant that the extension would be in keeping with the character of the area and the use of obscure glazing would mitigate concerns about overlooking.

Commenting on other concerns raised by the objector, Councillor DW Greenow noted that there was unrestricted on-street parking on Kings Crescent and that future maintenance could be achieved through the applicants' own property.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

4. 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.

103. DCCE2007/3205/F - LEYS FARM, TARRINGTON, HEREFORDSHIRE, HR1 4EX [AGENDA ITEM 6]

Change of use of two mobile homes to facilitate rest room accommodation from 1st September to 2nd February in any year.

It was reported that the applicant's agent had submitted a letter clarifying the intended use of the 'mobile homes' to provide facilities for shoot days.

The Chairman, speaking as the Local Ward Member, drew attention to the planning and enforcement history of the site. The concerns of the Parish Council and local residents were noted, especially in relation to the disturbance caused by kennelled dogs within the building which was subject of an enforcement notice. However, the Chairman commented on the need to consider this particular application on its own merits and supported the officer's appraisal and recommendation of approval, subject to conditions.

In response to a question from Councillor MAF Hubbard, the Senior Planning Officer advised that the residential use of the mobile homes had ceased and explained how the conditions were designed to prevent residential occupation. The Chairman commented on the need for the site to be monitored very closely.

In response to questions from Councillor AM Toon, the Legal Practice Manager advised that the regulatory aspects were dealt with under separate legislation and outside the remit of this planning application. Councillor DB Wilcox commented on the controls available under the Caravan Sites and Control of Development Act.

A number of Members noted that the proposal was for a legitimate business use, not residential use, and supported the application.

RESOLVED:

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.**

104. [A] DCCW2007/2633/F AND [B] DCCW2007/2634/C - WAREHOUSE AT LAND ADJACENT TO 47 BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY [AGENDA ITEM 7]

Demolition of existing vacant warehouse for three no. terraced town houses and associated parking facilities.

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

Councillor JD Woodward, a Local Ward Member, expressed concerns about the height of the proposed development, the relatively compact nature of the site, the potential impact on the Conservation Area and Listed Buildings, the absence of private amenity space, the lack of a footpath and related highway safety issues. Given these considerations, Councillor Woodward felt that the Sub-Committee would benefit from a site inspection.

The Legal Practice Manager reminded the Sub-Committee that a site inspection should only be held where site circumstances were clearly fundamental to the decision and commented on the detailed presentation given by the Principal Planning Officer.

Councillor AM Toon felt that a site inspection was warranted given the footprint, position of the proposal and highway issues.

RESOLVED:

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

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact;**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

105. DCCW2007/3399/F - LAND OFF STATION ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY [AGENDA ITEM 8]

Erection of 4 no. 2 bedroom dwellings.

In accordance with the criteria for public speaking, Mr. Lewis spoke in objection to the application and Mr. Owen spoke in support of the application.

In response to a concern raised by the objector, the Principal Planning Officer drew attention to recommended condition 9 (parking for site operatives) which would prevent indiscriminate parking in the interests of highway safety.

Councillor DJ Benjamin, a Local Ward Member, acknowledged that the re-development of this brownfield site was a good idea but noted that the Traffic Manager recommended refusal in relation to the lack of visibility from the parking spaces onto the pedestrian pavement. Given the site constraints, he felt that the Sub-Committee would benefit from a site inspection.

The Southern Team Leader commented on the detail given in the report and the presentation and questioned whether a site inspection would provide any further information. In response, Councillor Benjamin noted the value of the presentation but felt that the photographs did not show all the site circumstances in this instance.

RESOLVED:

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

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

106. DCCW2007/3247/F - KINGSLEY HOUSE, DINMORE, HEREFORD, HEREFORDSHIRE, HR1 3JP [AGENDA ITEM 9]

Conversion of redundant building to two residential units with extension to existing dwelling.

Councillor AJM Blackshaw, the Local Ward Member, welcomed the redevelopment of this site for residential use. In the interests of highway safety and traffic flow, he felt it essential that the conditions ensured that parking during the course of construction was off road and, subsequently, all parking for the development was off road.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **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.**
107. **DCCW2007/3582/F - 10 LUARD WALK, HEREFORD, HEREFORDSHIRE, HR2 7BA [AGENDA ITEM 10]**

Construction of a single dwelling.

The Senior Planning Officer reported the following:

- The comments of the comments of the Parish of Hereford City Council had been received (no objection).
- Three further letters of objection had been received and were summarised.

In response to a question from Councillor PJ Edwards about the public speaking procedure, the Legal Practice Manager advised that the Planning Chairman's Group, a working group of Councillors and officers, had clarified the order of proceedings in the Summer newsletter to Members and this confirmed that members of the public, that had been registered in accordance with the public speaking criteria, should speak after the detailed presentation by the case officer and before any debate on a particular application. Councillor TW Hunt, the Chairman of the main Planning Committee, added that this had brought the procedure back in line with the original framework for public speaking and emphasised that it was essential that all relevant information had been provided to Members before any decision was reached so that the planning process remained open and transparent.

In accordance with the criteria for public speaking, Mr. Birch spoke in objection to the application and Mr. Methven spoke in support of the application.

Responding to comments made by the objector, the Senior Planning Officer advised the Sub-Committee that the perceived risks to pedestrians and cyclists had been considered but it was not felt that one additional dwelling would have a significant impact on the existing situation. He added that the Traffic Manager did not consider that the concerns could be substantiated as a basis for refusal on highway safety grounds.

Councillor Edwards proposed a site inspection for the three reasons outlined in the Constitution. Councillor H Davies, a Local Ward Member, supported a site inspection and commented on the proximity of the application site to a playground and a busy cycle route. Councillor GA Powell, a Local Ward Member, said that she would welcome a site inspection and commented on the potential for the proposal to set a precedent and have a detrimental impact on the character and amenity of the area.

Councillor GFM Dawe felt that the proposal could result in the further erosion of the Conservation Area, could have an impact on the cycle route, and further consideration should be given to the status of the River Wye as a Site of Special Scientific Interest and as a candidate Special Area of Conservation.

RESOLVED:

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

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact;**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

108. DATE OF NEXT MEETING

23rd January, 2008.

The Southern Team Leader advised an application relating to a development at Hampton Grange Nursing Home was likely to be reported to the next meeting of the Sub-Committee and suggested that, to assist with the efficient transaction of business, a site inspection be held in advance. This was agreed by the Sub-Committee.

The meeting ended at 3.30 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED**

No new appeals to report.

APPEALS DETERMINED**Application No. DCCE2007/1681/F**

- The appeal was received on 5th September, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. & Mrs. P. Fox.
- The site is located at Rear garden of Tarrington House, Tarrington, Hereford, Herefordshire, HR1 4HZ.
- The application, dated 25th May, 2007, was refused on 24th July, 2007.
- The development proposed was new dwelling and garage.
- The main issue is the effect of the proposed development on the setting of Tarrington House.

Decision: The appeal was UPHeld on 20th December, 2007.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCE2007/0443/F

- The appeal was received on 15th May, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Rileys Ltd.
- The site is located at Rileys Snooker & Pool Club (Former) Job Centre, Bath Street, Hereford, Herefordshire, HR1 2LG.
- The application, dated 14th February, 2007, was refused on 4th April, 2007.
- The development proposed was Variation to condition 3 of DCCE2006/2739/F - to extend opening hours from 11pm to midnight.

Decision: The appeal was WITHDRAWN on 20th December, 2007.

Case Officer: Russell Pryce on 01432 261957

Enforcement Notice EN2006/0046/ZZ

- The appeal was received on 18th August, 2006.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Callow Marsh Ltd.
- The site is located at Grafton Lane, Hereford, HR2 8BT.
- The breach of planning control alleged in this notice is:
Without planning permission, the change of use of the land from agriculture to the storage of motor vehicles
- The requirements of the notice are:
 - i) *Cease the unauthorised use of the land*
 - ii) *Remove all the motor vehicles from the land*
 - iii) *Restore the land to its previous condition*
- The main issue is whether the site is suitable for the storage of motor vehicles, having regard to local and national policies relating to development in the countryside and to the effect of the development on the character and appearance of the area.

Decision: The appeal was DISMISSED on 2nd January, 2008.
The Enforcement Notice was UPHELD with variations.
An application made by the Council for the award of costs against the Appellant was DISMISSED.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCE2005/4092/F

- The appeal was received on 22nd March, 2006.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Callow Marsh Ltd.
- The site is located at Land at Grafton, Grafton Lane, Herefordshire, HR2 8BT.
- The application, dated 18th November, 2005, was refused on 10th February, 2006.
- The development proposed was Parking of motor vehicles.
- The main issue is whether the site is suitable for the storage of motor vehicles, having regard to local and national policies relating to development in the countryside and to the effect of the development in the character and appearance of the area.

Decision: The appeal was DISMISSED on 2nd January, 2008.
The Enforcement Notice was UPHELD with variations.
An application made by the Council for the award of costs against the Appellant was DISMISSED.

Case Officer: Russell Pryce on 01432 261957

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

5 DCCE2007/3249/F - ERECTION OF NINE APARTMENTS WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT HAMPTON GRANGE NURSING HOME, 48-50 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH

For: Hampton Grange Nursing Home per Foxley Tagg Planning Ltd., Corinth House, 117 Bath Road, Cheltenham, Gloucestershire, GL53 7SL

Date Received: 17th October, 2007 Ward: Tupsley Grid Ref: 52806, 39170

Expiry Date: 12th December, 2007

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

Introduction

Members undertook a site visit in advance of this Sub-Committee meeting.

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of a detached three storey building comprising nine two bed apartments on land adjacent to Hampton Grange Nursing Home, Hampton Park Road. The nursing home is served by a single point of vehicular access from the highway. This northern boundary is defined by a number of mature trees protected under tree preservation orders and a beech hedge. A mature western red cedar hedge forms the western boundary. It is approximately 6 metres tall and provides a dense and evergreen screen between the site and the neighbouring dwelling.
- 1.2 The wider area falls within the Hampton Park Conservation Area and The Grange itself is identified as a locally important building. Typically, development in the area consists of large residential properties set in spacious surrounds, although there is evidence of more intensive, modern development locally.
- 1.3 The site for the proposed apartments is an area of lawn to the west of The Grange, orientated so that the rear elevation would look south over the River Wye. The front and rear of the building is broadly coincidental with those of The Grange. In order to maintain as great a degree of physical separation from The Grange as possible, the building is located 10 metres from the west-facing elevation as close to the western boundary as possible.
- 1.4 The proposal is for a three-storey building, although excavation will result in only a part of the ground floor being visible from the front of the building. The objective of this approach is to reduce the height of the new development relative to The Grange. The internal layout is such that there would be three apartments on each floor. There is a personnel access at the front of the building, from where access to ground floor apartments, the stairs and lift to the upper floors is given. The apartments contain two bedrooms, open plan kitchen, dining and living areas, bathrooms and lockable stores,

large enough for cycles. They range from 91 to 100 square metres. A contemporary design approach has been adopted but the building exhibits the gabled projections apparent at The Grange. The design has been amended to incorporate chimneys in the flank elevations to add some vertical emphasis and architectural definition.

