

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 19th March, 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 - 24 |
| <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> | 25 - 26 |

Applications Received

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

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| <p>5. DCCW2007/3940/F - MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS</p> <p>Proposed development of two buildings (4 units) for small business B1 and B8 use - light industrial.</p> | <p>27 - 34</p> |
| <p>6. DCCE2007/3860/RM - LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY</p> <p>A development of 151 dwellings consisting of 2, 3, 4 & 5 bedroom houses with 1+2 bedroom apartments (Phase 3).</p> | <p>35 - 50</p> |
| <p>7. DCCW2008/0235/F - LAND ADJOINING 9 AND 11 PIXLEY WALK, HEREFORD, HR2 7TA</p> <p>Erection of 2 no. two bedroom three persons flats and associated parking.</p> | <p>51 - 56</p> |
| <p>8. [A] DCCE2008/0112/F AND [B] DCCE2008/0114/L - HEREFORD CONSERVATIVE CLUB, 102 EAST STREET, HEREFORD, HR1 2LW</p> <p>[A] Conversion of parts of building to eight flats, relocation of manager's flat and secretary's office. [B] Conversion of parts of building to eight flats, relocation of manager's flat and secretary's office.</p> | <p>57 - 66</p> |
| <p>9. [A] DCCE2008/0004/F AND [B] DCCE2008/0011/L - THE CATHEDRAL CLOSE, HEREFORD, HR1 2NG</p> <p>[A] Redevelopment of The Cathedral Close with new landscape proposals, lighting, seating, paths, fences, railings and gates. [B] Erection of new piers, railings and gates at nos. 1 & 2 Cathedral Close, relocation of Castle Street gate pier. New gate to college cloisters, repair of the Cathedral Barn.</p> | <p>67 - 84</p> |
| <p>10. [A] DCCE2008/0220/F AND [B] DCCE2008/0225/C - 84 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ</p> <p>[A] Erection of 6 No apartments in two storey form together with associated car parking. [B] Demolition of existing dwelling and erection of 6 no. apartments in two storey form together with associated car parking.</p> | <p>85 - 94</p> |
| <p>11. DCCW2008/0354/F - 14 WILLOW RISE, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3DH</p> <p>Proposed single storey side/rear extension and new detached garage.</p> | <p>95 - 100</p> |
| <p>12. DCCW2008/0390/F - LAND ADJACENT 2 WINDSOR STREET, HEREFORD, HEREFORDSHIRE, HR4 0HW</p> <p>Proposed three bedroom detached dwelling with parking for one vehicle.</p> | <p>101 - 106</p> |

13. **DCCE2008/0098/F - SHIPLEY, HOLME LACY, HEREFORD, HEREFORDSHIRE, HR2 6LS** | 107 - 112

Retention of and change of use of hard standing for caravans with associated drainage works. (Retrospective).

14. **DATES OF FORTHCOMING MEETINGS**

16th April, 2008

14th May, 2008

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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.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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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, 20th February, 2008 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, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, AT Oliver, SJ Robertson, AP Taylor, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio)

123. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors MD Lloyd-Hayes, RI Matthews, AM Toon and NL Vaughan. Apologies were also received from Councillor RV Stockton (ex-officio).

124. DECLARATIONS OF INTEREST

The following declarations of interest were made:

| Councillor | Item | Interest |
|---|--|--|
| AJM Blackshaw and DW Greenow | Minute 127, Agenda Item 5 DCCW2007/0871/M Wellington Quarry, Marden Lane, Wellington, Herefordshire | Both Councillors declared personal interests. |
| MAF Hubbard | Minute 128, Agenda Item 6 DCCE2007/2720/F Whitethorn Farm, Carey, Hoarwithy, Herefordshire, HR2 6NG | Declared a personal interest. |
| ACR Chappell, AT Oliver, GA Powell and SJ Robertson | Minute 129, Agenda Item 7 DCCE2007/3860/RM Land Off Bullingham Lane, Hereford, Herefordshire, HR2 7RY | ACR Chappell and SJ Robertson declared personal interests. AT Oliver declared a prejudicial interest, addressed the Sub-Committee and then withdrew from the meeting. GA Powell declared a prejudicial interest and left the meeting for the duration of the item. |

125. MINUTES

Referring to minute 113 [DCCE2007/3249/F, Hampton Grange Nursing Home], Councillor PJ Edwards noted that the minutes made reference to his comment that '(solar) panels should be required as part of any planning permission granted' but a condition had not been included to this effect. The Central Team Leader said that he would check whether the condition had been included in the decision notice and advise the member accordingly.