- 1.5 Vehicular access to the nine parking spaces associated with the apartments would be achieved via a new gravelled driveway, although the point of access to serve both the apartments and the nursing home would remain the same. In recognition of the sub-standard visibility splays it is proposed to remove and replace the existing hedgerow on a line where 2.4m x 90m in each direction can be achieved. In order to protect the retained trees on site a no-dig method of driveway construction is proposed, together with temporary protection measures during the construction phase.
- 1.6 Also proposed is a comprehensive overhaul of the existing parking and access arrangements for the nursing home, together with a new landscaping strategy. At present the approach to the nursing home is via a wide tarmac driveway. The existing hardstanding extends well within the root protection areas of protected trees, most notably the imposing Cedar directly in front of The Grange and is considered undesirable. It is proposed to remove the existing parking area and reinstate a large area of green sward beneath the canopy of the Cedar and two other nearby trees. The green sward would then be complimented with planting consistent with the setting. An appropriately proportioned footpath would be retained, which would lead to the front door of The Grange. A new driveway would sweep in on a southeast arc and provide access to a total of 14 parking spaces. A secure cycle store for nursing home employees is also proposed. A travel plan aimed at securing more sustainable transport choices amongst employees has been submitted as part of the application.
- 1.7 Land to the rear of the application site extends down to the River Wye. Its importance in nature conservation terms is recognised by a number of designations. The bank is a Site of Importance for Nature Conservation (SINC). The River Wye Site of Special Scientific Interest (SSSI) and Special Area of Nature Conservation (SAC) are national and international designations which extend onto the site along the southern boundary. As such, the application is accompanied by a Nature Conservation Management Plan, which has the objective of securing the management and enhancement of existing features of nature conservation in order to maintain ecological quality and promote biodiversity in the long-term.
- 1.8 The application is also accompanied by a Planning Statement, a Travel Plan, Landscape Strategy, Ecological Survey and Nature Conservation Management Plan.

2. Policies

2.1 Planning Policy Statements/Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
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Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Spaces Requirements
Policy NC1	-	Biodiversity and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance
Policy NC5	-	European and Nationally Protected Species
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA8	-	Locally Important Buildings

3. Planning History

- 3.1 HC94/0123PF Extension to existing nursing home to form new bedrooms, dayroom and laundry, including a new fire escape: Refused 28th April, 1994.
- 3.2 HC95/0132PF Extension to existing nursing home to form new bedrooms, dayroom and laundry, including a new fire escape: Approved 5th May, 1995.
- 3.3 CE2000/0698/F Renewal of HC95/0132PF (above): Approved 10th May, 2000.
- 3.4 CE2000/0817/F Alteration to existing nursing home to form 2 no. bedrooms with associated fire escape: Approved 15th June, 2000.
- 3.5 CE2002/2356/F Two-storey extension and relocation of bin store: Approved 30th October, 2002.
- 3.6 CE2003/2592/F Proposed two-storey extension: Approved 1st December, 2003.
- 3.7 CE2006/2075/J Crown lift 2 Common Limes and 1 Beech to approximately 6 metres, fell 1 Cherry, 1 Irish Juniper, 1 Western Red Cedar, 1 group of Ash trees and 1 group of Ash, Cherry and Sycamore trees: Consent granted.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection, but conditions relating to separate drainage and destination of foul and surface water discharges are recommended.

Internal Council Advice

- 4.2 Traffic Manager: No objection. Conditions relating to visibility splays, access and parking construction, site operative parking and cycle storage are recommended.
- 4.3 Conservation Manager (Conservation Areas): No objection. Original concern at the lack of vertical emphasis, particularly in the flank elevations has now been addressed with the introduction of the chimneystacks in the east and west elevations.
- 4.4 Conservation Manager (Ecology): Welcomes the recommendations of the ecological report and Nature Conservation Management Plan and is satisfied that they should deliver ecological enhancement on the site. As part of the slope to the rear of the application site is within a SSSI, it is recommended that the consultant ecologist consult Natural England to ensure that they are also satisfied.
- 4.5 Conservation Manager (Landscapes and Trees): The production of an Arboricultural Constraints report is acknowledged and welcomed. The information has been used to inform the layout of the site using the prescription for Root Protection Areas as described in BS5837: Trees in Relation to Construction, 2005. However, there are instances where 'development' clearly encroaches into these areas, principally in relation to driveway construction and the southwest corner of the building. Conditions are recommended to ensure that adequate measures are taken to ensure the safe retention of the affected trees.

The officer raised a number of concerns surrounding the originally proposed landscaping of the site. This has led to the submission of an amended landscape strategy plan, which has also incorporated the requirement to remove the existing beech hedge to the roadside and replant a replacement back behind the line of the required visibility splay. Moreover, inappropriate parking spaces within the root protection area of the Cedar tree have been removed and various components of the planting and hard landscaping improved to produce a meaningful demarcation between the Edwardian Grange and the proposed development.

5. Representations

- 5.1 Hereford City Council: No objection
- 5.2 Conservation Advisory Panel: The proposal is an acceptable architectural solution although the access for the two uses needs clearer definition.
- 5.3 A total of 13 letters of objection have been received from local residents. The content can be summarised as follows:
- The conservation area is characterised by large Victorian villas. A block of flats could not be considered as complimentary or in keeping with existing development;
 - Only one parking space per dwelling is not acceptable. Spillover parking on the highway would be undesirable and potentially dangerous;
 - The front elevation is a pastiche of the Arts and Crafts style of the nursing home and would not compliment or enhance the setting;
 - It should be questioned as to whether the site would retain sufficient amenities for the prospective inhabitants;
 - Allowing development of this nature will increase the likelihood of future pressure for this style of development within the conservation area;

- The development will increase noise, light and vehicle emission pollution;
- The development will reduce the quality of life enjoyed by nursing home residents by utilising a flat, open recreational area;
- The development should be linked both functionally and physically to the nursing home and used as sheltered housing;
- The housing offered by the development is not affordable to the majority of people;
- There is concern locally at the capacity of the mains foul sewerage;
- The development would obstruct bat flight paths and feeding paths associated with wildlife resident on the river bank;
- An increase in human activity is not compatible with the stated aims of protecting the local wildlife;
- The provision of south-facing balconies would overlook the amenity space of the adjoining dwelling;
- The detailed design, including the roof and window detailing is not compatible with the existing vernacular architecture of the conservation area.

5.4 In response to the objections, the agent has produced a 'rebuttal' to the main areas of concern. The content can be summarised as follows:

- The building is set back a considerable distance from the main road and is surrounded by strong boundaries characterised by dense tree and shrub planting;
- The position of the building has been dictated by the requirement to maintain light into the windows of the nursing home;
- The building is designed to be subservient to the nursing home, but build on and incorporate key characteristics of the nursing home;
- A travel plan for the nursing home seeks to increase the sustainability of travel patterns used by staff, residents and visitors;
- The provision of one space per unit is as per national guidance and will act to discourage car use;
- The development contributes further to sustainable transport initiatives by offering to contribute 1,465/unit for expenditure on sustainable transport initiatives in the area;
- The removal and replacement of the existing road fronting hedgerow will enable the provision of the required visibility splay 2.4m x 90m;
- Although covered by various nature conservation designations the area edged in blue on the site plan is in need of management and improvement, which will, according to the ecology report, "enhance the diversity of the site." The management plan will be fully adhered to as a result of its inclusion within the draft Unilateral Agreement.

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 raises several important material considerations. In summary these are as follows:

1. The principle of development having regard to the conservation area designation and proximity to a locally important building – Hampton Grange Nursing Home;
2. An assessment of the density, scale and detailed design relative to the architectural vernacular of the conservation area;
3. An assessment of the vehicular access, parking and travel plan arrangements;

4. An assessment of the impact of the development upon the local landscape, having regard to the proposed landscaping strategy;
5. The ecological management of the 'blue' land;
6. Planning obligations.

The Principle of Development within the Conservation Area

- 6.2 The site is located within the Hampton Park conservation area. The nursing home represents a good example of the type of building that is characteristic of the conservation area – a large Victorian house set in spacious, architecturally landscaped surrounds. The legislative background regarding new development within conservation areas is contained within The Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 of the Act ensures that “special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.” Case law has subsequently established that preservation is the equivalent of not causing harm to either character or appearance.
- 6.3 The Conservation Manager has expressed no objection to the principle of development at this location and is satisfied that the development will meet the statutory test as well as conforming to policies HBA6 (new development in conservation areas) and HBA7 (locally important buildings) of the Herefordshire Unitary Development Plan. No concern is expressed at the relative density of the proposal and the steps taken to promote the pre-eminence of the nursing home are considered successful. It should also be borne in mind that the building would be set back approximately 30 metres from the road to the north and that mature planting acts to provide an effective screen, even during the winter months.
- 6.4 Finally, consultation with the Commission for Social Care Inspection (the body responsible for regulating care homes) has confirmed that there is no minimum open space standard for nursing homes. Consequently it is considered that there is no sustainable objection to the loss of outdoor amenity space associated with the nursing home. The principle of residential development at this location is therefore acceptable.

Density, Scale and Detailed Design

- 6.5 The majority of the objection letters question the appropriateness of a block of apartments in this location, particularly when considering the wider characteristics of the conservation area. It is true to say that the development would represent a more intensive use of the site than an equivalent single dwelling. However, the development does represent a residential use within a wider residential context and policy H1 of the Unitary Development Plan requires that residential development should be directed to land within these areas. This aspect of compatibility cannot be queried. Moreover, the density of the development should not be considered in isolation or as a solitary reason for withholding permission. Planning should also be concerned with the appropriateness of the design, layout, parking, landscaping, impact upon amenity and other criteria set out under policy H13 (sustainable residential design) as well as ensuring the most efficient use of land is promoted.
- 6.6 In respect of the scale of the proposal, pre-application discussion resulted in the reduction in both the size, number of units and proximity to The Grange. The effect has been to produce a building that has greater physical separation from The Grange and this perception will be further enhanced by the major revisions to the landscaping of the site. The overall height of 9 metres is offset by the fact that 1.4m will be below

ground level when viewed from the north. The eaves height of the building is lower than that of The Grange, which also helps reinforce the impression that this is a subservient structure. In plan form the majority of the roof is flat, although the perception from the front and rear will be of a hipped roof. The flat area does provide ample opportunity for the introduction of solar panels as demonstrated on the architectural drawings.

- 6.7 The design is contemporary with key references drawn from the architectural form of The Grange. Most notable is the inclusion of projecting gables and chimneys. As mentioned above the Conservation Manager has no objection to the design and recommends the application for approval.

Vehicular Access and Parking

- 6.8 The use of the existing vehicular access from Hampton Park Road requires a significant improvement to the visibility splays. At present visibility is only 23 metres to the nearside kerb in each direction. The minimum requirement is 2.4m x 90m and this necessitates the removal of the existing predominantly beech hedge. Hedgerows are not protected under Tree Preservation Orders or Conservation Area legislation. As such, there would be little to prevent the removal of the hedgerow in question. However, the applicant is prepared to replant a beech hedge behind the line of the required visibility splay, which will ensure continuation of the screening referred to above. The work will represent a major improvement in safety terms both for the prospective inhabitants of the apartments and residents, staff and visitors to the nursing home. This improvement has satisfied the concern of the Traffic Manager.
- 6.9 Parking for the apartments is directly in front of the building. This location has been dictated by the desire to not put down hardstanding within the root protection areas of protected trees along the site frontage.
- 6.10 It is acknowledged that the provision of one space per unit is a minimum requirement. However, it is increasingly common for constrained provision to be used as a tool to persuade people to travel by means other than the private car. In conclusion, the officer is not convinced that a refusal could be sustained on the premise that one space per dwelling is insufficient, particularly given the proximity of the site to a bus route.
- 6.11 The relocation of the nursing home parking, including the removal of a large, unsightly storage shed is considered to represent a major visual enhancement of the site and helps restore the architectural landscaping to the front of The Grange. The result will be more reminiscent of the original layout than the existing tarmac drive and parking area, which mars the front elevation. This is also the element that is most prominent from the public realm, being directly in line with the vehicular access.

Landscaping and Protected Trees

- 6.12 The landscaping proposals have been revised in accordance with the input of the Conservation Manager. Specifically the transition and demarcation between the proposal site and The Grange have been reinforced.
- 6.13 Notwithstanding the content of the landscape strategy statement it is still considered essential to impose a condition requiring pre-commencement agreement of specific tree protection measures and the no-dig technique to be employed within the root

protection areas during the construction phase. A condition is also recommended regarding the exportation of excavated material. Depositing this material on site is not recommended in view of the impact that compaction could have upon the root systems of trees on site.

Ecological Enhancement and Continued Management of the 'Blue Land' – The Slope to the Rear of the Application Site

- 6.14 The development as proposed offers a significant opportunity to enter into a binding agreement with the developer to ensure that the land to the south of the application site – the slope down to the bank of the river – is managed effectively with a view to improving the biodiversity value. The Conservation Manager is satisfied that the comprehensive Nature Conservation Management plan will be effective and the enhancement of this area is a welcome element of the proposals.

Planning Obligations

- 6.15 During negotiation of the scheme agreement has been reached with the developer to make contributions via a unilateral agreement to education, open space and sustainable transport initiatives. The total equates to £36,855 and is payable prior to the first occupation of the development. The draft heads of terms is appended to this report. In summary the contributions disaggregate as follows:

Education:	£2,000 per unit
Public open space:	£630 per unit
Sustainable transport initiatives:	£1, 465 per unit.
Total	£4,095 per unit

- 6.16 All of the contributions are in line with the most recent draft supplementary planning document on planning contribution levels. The education contribution is justified on the basis of the acknowledged capacity shortfalls, infrastructure and facilities at both Hampton Dene Primary School and The Bishop of Hereford's Bluecoat School. The public open space contribution would be utilised in the improvement of the existing Wellington Place play area, whilst there are various viable sustainable transport initiatives in the locality.

Summary and Conclusions

- 6.17 The application site is within the Hereford city boundary and within an established residential area, where the principle of development is acceptable. However, the location within the Hampton Park Conservation Area and in such proximity to the nursing home – a locally important building – is also recognised.
- 6.18 Notwithstanding these constraints, officers consider the development, together with the review of the existing parking, access and landscaping at the nursing home an acceptable approach that will preserve the character and appearance of the conservation area and offer benefits to the acknowledged ecological designations to the south of the development site.
- 6.19 The application is therefore recommended for approval subject to conditions and the completion of a Section 106 agreement as per paragraph 6.16 (above).

RECOMMENDATION

1) The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.

2) Upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

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. A09 (Amended plans).

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

3. B01 (Samples of external materials).

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

4. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

5. No surplus excavated top or sub soil shall be spread or deposited within the application site, but shall be disposed of carefully in accordance with a method statement that has first been submitted to and approved in writing by the local planning authority.

Reason: In order to safeguard the health of protected trees on the site in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

6. 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.

7. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway as per amended plan 2007-526/Sk003 Rev A. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

8. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

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

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

10. H27 (Parking for site operatives).

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

11. H29 (Secure covered cycle parking provision).

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

12. H30 (Travel plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

13. In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. All tree works shall be carried out in accordance with BS3998.**
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.**

Reason: To ensure proper care and maintenance of trees.

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

- a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.**

- b) The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
- c) A schedule of tree works for all the retained trees in paragraph (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
- d) The details and positions shown on the plan at paragraph (a) above of the Ground Protection Zones (section 9.3 of BS5837).
- e) The details and positions (shown on the plan at paragraph (a) above of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected to the satisfaction of the local planning authority prior to each construction phase commencing and remain in place and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- f) The details and positions (shown on the plan at paragraph (a) above of the Construction Exclusion Zones (section 9 of BS5837).
- g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- h) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.
- i) The details of tree protection measures for the hard landscaping phase (section 13 and 14 of BS5837).
- j) The timing of the various phases of the works or development in the context of the tree protection measures.

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

15. A hedgerow shall be planted in replacement of the roadside hedgerow to be removed in accordance with details to be submitted to and agreed in writing by the local planning authority. Submitted details shall include clarification of plant species, age, number and location. Planting should take place within the first available planting season. Any plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Plants failing more than once shall continue to be replaced on an annual basis until the end of the five year defects period.

Reason: To protect the visual amenities of the Conservation Area.

- 16. Foul water and surface water discharges shall be drained separately from the site.

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

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

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

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

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

- 19. The development shall be occupied in accordance with the Travel Plan (Foxley Tagg Planning Ltd, October 2007) submitted as part of the planning application.

Reason: To ensure the promotion of sustainable modes of transport.

Informatives:

- 1. HN01 - Mud on highway.
- 2. HN04 - Private apparatus within highway.
- 3. HN05 - Works within the highway.
- 4. N02 - Section 106 Obligation.
- 5. N19 - Avoidance of doubt.
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

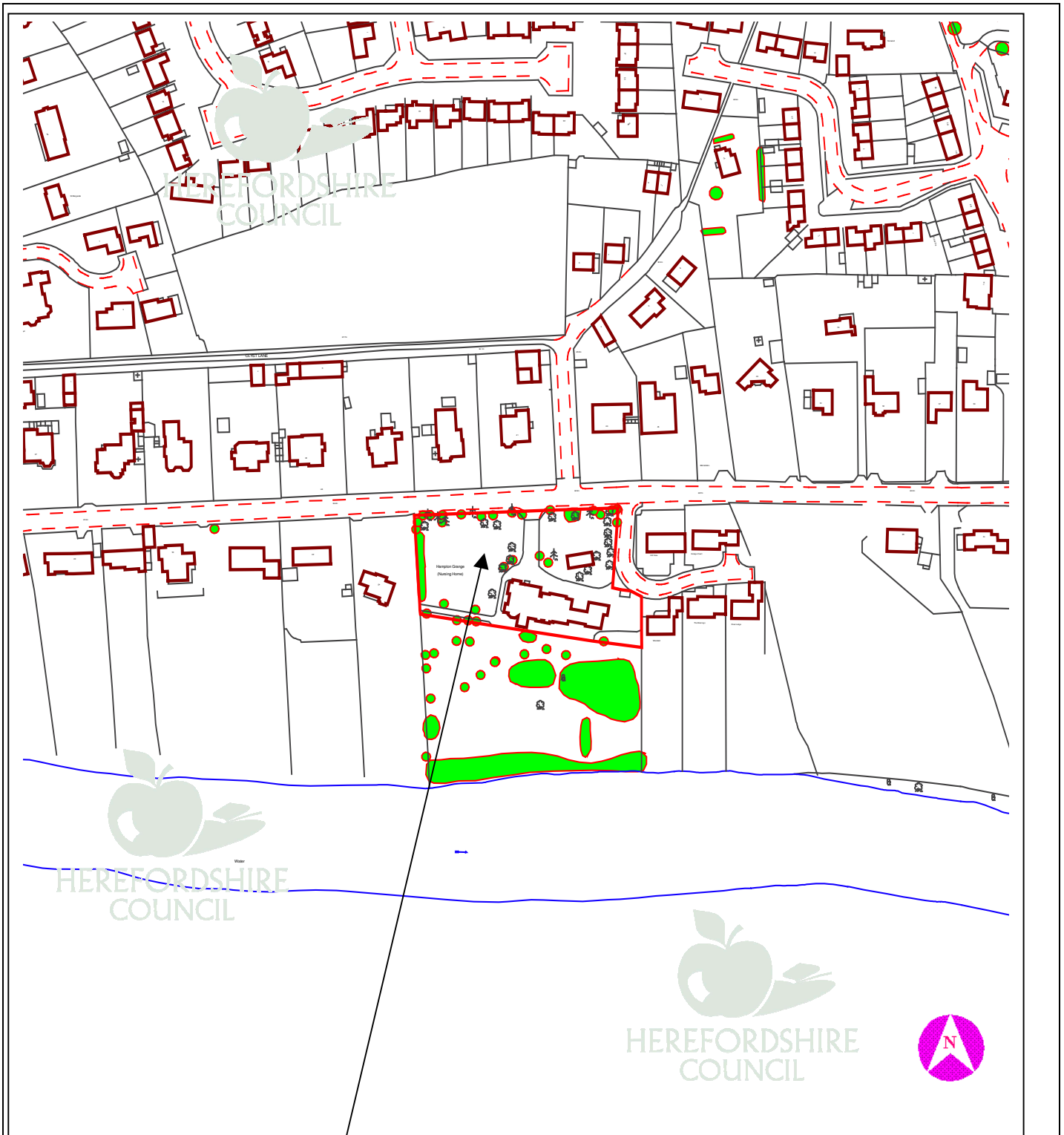
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3249/F

SCALE : 1 : 2500

SITE ADDRESS : Hampton Grange Nursing Home, 48-50 Hampton Park Road, Hereford, Herefordshire, HR1 1TH

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

Planning Application – DCCE2007/3249/F

- Residential development of nine apartments with associated car parking and landscaping at Hampton Grange Nursing Home, 48-50 Hampton Park Road, Hereford HR1 1TH

- 1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,670 (in accordance with the Sport England Sport Facility Calculator) for enhancement of existing sports facilities in the locality of the application site, which sum shall be paid on or before the commencement of the residential development.

- 2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,465 per residential unit, being a total of £13,185 for improved transport infrastructure in the locality of the application site and the promotion of sustainable means of transport, which sum shall be paid on or before the commencement of development.

- 3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £18,000 (ratio of £2,000 per two bed unit) to provide enhanced educational infrastructure/facilities for Hampton Dene Primary School and The Bishop of Hereford's Bluecoat School which sum shall be paid on or before the commencement of the development.

- 4. The ecology and biodiversity of the land to the south of the application site (as edged in blue on plan...) shall be managed in accordance with the recommendations of Betts Estates Nature Conservation Management Plan for Hampton Grange Nursing Home dated October 2007.

(Monitoring to be subject to agreement between the parties)

6 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

Introduction

This application was deferred at a meeting of the Central Area Planning Sub-Committee on the 19th December, 2007 in order to carry out a Members' site visit

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 Parish of Hereford City Council – Request that this application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council has no objection to this application for planning permission.
- 5.2 Letters of objection have been received from Mrs. D. Pace, 3 Luard Walk; Mr Amies, 17 Lewis Smith Avenue; Mr Birch, 6 Villa Street; Mrs Preedy, 1 Villa Street 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.
 - We may have difficulty getting in and out of our driveway opposite.
 - An Environmental Impact Assessment should be required.
 - Existing property prices will be devalued.

- 5.3 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

- 6.8 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.
- 6.9 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.

- 6.10 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.
- 6.11 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

- 6.12 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

- 6.13 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 as a basis for refusal on highway safety grounds.