RESOLVED: That the minutes of the meeting held 23rd January, 2008 be approved as a correct record and signed by the Chairman.

126. 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.

MR S WITHERS – CENTRAL TEAM LEADER

The Chairman advised that this was the last Sub-Committee meeting to be attended by Mr. Withers, Central Team Leader, prior to him taking a position with ESG Herefordshire Ltd. The Chairman praised Mr. Withers' professionalism and other attributes. The Sub-Committee wished him well in his new position.

127. DCCW2007/0871/M - WELLINGTON QUARRY, MARDEN LANE, WELLINGTON, HEREFORDSHIRE [AGENDA ITEM 5]

Proposed southern extension to operations.

The following update was reported:

- Correspondence had been received from Wellington Parish Council which raised issues about public footpaths near the site and suggesting that, once restored to nature conservation after operations had ceased, the land be passed to the Parish Council for management.

In response to the additional representation, the Principal Planning Officer (Minerals & Waste) advised:

- The footpaths did not cross this particular site and, as there were other procedures for dealing with public rights of way, the matter was not relevant to the determination of this application;
- There were numerous recommended conditions in respect of landscaping, restoration, aftercare and afteruse of the site. Whilst the comments of the Parish Council were noted, it was not for the planning authority to decide who would manage the area in the future; and
- The purpose of the application was to extend the quarry both in area and working time but would not increase the rate of extraction. This would effectively take the permission up to 2026, coinciding with local and regional policy periods, and the quarry would provide for the county's needs for that time.

The Chairman thanked the Principal Planning Officer (Minerals & Waste) for the detailed report and comprehensive recommendation.

Councillor KS Guthrie, Local Ward Member for Sutton Walls, said that the Local Ward Members had recently visited the site with officers. Councillor Guthrie

commented on the measures to control dust and noted that noise from the central workings, whilst being quite loud close to the machine making concrete blocks, was minimal at the boundaries of the site. Given the mitigation measures proposed, Councillor Guthrie supported the application.

Councillor AJM Blackshaw, Local Ward Member for Wormsley Ridge, welcomed the report and made the following points:

- He noted on the benefits of making concrete blocks at the place where the materials were extracted.
- He noted that the proposal was supported by Advantage West Midlands in principle and conformed with the Regional Spatial Strategy.
- He commented that the position of the site, near to Sites of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), and the high water table limited the potential after uses of the land. Nevertheless, he asked that further consideration be given to the future use and management of the land. He felt that, through the involvement of the Parish Council in the future management of the area, the applicant could compensate the parish for the disturbance caused by years of excavation and the dust and noise generated by the additional traffic on the A49 and Marden Lane.
- He reported on the poor state of Marden Lane and felt that the lane should be resurfaced as a matter of urgency.
- Subject to the identified ecology and bio-diversity measures, he felt that the application could be supported.

Councillor SJ Robertson commented on the shortage of areas for water sports in the county and felt that, once restored, this site could provide opportunities for conservation and leisure activities. The Principal Planning Officer (Minerals & Waste) advised that the SSSI and SAC designations would not permit motorised water sports and that there were potential conflicts between some conservation and leisure uses. Attention was drawn to recommended condition 43 which would ensure that, after cessation of operations, the land and lakes would not be used for 'any activity other than for the purposes of nature conservation or agriculture unless a specific planning permission for such is granted'. The need for flexibility was acknowledged, particularly as ideas and technologies may change in the intervening period.

Councillor PJ Edwards questioned whether the management of the site could form part of a Section 106 Agreement for the future benefit of the community. In response, the Principal Planning Officer (Minerals & Waste) advised that the possibility of an agreement had been discussed but was not considered expedient as the authority could not coerce the applicant to hand over land in the future. She added that the applicant had a good track record on nature conservation and the conditions should ensure appropriate management following final restoration.

The Development Control Manager noted that the developer was already under obligation to resurface Marden Lane under the terms of another planning permission, and officers would be pursuing this matter. Whilst he acknowledged the aspirations of members, he felt that it would be unreasonable to require the applicant to hand over land to a third party some twenty years hence. He added that the wording of condition 43 would ensure that another planning application would be required if any alternative uses were proposed in the future.

Councillor Edwards proposed an amendment to authorise officers to reconsider the issue of the Section 106 Agreement prior to the approval of the application. This

amendment failed and the resolution below was then agreed.

RESOLVED:

That planning permission be granted subject to the following conditions:

START AND DEFINITIONS

1. The winning and working of minerals hereby permitted shall commence before the expiration of five years from the date of this permission. The mineral planning authority shall be notified in writing within seven days of the commencement.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and to establish the start date for minerals extraction.