Conclusion

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

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. 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:

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

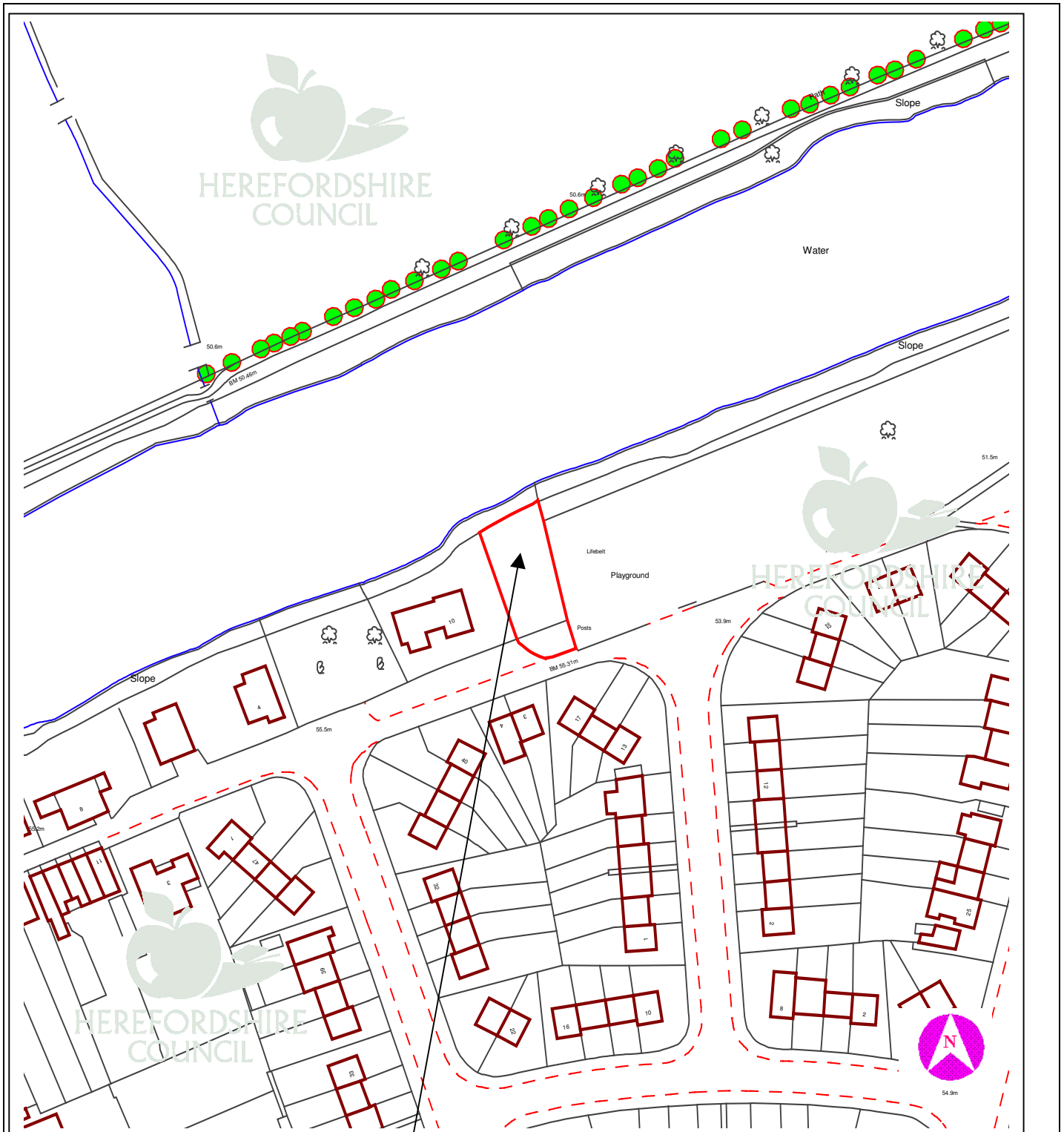
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/3582/F

SCALE : 1 : 1250

SITE ADDRESS : 10 Luard Walk, Hereford, Herefordshire, HR2 7BA

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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

Introduction

These applications were deferred at the meeting of the Central Area Planning Sub-Committee on the 19th December, 2007 in order to carry out a Members' site visit.

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.

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 incorporating balconies 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 and specifically the Barton West development on the site of the former Antelope pub. 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.**

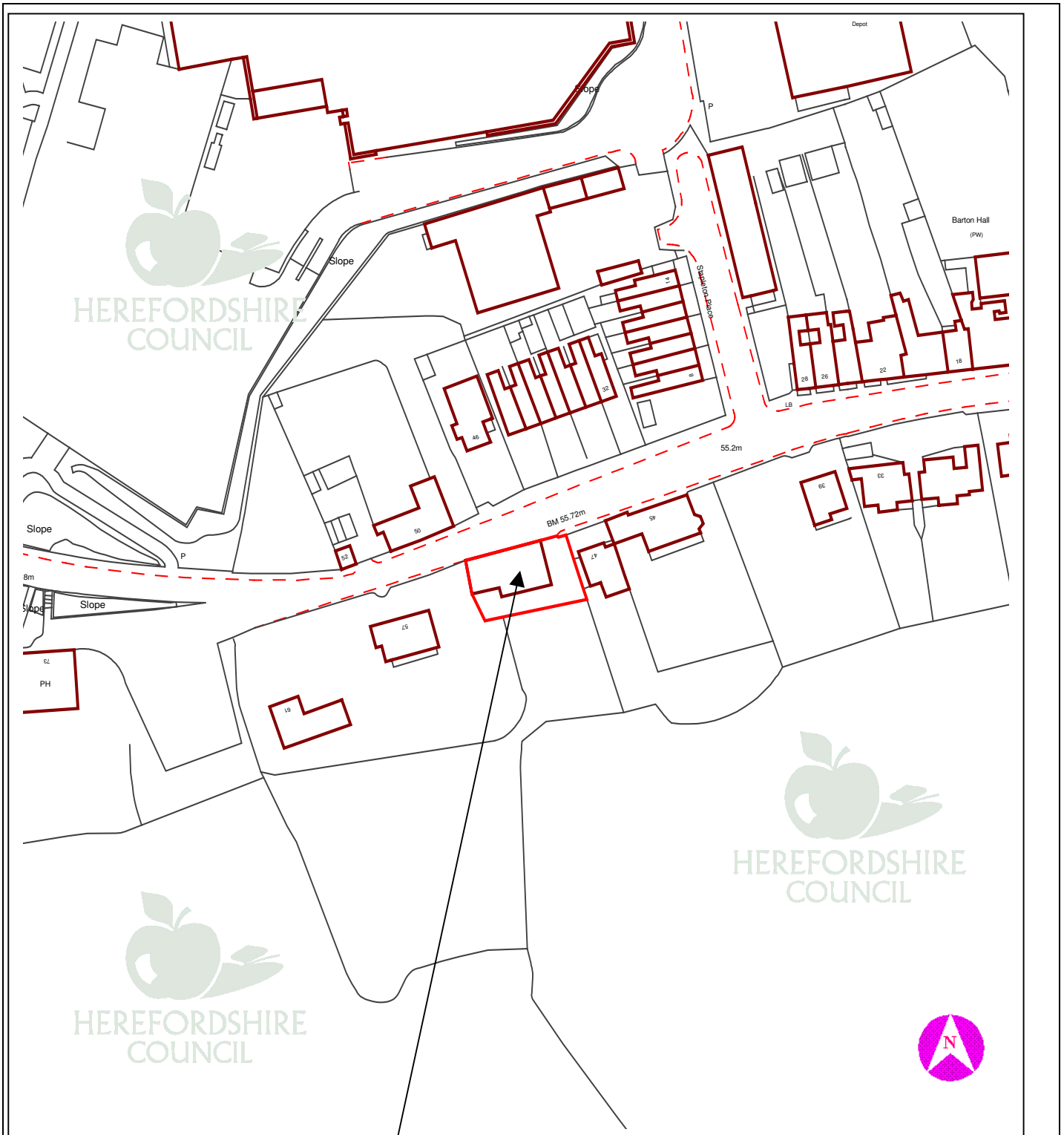
Decision:

Notes:

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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

Introduction

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 19th December, 2007 in order to carry out a Members' site visit.

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.

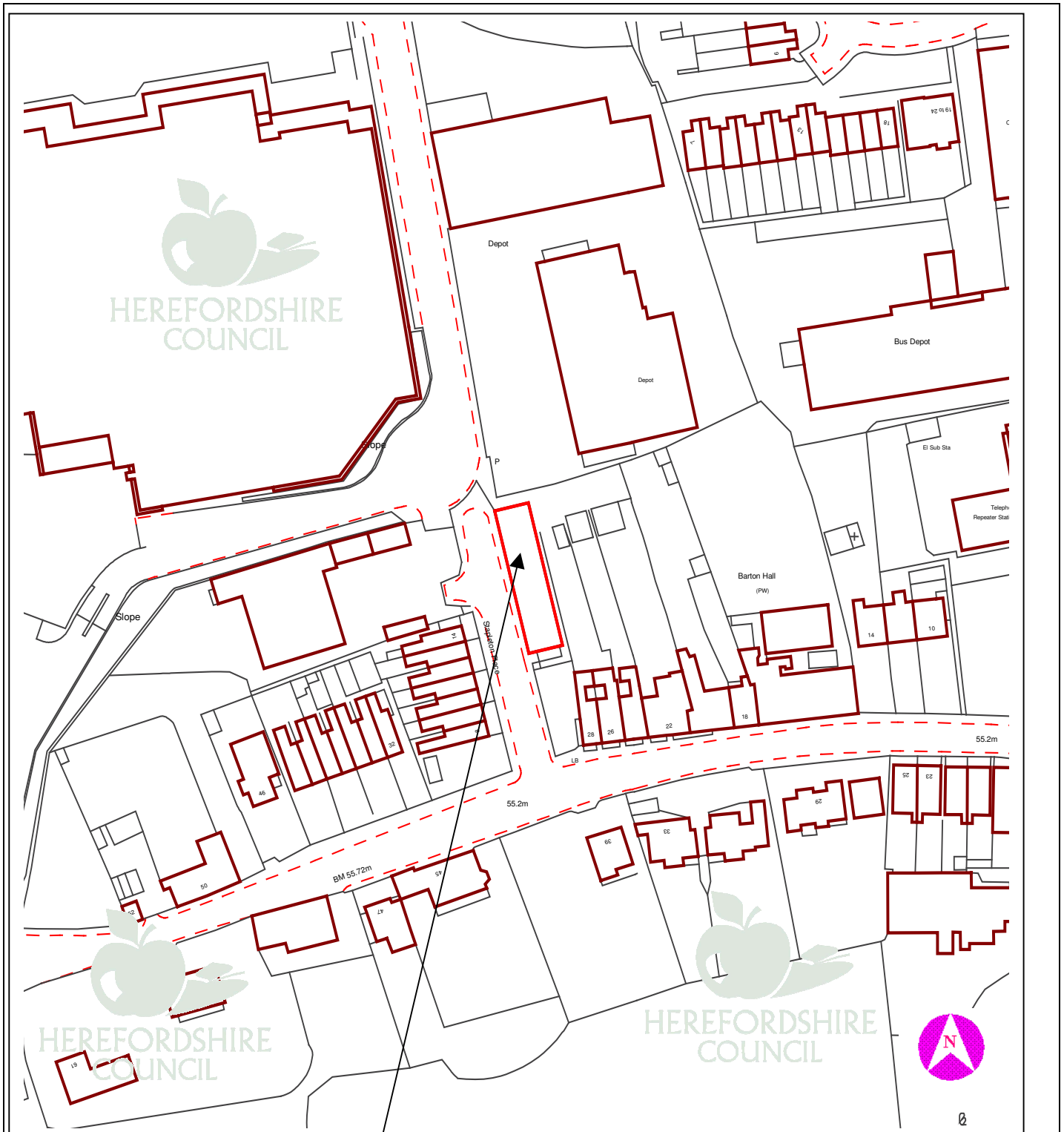
Decision:

Notes:

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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 DCCW2007/3403/F - PROPOSED CONVERSION OF EXISTING STONE BARN AND ATTACHED ANCILLARY BUILDING INTO 2 NO. RESIDENTIAL UNITS AT WOODFIELDS FARM, TILLINGTON COMMON, TILLINGTON, HEREFORDSHIRE, HR4 8LP

For: Mr. & Mrs. P. Eagling, Woodfields Farm, Tillington Common, Herefordshire, HR4 8LP

Date Received: 30th October, 2007 **Ward: Burghill, Holmer & Lyde** **Grid Ref: 45548, 46359**

Expiry Date: 25th December, 2007

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 Woodfields Farm is located at Tillington Common on the northern side of the unclassified 73000 road linking Tillington and Badnage.
- 1.2 The proposal is to convert and replace a range of stone, timber, concrete block and tin former agricultural buildings into two dwellings.
- 1.3 The stone two storey barn runs parallel with the road with two single storey lean-tos at either end, one of which would be rebuilt as part of this proposal. To the rear of the stone barn a single storey tin, concrete block building runs at right angles out into the courtyard. This building will be demolished and replaced with an extension to the stone barn to create a dining room, covered parking and store.
- 1.4 Woodfields Farmhouse is located to the west of the site across the farmyard.
- 1.5 The planning application is supported by reports on marketing for commercial re-use and ecology.