2. No soil shall be moved, boundaries erected or plant introduced on the site unless the mineral planning authority has been notified in writing within seven days of the first commencement of these operations.

Reason: To enable the mineral planning authority to monitor site activities and ensure compliance with the planning permission, including protection of biodiversity, in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

3. The site referred to in this permission is that shown outlined in red on drawing reference WQ2/1 dated March 2006.

Reason: To define the permitted area for the avoidance of doubt with regard to mineral extraction areas and timescales; to protect the amenity of local residents and the River Lugg SSSI/SAC and to ensure compliance with Policy S9 of the Herefordshire Unitary Development Plan 2007.

4. Except where specific requirements of this permission dictate otherwise, the development hereby permitted shall only be implemented in conjunction with and as an extension to the current planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M. No other planning permissions are affected.

Reason: To prevent fragmentation of the wider site, to ensure adherence to the proposed operations, phasing of work and use of infrastructure, and to secure the overall site's comprehensive restoration to wildlife habitat, in accordance with Policies S1, S2, DR1, DR2, M7, LA6, NC1, NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

5. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved documents and plans:

- i) Planning application dated 16th March 2007.
- ii) Environmental Statement dated March 2007, including the following plans only:
 - WQ2/1 Site Location.
 - W107/13 Site context.
 - W107/14 Planning boundaries and land under the applicant's

- control.
- 8/3 'Local Hydrogeology and Hydrology' May 2006.
- iii) Letter from SLR Consulting dated 18th June 2007 and attached drawings reference WQ7/1 'Borehole Location Plan' and WQ12/1 'Noise Monitoring Location Plan'.
- iv) Letter from SLR Consulting dated 19th October 2007 and the attached set of revised operational plans:
- W107/15B 'Sequential Phasing Proposals'.
 - W107/16B 'Phase 1 Working and Restoration'.
 - W107/17B 'Phase 2 Working and Restoration'.
 - W107/34 'Phase 3 Working and Restoration (former phase 4)'.
 - W107/35 'Phase 4 Working and Restoration (former phase 5)'.
 - W107/36 'Phase 5 Working and Restoration (former phase 6)'.
 - W107/22B 'Concept Restoration'.
 - W107/23B 'Restoration Masterplan'.

Reason: To clarify the approved details and to ensure compliance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

Undeveloped land at southern edge of site

6. Notwithstanding the original submitted plans, no winning and working of minerals shall take place, and no soils shall be moved, excavated, spread, mounded, stored, levelled or loosened other than in connection with agriculture, within the area at the southern end of the operational site shown as agricultural land on plan W107/15B.

Reason: To protect the amenity of residents of Moreton-on-Lugg, preserve the soil quality, and safeguard the landscape and biodiversity interests of wet grassland on this part of the site in accordance with Policies S1, S2, DR1, DR2, DR4, DR11, E15, LA2, NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

Availability of plans/permission

7. Until such time as the operations at the quarry cease, copies of this permission, including all the documents and plans hereby approved and any other document subsequently approved in connection with any conditions attached to this permission, shall be kept and made available for inspection at the site office during the prescribed working hours.

Reason: In the interests of clarity, to inform site operatives and visitors, to assist with monitoring and to ensure a satisfactory form of development in accordance with the approved details and Policy S2 of the Herefordshire Unitary Development Plan 2007.

End date

8. The winning and working of minerals shall cease not later than 31st December 2026.

Reason: To comply with schedule 5, part 1, paragraph 1 of the Town and Country Planning Act 1990, restrict disturbance from the development in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007, and to enable the

development to be reviewed at the end of the development plan period of the emerging Core Strategy for Herefordshire and the Regional Spatial Strategy revision.

Temporary suspension

9. If minerals operations are temporarily suspended for a period exceeding three months and/or resumed following temporary suspension, then the operator shall give written notice to the mineral planning authority within 21 days of:
- i) The date of suspension of minerals operation.
 - ii) The date of resumption following the temporary suspension.

Reason: To ensure satisfactory monitoring and control of the development within the approved timescales and to comply with Policies S1 and DR2 of the Herefordshire Unitary Development Plan 2007.

Premature permanent cessation

10. In the event that, in the written opinion of the mineral planning authority, no mineral operations have taken place for more than two years and such operations have permanently ceased prior to the full implementation of the approved development, then revised written schemes to include details of restoration, aftercare and timescales for their completion shall be submitted within 12 months of the notification of the permanent cessation of working. Such revised schemes shall be fully implemented within the approved timescales unless otherwise agreed in writing in advance by the mineral planning authority.