2. Policies

2.1 National:

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy DR1	-	Design
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy HBA12	-	Re-use of Rural Buildings

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

2.3 Supplementary Planning Guidance:

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: Raises concerns regarding steepness and lack of visibility of access and sustainability of location.

4.3 Conservation Manager (Historic Buildings): "Although the main barn building and small lean-to extension to the west are capable of conversion the remaining ancillary buildings are not and as such the proposals would be contrary to policy. The buildings would be capable of conversion to either a single dwelling or a two-bedroom house in the eastern part of the barn with a much smaller dwelling in the remaining section although given the bat mitigation measures required this may not be possible. A full landscaping scheme would also be required."

4.4 Conservation Manager (Ecology): "I visited the site last year as part of pre-application enquires and noted the presence of numerous bat droppings on the first floor. I have received the ecological report by Anton Kattan dated 20/09/07 and note the presence of brown long-eared bats utilising the building. The mitigation strategy requires provision of a bat loft in the development proposals.

I have no objection to approval of this application subject to the inclusion of a non-standard planning condition."

5. Representations

5.1 Burghill Parish Council: Has no objection to this application.

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

6. Officer's Appraisal

6.1 Planning permission is sought to convert and extend a range of outbuildings at Woodfields Farm into two dwellings.

6.2 The buildings comprise an attractive stone barn roofed in slate together with a concrete block and tin sheeted addition which runs at right angles to the stone barn. The proposal seeks to demolish this building and extend the stone barn on its footprint.

The site is located in the open countryside, and Policies HBA12 and 13 of the Herefordshire Unitary Development Plan 2007 support the re-use of rural buildings provided they are capable of bona fide conversion without major reconstruction and have a character and appearance that are worthy of retention. Whilst the stone barn is worthy of conversion, the lean-to and the tin and concrete additions are not worthy of retention and fail this policy. Conversions should also be achieved without the need for extensions. This scheme requires the extension to enable two dwellings to be provided. Subject to a suitable design, it is considered that the stone barn could be converted into one dwelling but it is too small to convert into two dwellings without extensions.

- 6.3 The concerns over the access are noted, however it has historically provided access to the farmyard and farmhouse and provides a reasonable access off the unclassified road which is not heavily trafficked.
- 6.4 In accordance with the Council’s SPG, alternative uses have been marketed with both a local agent and the buildings have been placed on the Council’s Property Register. There has been little interest and no tenants have been secured.
- 6.5 Finally, the ecological report confirms that bats use the barns as a roosting site and any approval will need to provide mitigation.
- 6.6 In conclusion, the scheme as proposed represents an unacceptable conversion for the buildings with extensions required to the stone barn to make it viable.

RECOMMENDATION

That planning permission be refused subject to the following reason:

- 1. The conversion as proposed would require the substantial extension of the buildings and the re-use/replacement of elements of the complex which are not worthy or capable of conversion without major reconstruction. The proposal is therefore contrary to Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan 2007.**

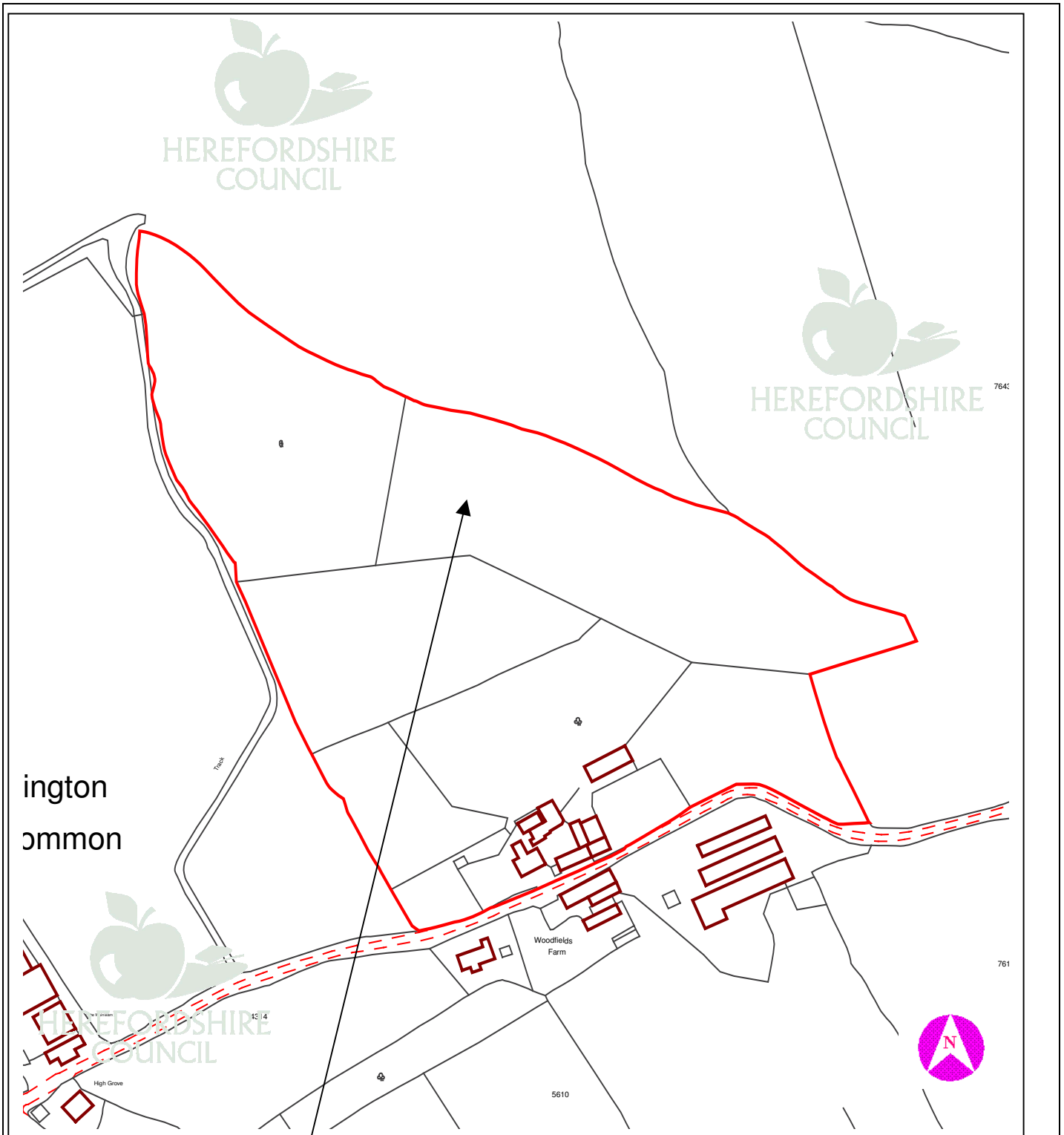
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/3403/F

SCALE : 1 : 2500

SITE ADDRESS : Woodfields Farm, Tillington Common, Tillington, Herefordshire, HR4 8LP

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10 DCCE2007/3707/F - GLAZED PORCH TO REAR ELEVATION AT 18 FROME COURT, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BF

**For: Mrs. C. Griffiths per John Parry Design Limited,
Broadheath, Moreton on Lugg, Hereford, Herefordshire
HR4 8DQ**

Date Received: 29th November, 2007 Ward: Hagley Grid Ref: 56754, 40606

Expiry Date: 24th January, 2008

Local Member: Councillor DW Greenow

1. Site Description and Proposal

1.1 The application seeks permission for the erection of a glazed rear porch at No. 18 Frome Court, Bartestree. The dwelling is found at the southwest corner of the recently completed enabling development, associated with the restoration and residential conversion of the listed Convent. Owing to the quality of the setting, most notably the nearby presence of the listed building, and the careful and consistent design of the development, permitted development rights were removed.

1.2 The porch would project 2.1 metres from the rear with a width of 3.5 metres. It is desired as a guard against the prevailing westerly winds and as an additional storage area. The proposed materials are painted timber to replicate the existing with glass and brickwork.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy H18	-	Alterations and Extensions
Policy HBA4	-	Setting of Listed Buildings

3. Planning History

3.1 CE2000/1143/F Restoration, conservation and conversion of convent buildings to provide 23 dwellings. Demolition of incongruous alterations, additions and curtilage buildings. Erection of 17 mews cottages. Diversion of internal access road, landscaping and ancillary site works. Approved 2nd November, 2001.

3.2 DCCE2006/1754/F UPVc conservatory to rear of No. 10 Frome Court. Application withdrawn.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Conservation Manager: "It was stated at a site meeting that an extension was unacceptable. We therefore object and recommend refusal. The reason that permitted development rights were removed was to prevent extensions that would be detrimental to the building's appearance. We believe that the proposal would disrupt the rhythm and balance of the elevation. The proposed porch is out of keeping with the character of the property and does not reflect the architectural articulation. Instead we believe that it would clash with the elevation and would be most visually disruptive."

4.3 Traffic Manager: No objection.

5. Representations

5.1 Bartestree and Lugwardine Group Parish Council: Support expressed for the application in the belief that the proposal successfully achieves a fitting addition to the building. The proposal would also benefit the sustainability of the dwelling by reducing heat loss.

5.2 Two letters of objection have been received from neighbours at Nos. 15 and 17 Frome Court. The points raised can be summarised as follows:

- 1) All the west facing properties experience the problem of prevailing winds.
- 2) The development should be described as an extension rather than a porch.
- 3) All six residents in the terrace will have sight of the proposal.
- 4) If approved, the extension would open the floodgates to other types of rear extensions across the terrace.
- 5) The porch, by virtue of its height, would reduce available light to the west facing windows of No. 17 Frome Court.

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 issue in the determination of this application is an assessment of the impact that the proposal would have upon the character and appearance of the subject property and the wider terrace.

6.2 Permitted development rights were removed on the original grant of planning permission. This was in recognition of the quality and importance of the setting of the listed Convent building and the resultant requirement to exercise controls over future extensions and alterations to the new build development. Although it should be acknowledged that the removal of permitted development rights does not necessarily preclude future extensions, it is often indicative of the architectural quality of the development and the importance of the wider setting. In certain cases there will be a

presumption against the principle of allowing any extensions such is the importance of retaining the intrinsic quality of the approved development.