Reason: In accordance with schedule 9, paragraph 3 of the Town and Country Planning Act 1990, to safeguard the amenity of the area, to ensure the site is reclaimed in a timely manner to a condition capable of beneficial after use and to comply with the requirements of Policies S1 and DR2 of the Herefordshire Unitary Development Plan 2007.

PRE-COMMENCEMENT AND TIME-LIMITED

Scheme of working

11. No development shall take place until a revised scheme of working based on the approved amended plans accompanying the letter from SLR Consulting dated 19th October 2007 has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved unless otherwise agreed in advance in writing by the mineral planning authority and shall include in particular:
- i) Plans to a larger scale than those approved under condition 5 above, to depict the method of working clearly.
 - ii) Measures to be taken for the protection of trees and perimeter vegetation, including details of maintenance and duration.
 - iii) Control procedures for managing soil handling in accordance with MPG7 and DEFRA guidance [see condition 35 below and informative note 3].
 - iv) Arrangements for dealing with any contamination or contaminated materials discovered in the course of the development [see condition 30 below and informative note 3].
 - v) An estimate of the volumes of excavated soil, subsoil and

- overburden to be produced in each phase and plans showing locations for their temporary or permanent storage.
- vi) Plans showing the location, design and construction method for screening mounds, taking into account the need to minimise flood plain obstruction and the terms of conditions 25, 26, 27 and 28 below.
 - vii) Reference to the ground and surface water management scheme required by condition 12 below.

Reason: To ensure a satisfactory form of development and clear details of the method of working at the site in accordance with Policies S1, S2, S9, DR1 and DR11 of the Herefordshire Unitary Development Plan 2007.

Groundwater/hydro-geological monitoring/management

12. No development shall take place until a scheme for ground and surface water monitoring, management and protection has been submitted to and approved in writing by the minerals planning authority. The scheme shall be implemented as approved throughout the duration of the development, including the restoration and aftercare periods, unless otherwise agreed in writing in advance by the mineral planning authority. It shall include in particular:
- i) Regular monitoring of the hydrogeological boreholes identified on the submitted plan reference 8/3 'Local Hydrogeology and Hydrology' dated May 2006 [see informative note 3].
 - ii) Methodology for recording and reporting of boreholes monitoring results.
 - iii) Remedial works to be undertaken as necessary.
 - iv) Measures to minimise fuel spillage including the use of conveyors in preference to dump trucks, plant inspections and maintenance, fuel tank bunding, traffic management and spill response.
 - v) Methodology for management of silt and dirty water to ensure the minimal release of suspended solids.
 - vi) Provision for site surface water drainage.

Reason: In the interests of pollution control, the protection of ground and surface waters in and around the site, the amenity of occupiers of nearby properties, protection of the biodiversity interests of the River Lugg SSSI/SAC and to ensure compliance with Policies S7, DR4, DR6, NC1, NC2, NC3 and NC9 of the Herefordshire Unitary Development Plan 2007.

Boundary treatment

13. No development shall take place until a plan indicating the positions, design, materials and type of all boundary treatment to be erected has been submitted to and approved in writing by the mineral planning authority. The approved scheme shall be implemented as approved before the winning and working of minerals commences unless otherwise agreed in writing by the mineral planning authority.

Reason: In the interests of security, safety and the amenity of the area, in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

Advance planting of southern boundary

14. Unless otherwise agreed in writing in advance by the mineral planning authority, no development shall take place until a plan and scheme for advance planting along the revised boundary of the southern extent of mineral extraction as indicated on plan ref. W107/15B has been submitted to and approved in writing by the mineral planning authority. The scheme shall be implemented as approved before the winning and working of minerals commences.

Reason: In the interests of the amenity of the area, in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

Archaeology

15. No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the mineral planning authority. This programme shall be implemented as approved in accordance with a brief prepared by the County Archaeology Service and shall include consideration of the protection and/or preservation and future availability of any items of archaeological interest found on the site.

Reason: To ensure the archaeological interest of the site is recorded and safeguarded in accordance with Policies ARCH6 and ARCH8 of the Herefordshire Unitary Development Plan 2007.