- 6.3 The new build development at Frome Court was allowed as enabling development in conjunction with the restoration of the Convent. In this context it is obvious that careful consideration was given to the form, location and detailed design of the component parts of the new residential development.
- 6.4 In this instance the west facing elevation of the terrace is at present unadulterated. The unequivocal view of the Conservation Manager is that the proposal would disrupt both the rhythm and balance of the elevation, whilst the detailed design would not be in keeping with the architectural articulation, causing harm to the visual appearance of the development.
- 6.5 Moreover, it is considered that permitting this proposal would not only harm the visual quality of the existing development but would also make similar proposals more difficult to resist in the future, thereby eroding the careful composition of the original design.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The proposed extension, by virtue of the detailed design, together with the careful and consistent composition of the existing elevation, is considered detrimental to the character and appearance of the dwelling and the wider terrace, in a manner contrary to Policy H18 of the Herefordshire Unitary Development Plan 2007.**

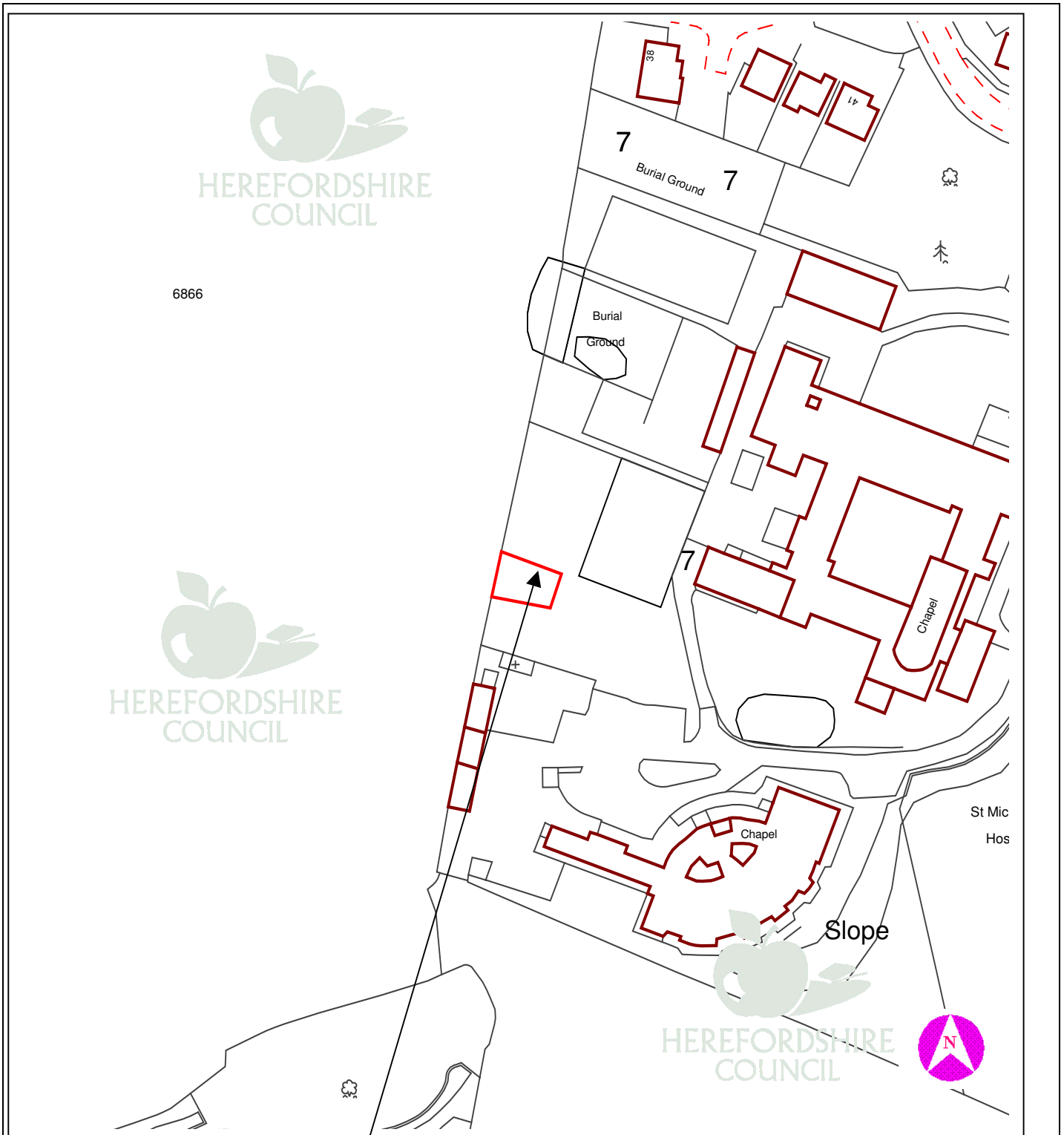
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3707/F

SCALE : 1 : 1250

SITE ADDRESS : 18 Frome Court, Bartestree, Hereford, Herefordshire, HR1 4BF

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11 DCCE2007/3378/F - FOUR POLYHOUSES 17M X 5M FOR THE PRODUCTION OF ORNAMENTAL VEGETABLE PLANTS ETC. AT PLOT 1, PEACOCK LODGE, RIDGEHILL, HEREFORD, HEREFORDSHIRE, HR2 8AE

For: Mrs. Powell, 62 Web Tree Avenue, Hereford, HR2 6HQ

Date Received: 25th October, 2007

Ward: Hollington

Grid Ref: 51352, 36065

Expiry Date: 20th December, 2007

Local Member: Councillor GFM Dawe

1. Site Description and Proposal

- 1.1 The site is located on the eastern side of unclassified road 71616 in the area known as Ridge Hill approximately 1.5 kilometres south of Hereford. The site is an agricultural paddock enclosed along the western boundary (roadside) by a mature native hedge with a further small length of hedgerow along the northeastern boundary, the remainder being enclosed by a mixture of post and rail and post and wire fencing. Levels falls relatively steeply from west to east and the site falls within open countryside as identified within the Herefordshire Unitary Development Plan 2007.
- 1.2 Planning permission is sought for the erection of four polytunnels each measuring 17 metres in length by 5 metres in width by 2.3 metres in height sited in two rows along the western boundary of the site. The polytunnels are of metal hooped construction covered with polythene.

2. Policies

2.1 National:

PPS 7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

Policy S2 - Development Requirements
 Policy S7 - Natural and Historic Heritage
 Policy DR1 - Design
 Policy E13 - Agricultural and Forestry Development
 Policy LA6 - Landscaping Schemes

3. Planning History

- 3.1 None of relevance.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.2 Conservation Manager:

The application site is within a landscape type, 'Forest Smallholdings and Dwellings', with a very distinct pattern and characteristics. It does, however, lie at the very edge of this landscape type and would principally be viewed from a different landscape type, 'Principal Settled Farmlands'. The interface of different landscape types often provides opportunities for enhancement of one or other type where infrastructure can be required as part of the development process.

In the case of this site the infilling of a piece of open space on the road frontage would generally be considered contrary to the pattern of the landscape, one of densely located smallholdings and wayside cottages separated by small orchards and pasture, were it not for the fact that the proposed developed has a low profile, disguised below the existing hedge and therefore not visible from the roadside. No infilling will be apparent.

Viewed from the south and south-east (from the Principal Settled Farmlands landscape type) there is the opportunity for enhancing the pattern of the landscape by requiring the planting of new hedges and trees to the site boundary. Not only will this recreate lost field boundaries but help assimilate the proposed development into the landscape.

There remains a final point, that whilst modern in form, the proposed development represents a continuation of the 'smallholding' tradition that first created this densely settled landscape. The scale and proportions of the proposed polytunnels is not a significant departure from the existing development along Ridge Hill and I am satisfied that the proposed development can be assimilated into the landscape.

A detailed and extensive scheme of landscaping will be required.

5. Representations

5.1 Lower Bullingham Parish Council: The application is not supported. Concerns over the visual impact within the surrounding area and that the proposal is contrary to policy LA2 of the UDP. The development will cause an adverse change to the local landscape of open countryside, and would have a detrimental effect locally.

5.2 Five letters of objection have been received including a petition with 18 signatures from local residents. The main points raised are:

1. The development will be detrimental to the area and quite obtrusive.

2. Additional commercial scale vehicles utilising the access and local highway network which is a single track road with no passing places will cause a danger to highway safety.
3. The locality is nicknamed "windy ridge" and the development would create unacceptable noise from the wind rattling over the polytunnels.
4. The development may lead to similar development creating a plastic town as has happened in other parts of the county.

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 applicant presently runs a small family business producing ornamental plants, vegetable plants and perennials. The polytunnels are required to enable the expansion of the business and particularly to maintain a supply of stock for sale throughout the year. The growing of plants amounts to an agricultural (horticultural) use, which by its nature, requires a rural location. Four polytunnels of standard size and construction are proposed and the scale is commensurate with the needs of the business and the proposed site. In agricultural and horticultural terms, the proposal represents a small-scale development.
- 6.2 The key issue is the landscape and visual impact of the development. Polytunnels by their design and materials will inevitably have an impact on the local landscape but the key assessment is whether the impact is harmful to the extent that refusal of planning permission is justified. The existing mature roadside hedgerow will largely screen the polytunnels from the west (roadside) and with additional landscaping, the impact of the development can be mitigated from more distant views of the site from the north, east, and south. There are also a number of other properties and associated domestic and agricultural development in the locality and therefore the development will not appear isolated. Furthermore, the Council's Landscape Officer considers that the overall landscape impact is acceptable subject to further landscaping being undertaken which can be controlled by condition.
- 6.3 The Traffic Manager confirms the existing access is acceptable including the capacity of the local highway network to accommodate additional traffic associated with the development. The applicants also confirm that the business does not employ any staff and trips to and from the site will be a maximum of two trips a day during peak season and once a week during the winter. They also confirm there will be no retail sales to visiting members of the public from the site and this can be controlled by condition. It is also not considered that the development will have any adverse impact on the amenity of local residents.
- 6.4 As such the landscape and other impacts of the development are considered acceptable and the development is considered acceptable in accordance with the relevant Unitary Development Plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

- 4. **G10 (Retention of trees).**

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

- 5. **There shall be no sales of any produce or products directly from the site to visiting members of the public.**

Reason: In the interests of residential and visual amenity and sustainable development.

Informatives:

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

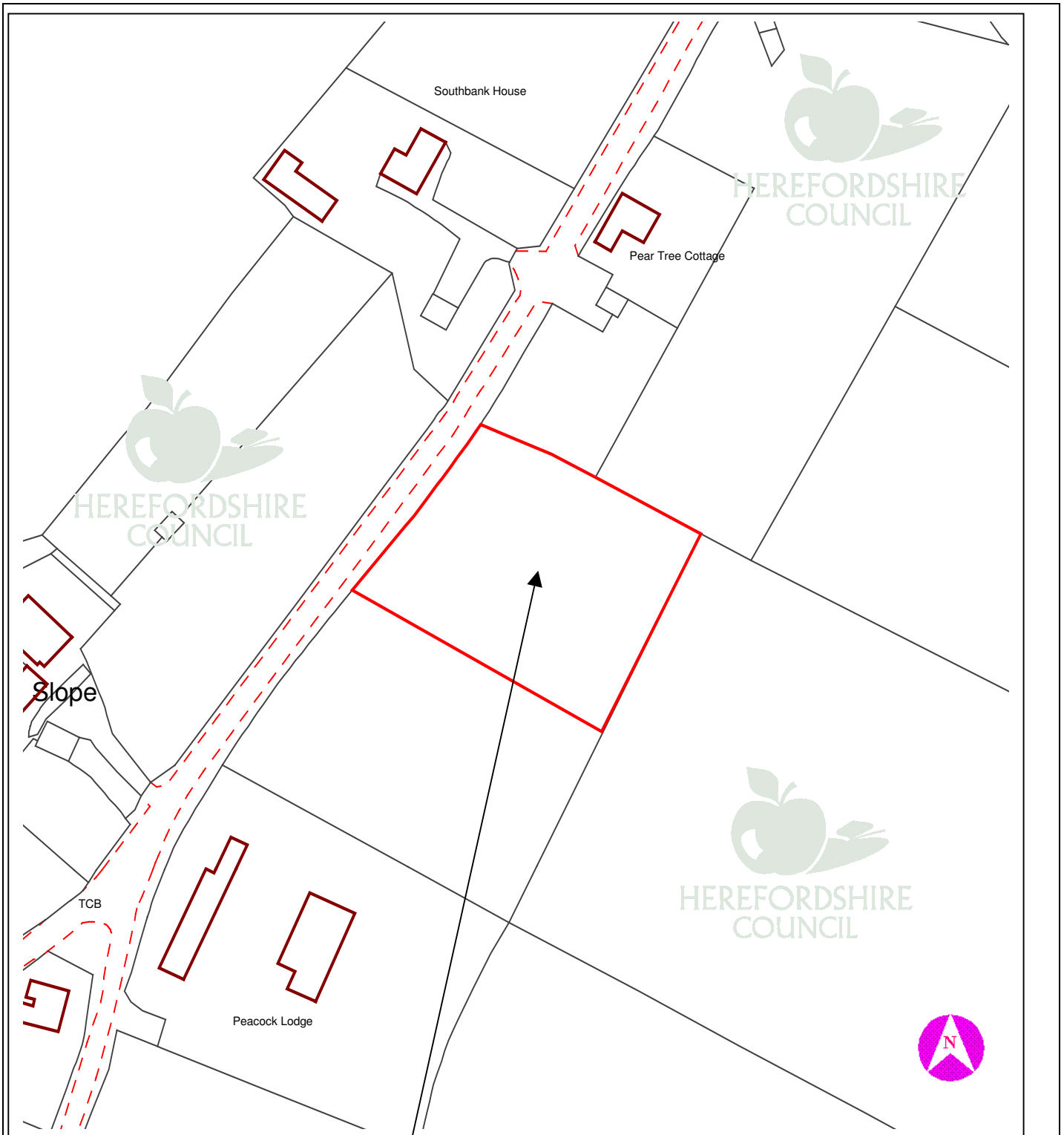
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3378/F

SCALE : 1 : 1250

SITE ADDRESS : Plot 1, Peacock Lodge, Ridgehill, Hereford, Herefordshire, HR2 8AE

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12 DCCE2007/3542/F - CHANGE OF USE FROM TWO FLATS (RESIDENTIAL) TO HOUSE IN MULTIPLE OCCUPATION AT 16 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HS

For: Mr. M.J. Mohan & Mr. N. A. Beament, 16 Aylestone Hill, Hereford, HR1 1HS

Date Received: 14th November, 2007 Ward: Aylestone Grid Ref: 51900, 40477
Expiry Date: 9th January, 2008

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

- 1.1 No. 16 is a three storey red brick and pitched slate roofed property located on the southern side of Aylestone Hill approximately 70 metres northeast of the junction with Southbank Road. The property forms half of a pair of semi-detached properties with accommodation on three floors with a large garden to the rear and hardstanding to the frontage used for the parking of 6 to 7 vehicles. Immediately to the southwest is a further detached property which is Grade II listed and three detached properties opposite the site are also listed, the area being characterised by a mixture of large detached and semi-detached properties.
- 1.2 Planning permission is sought for the change of use of the property from a dwelling to a house in multiple occupation for the accommodation of nine occupants. The accommodation is arranged on three floors comprising of three bedrooms, kitchen, dining area and bathroom on each floor with access via a central stair plus hallway. No external or internal alterations are required other than general modernisation such as new kitchen, heating and fire safety works.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H17	-	Sub-division of Existing Housing
Policy HBA6	-	New Development Within Conservation Areas
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision

3. Planning History

- 3.1 DCCE2007/1450/F Conversion of basement to self contained flat. Approved 6th July, 2007.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection subject to conditions relating to provision of parking and secure covered cycle storage.

4.3 Private Sector Housing: There is a shortage of this type of HMO accommodation in Herefordshire. The property is large and will lend itself to multiple occupancy subject to the requisite standards for HMOs in Herefordshire being met (in terms of occupancy numbers, facilities and fire precautions). An examination of the plans indicate that the facilities are adequate for the number of rooms.

Private Sector Housing has no objection in principle to the change of use to an HMO but would seek to limit the number of occupants permitted commensurate with the number of proposed kitchens, i.e. nine occupants with three kitchens.

4.4 Conservation Manager: We are becoming increasingly concerned about the potential changes to the character of this Conservation Area with many of the fine villas and town houses becoming houses in multiple occupancy. We would not object to this particular proposal but believe that this aspect needs to be carefully considered in the event of future proposals.

5. Representations

5.1 Hereford City Council: Recommends the application be refused as inappropriate development for the area.

5.2 Four letters of objection have been received from local residents. The main points raised are:

1. There are concerns whether the density of development meets satisfactory standards of accommodation for its inhabitants in accordance with Policy H17 (2) of the UDP.
2. Such multiple occupancy is likely to cause detriment to the amenity and privacy of neighbouring dwellings and the character of the wider area contrary to Policy H17.
3. We also suffer from noise transferring from the property to neighbouring property and additional sound insulation should be undertaken.
4. A hideous wooden fence has been erected along the frontage which exceeds one metre in height adjacent to the road.
5. The increase in the number of vehicles is causing difficulties in what is already a congested area in traffic terms with cars being parked on grass verges outside the property causing a danger for other cars, neighbours, students and pedestrians.

6. Significant works have already been undertaken to the property over the last six months but it is noted that the application is not retrospective.
7. It appears that the property is already in multiple occupancy.
8. There is a constant stream of people coming and going with the noise levels being extreme and the behaviour of most residents antisocial and often parties at weekends that go on all night.
9. It is only a matter of time before rogue tenants cause problems for local residents.
10. The proposal will devalue local property.

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 lawful use of the existing dwelling is a single dwelling. Planning permission is sought for the utilisation of the existing dwelling to create a nine bedroomed house in multiple occupation with a kitchen and bathroom on each floor.
- 6.2 Policy H17 of the Herefordshire Unitary Development Plan 2007 relating to the sub-division of existing housing contains the criteria against which the proposal should be assessed. This policy states that:
 1. Such proposals should be permitted provided that adequate and public car parking and access is available as set out in Policy H16.
 2. There is satisfactory standard of accommodation provided including internal layout and private amenity space.
 3. The proposal has no undue adverse impact on the character of the property and its curtilage, the amenity of privacy of neighbouring dwellings, and the amenity and general character of the area.

Each criteria will now be considered.

- 6.3 The frontage of the property has been gravelled to create a hardstanding area with the capacity for seven vehicles including a manoeuvring area. Whilst this does not equate to one parking space per occupant, the property is located on the edge of the city centre with close links to both a bus stop and railway station and other local amenities. Adequate space also exists to create secure cycle storage within the curtilage. The Traffic Manager raises no objection to the proposal and considers the vehicular access and parking to be acceptable for the proposed use. As such, the development accords with Criteria 1 of Policy H17.
- 6.4 In considering the appropriateness of the property for the proposed use and number of occupants, the comments of Private Sector Housing who licence the property as a house in multiple occupation if planning permission is approved are relevant. They again support the application in terms of the general size of the property and standard of facilities. All of the bedrooms are of a double bedroom size and many are spacious by modern residential standards. There will be a ratio of one kitchen/dining area and bathroom for every three rooms which exceeds the standards that have to be achieved to obtain an HMO licence.

- 6.5 The property also has a generous garden to the rear along with other general facilities such as an utility and outside store. Furthermore, no internal or external alterations are required to achieve the conversion. The layout of the accommodation, its standard and level of facilities are therefore acceptable for the number of occupants proposed and therefore the requirements of Criteria 2 are satisfied.
- 6.6 The third criteria of Policy H17, which has perhaps generated the most objections, relates to the appropriateness of the use as a matter of principle for the site and area. As no internal or external alterations are proposed to accommodate the use, the proposal will have no impact on the character and appearance of the property or its curtilage. The hardstanding that has been created to accommodate the parking was undertaken under Permitted Development Rights and it would not be unusual with a property of this size for there to be 4 to 5 cars parked within the curtilage. As such it is also not considered that the proposal would have any undue adverse impact on the character of the curtilage. The proposal will also not have any additional impact on the privacy of the neighbouring properties.
- 6.7 Objectors have commented on problems with noise emanating from the property recently but there is no evidence to suggest that the occupation of the property as an HMO will lead to an adverse impact as a result of noise on neighbouring properties and ultimately any noise disturbance could be dealt with through the appropriate environmental protection legislation.
- 6.8 The final issue is therefore the impact of the proposal on the general character of the area. The use of the property as an HMO will inevitably increase the general activity within and to and from the property over and above its occupation as a single dwelling. However the property lies adjacent to a busy main road and footpath links are heavily trafficked by pedestrians and students and therefore there is already a good deal of activity throughout the week. There are not considered to be any other tangible impacts on the local area or its character and designation as a Conservation Area and there are no policies in the Herefordshire Unitary Development Plan 2007 which require large single houses of this nature to be safeguarded as single dwellings.
- 6.9 The property is therefore considered to be suitable and appropriate for occupation as a house in multiple occupation in accordance with Policy H17 of the Herefordshire Unitary Development Plan 2007.

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. H10 (Parking - single house) (7 cars).**

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

- 3. H29 (Secure covered cycle parking provision).**

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

- 4. The development hereby permitted is for a maximum of nine occupants.**

Reason: To ensure a satisfactory standard of accommodation is maintained in accordance with Policy H17 of the Herefordshire Unitary Development Plan 2007.

Informatives:

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

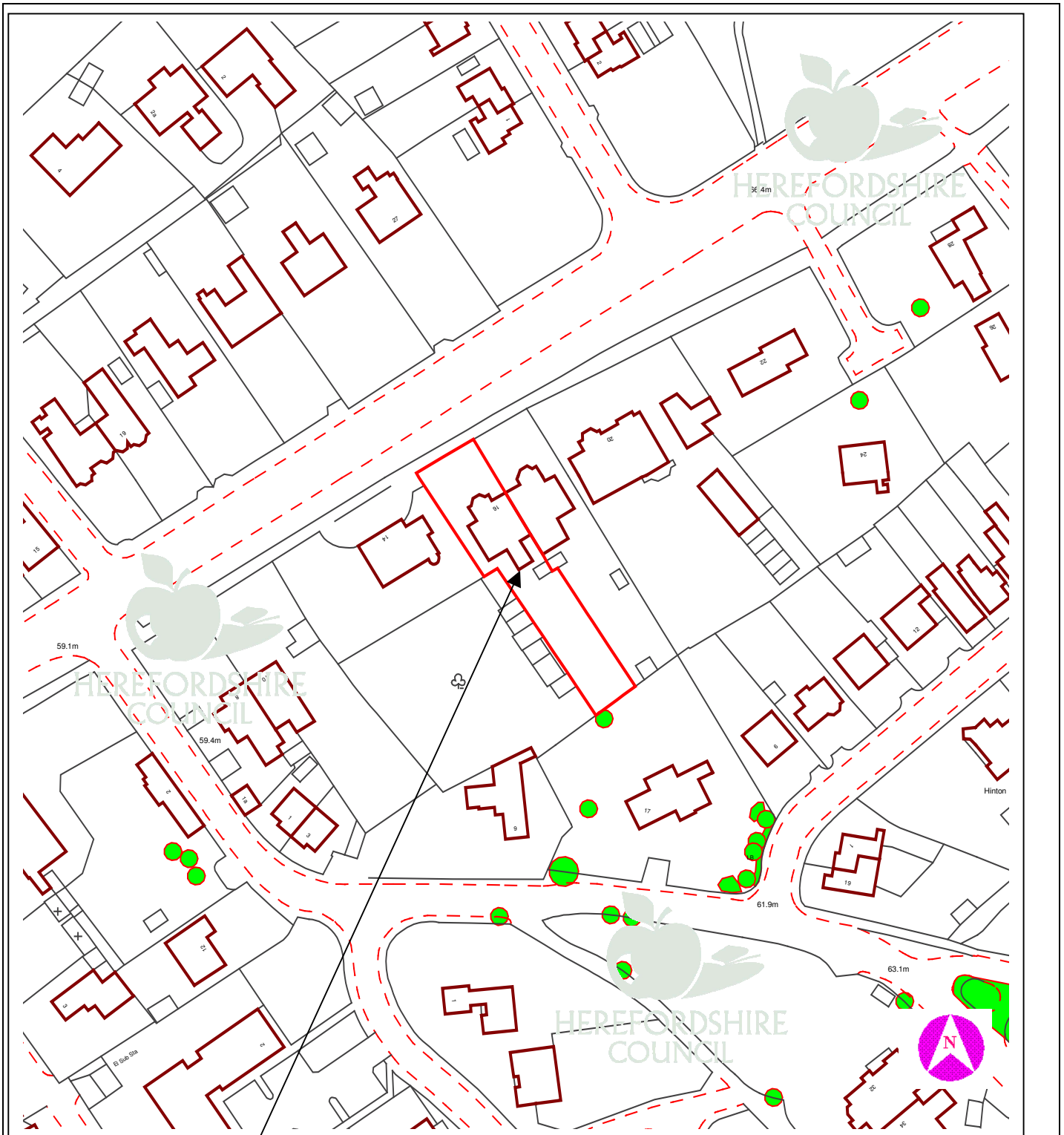
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3542/F

SCALE : 1 : 1250

SITE ADDRESS : 16 Aylestone Hill, Hereford, Herefordshire, HR1 1HS

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13 DCCE2007/3385/F - PROPOSED LIGHT INDUSTRIAL UNITS FOR B2 AND B8 USE AT LAND ADJACENT TO RAMSDEN COURT, RAMSDEN ROAD, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6NP

**For: Mr. N. Barrow per Mr. S Potter, Pomona Office,
Pomona Drive, Kings Acre Road, Hereford, HR4 OSN**

Date Received: 29th October, 2007

Ward: Hollington

Grid Ref: 52945, 37612

Expiry Date: 24th December, 2007

Local Member: Councillor GFM Dawe

1. Site Description and Proposal

1.1 The application site lies within the main employment area of Rotherwas Industrial Estate on the southern side of Ramsden Road and to the rear of a block of four terraced industrial units. The proposed area is presently undeveloped with a small area of vegetation towards the southern and eastern boundary of the site. To the south is designated employment land. To the west is Ramsden Court, a modern estate, which comprises ten terraced industrial units and one two storey office block building. To the east is Folbigg Court, a large industrial building.

1.2 This application seeks permission for the erection of a block of three industrial buildings (two B2 and one B8 use) at the southern end of the site. The proposal is intended to provide 885 square metres of industrial space. A total of 24 car parking spaces (including three disabled spaces) and a loading area are proposed to the front of the building. Access would be via the existing access road from Ramsden Road. The building would be constructed from profile sheeting.

2. Policies

2.1 National:

PPS25 - Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy DR1 - Design
 Policy DR2 - Land Use and Activity
 Policy DR3 - Environment
 Policy DR7 - Flood Risk
 Policy E1 - Rotherwas Industrial Estate
 Policy E6 - Expansion of Existing Businesses
 Policy E8 - Design Standards for Employment Sites
 Policy T11 - Parking Provision

3. Planning History

- 3.1 DCCE2006/2958/F Refurbishment of existing industrial building and erection of single storey extension with associated landscape improvement. Approved 1st November, 2006.
- 3.2 DCCE2007/3465/F Erection of monopitch covered storage area. Approved 27th December, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection in principle as the site lies just within Flood Zone 2 (0.1% annual probability flooding) and the proposal is categorised as 'less vulnerable' use in the context of PPS25.

Internal Council Advice

- 4.2 Traffic Manager: Recommends condition requiring provision of secure cycle storage.

5. Representations

- 5.1 Lower Bullingham Parish Council: Application supported.
- 5.2 Two letters have been received from Mr. & Mrs. Gillespie of J & S Enterprises, the owner of the two units to the north of the application site and their solicitor, Tompkins & Hing, which raise concerns on the basis that the proposed development would increase the level of traffic passing their premises that would lead to serious highway and health and safety issues.

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 main issues for consideration in the determination of this application are as follows:
- (a) Principle of the Proposed Development
 - (b) Highway Safety Issues
 - (c) Flooding Implications
 - (d) Impact of the Proposed Use on Visual Amenity

Principle of the Proposed Development

- 6.2 The application site falls within an area of designated employment land. The scheme comprises uses that are suitable and appropriate for the location and as such the provision of additional employment uses at this site is supported in principle.

Highway Safety Issues

- 6.3 The parking layout demonstrates that there would be sufficient parking and turning to serve the proposed development. It is acknowledged that the development would generate additional traffic to and from the site but taking into account the relatively modest scale of the development and the setting of the proposal in relation to the adjoining industrial businesses, it is not considered that the proposal would lead to any danger or serious hazard to users of the highway. The concerns regarding the possible impact of commercial traffic passing the loading area of the premises to the north of the site have been given consideration but ultimately the management of access and deliveries on this private road would be a civil matter between the neighbouring occupiers. This issue does not represent a material consideration warranting the refusal of planning permission. The Traffic Manager has been consulted and is satisfied with the proposed scheme.

Flooding Implications

- 6.4 The application site is located within an identified flood plain (Flood Zone 2). On this basis, the need for flood storage compensation is not identified by the Environment Agency as an issue, which would need addressing by a Flood Risk Assessment in accordance with PPS25. It is acknowledged that the finished floor level of the proposed building would be set at 50.70mm, where it would be at least 0.42mm higher than that required by the Environment Agency and a surface water attenuation system has been proposed, which would further prevent any increased risk of flooding on site. Notwithstanding the above, it is considered necessary to require the applicant to provide a flood evacuation plan in order to ensure the availability of a flood free access route to leave the site during a flood event.

Impact of the Proposed Use on Visual Amenity

- 6.5 Rotherwas Industrial Estate has a very mixed character. Therefore whilst the proposed building represents a contrast in design from the older industrial units to the north of the site, it would be similar to the adjoining recently redeveloped industrial building to the west. It is considered that in terms of design, the proposed building is appropriate in this industrial setting. It is considered that the character and appearance of the site and the visual amenity of the locality will be preserved through this development.

Conclusion

- 6.6 In conclusion, the proposal complies with the relevant planning policies, subject to appropriate conditions, the proposal would represent an acceptable form of development. It is therefore recommended for approval.

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. A09 (Amended plans) (6th December, 2007).**

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

- 3. B11 (Details of external finishes and cladding (industrial buildings)).**

Reason: To secure properly planned development.

- 4. Prior to the first use of the development hereby approved full details of a flood evacuation plan and arrangements to ensure a flood free access route should be submitted to and approved in writing by the local planning authority.**

Reason: To ensure the availability of a flood free access route to enable access by emergency services and evacuation of people, vehicles and goods during flood events.

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

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

- 6. H29 (Secure covered cycle parking provision).**

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

- 7. H30 (Travel plans).**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. HN25 - Travel plans.**
- 3. N19 - Avoidance of doubt.**
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

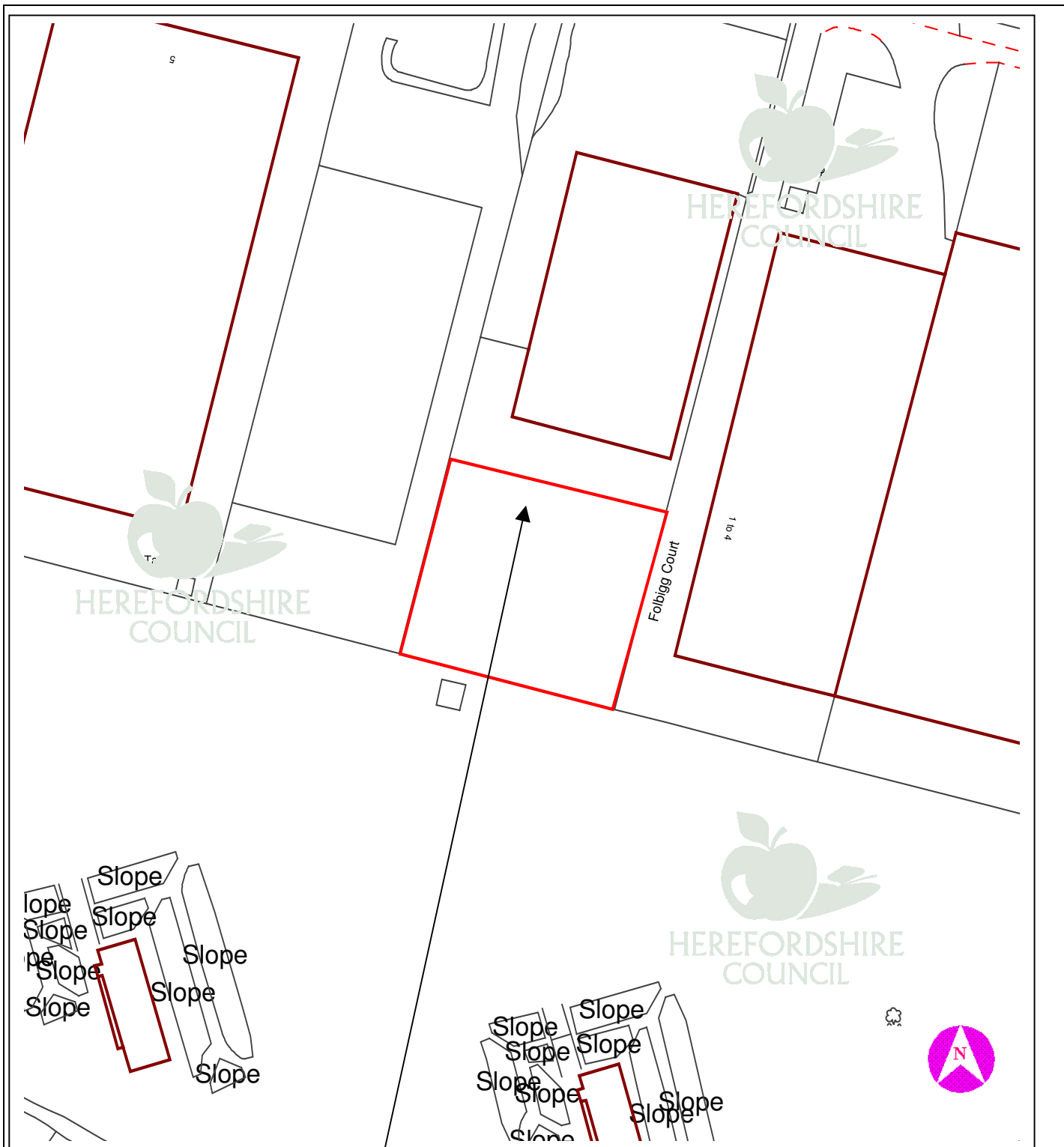
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3385/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Ramsden Court, Ramsden Road, Rotherwas, Hereford, Herefordshire, HR2 6NP

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