Biodiversity

16. Unless otherwise agreed in writing in advance by the mineral planning authority, no development shall take place until a scheme for ecological surveying, monitoring and ensuring minimal harm or disturbance to biodiversity during the course of the development has been submitted to and approved in writing by the mineral planning authority. The scheme shall be based upon the details submitted in Section 10 of the Environmental Statement, taking into account subsequent relevant correspondence (including the Appropriate Assessment). The scheme shall be implemented as approved and shall include in particular:
- i) That no site preparation works shall take place until written confirmation has been provided by a qualified ecologist that no European protected species have been present during the six days prior to commencement of soil stripping operations within the relevant working phase.
 - ii) Methodology for surveying, monitoring and reporting.
 - iii) Provision for the retention and/or restoration of the main existing drainage ditches and hedgerows.
 - iv) Provision for the protection, management and enhancement of a pre-identified and agreed list of priority species and habitats.
 - v) Provision for periodic review and amendment of the scheme to reflect policy revision, changed circumstances or new survey results.
 - vi) Timescales for implementation.

Reason: In order to ensure that the site is worked and reclaimed in such a way that maximises its biodiversity potential including continuity between the site and adjoining areas and the integrity of Long Coppice

ASNW, and to ensure compliance with Policies S1, DR4, NC1, NC6 and the key principles of PPS9.

Biodiversity audit

17. No later than 18th October 2009 and by the 18th October every four calendar years thereafter until the completion of all restoration and aftercare schemes, a biodiversity audit shall be submitted to and approved in writing by the mineral planning authority. Each submitted scheme shall identify:
- i) The species present.
 - ii) Where European, national and/or local priority species are identified, estimates of the numbers and species present.
 - iii) Proposals for improving the habitats of such species during the course of the development hereby permitted including the period of aftercare.

Reason: In order to maintain biodiversity records and ensure that the site is worked and reclaimed in such a way that maximises its biodiversity potential and to ensure compliance with Policies S1, DR4, NC1, NC6 and the key principles of PPS9.

Dust monitoring and control

18. No development shall take place until a scheme for the suppression of dust has been submitted to and approved in writing by the mineral planning authority. The submitted scheme shall include in particular:
- i) The use of water sprayers, sprinklers and/or bowsers.
 - ii) Measures for the suppression of dust caused by the movement and storage of soils and aggregate materials within the site with particular reference to properties on Moreton Industrial Estate.
 - iii) Proposals for regular dust monitoring, recording and reporting of the results.
 - iv) Remedial works where necessary, including during specified weather conditions.

The scheme shall be implemented as approved in writing throughout the duration of the development unless otherwise agreed in writing by the mineral planning authority.

Reason: To prevent pollution and protect the amenity of the occupiers of nearby buildings and to ensure compliance with Policies DR4 and DR9 of the Herefordshire Unitary Development Plan 2007.

Resurfacing of Marden Lane

19. The winning and working of minerals hereby permitted on this site shall not take place unless and until the entire length of the C1122 between the A49(T) and up to and including the entrance to the Wellington gravel pit site has been resurfaced with a 14mm size close graded wearing course to the standard specified BS4987 or any subsequent revision, amendment or replacement to such specifications.

Reason: In the interests of the amenity of the locality and highway safety and to comply with Policy T8 of the Herefordshire Unitary Development Plan 2007.

RESTRICTIONS

Permitted development rights removed

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings, fixed plant, machinery, structures whether mobile or fixed, exterior lighting, lagoons, mineral stocking areas, means of access or other structures shall be constructed or placed on the application site, except as provided for under other conditions of this permission or with the prior written approval of the mineral planning authority.

Reason: To maintain control over the development and minimise the potential for visual and landscape intrusion in accordance with Policies DR1, DR2 and LA2 of the Herefordshire Unitary Development Plan 2007.

Operating hours

21. No machinery shall be operated, maintained or tested, other than for water pumping or in case of emergency, and no process shall be carried out, or deliveries taken at or despatched from the site outside the following times: 0700-1900 hours Mondays to Fridays, 0800-1300 hours on Saturdays and not at all on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of occupiers of nearby properties in accordance with Policies S2, DR2, DR4 and DR13 of the Herefordshire Unitary Development Plan 2007 and to be consistent with planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M on the adjoining land.

Pipeline protection

22. No work shall be undertaken in the vicinity of the high pressure gas pipeline other than in accordance with the National Grid Engineering Standard T/SPSSW22 'Specification for Safe Working in the Vicinity of National Grid high Pressure Gas Pipelines and Associated Installations: Requirements for Third Parties' or any instrument revoking or re-enacting that document with or without modification.

Reason: To ensure the gas pipeline is not damaged.

Working depth

23. No excavation shall be undertaken in connection with the permission hereby granted at any point within the application area that is deeper than the naturally occurring sand and gravel deposits at that point unless otherwise agreed in writing in advance by the mineral planning authority.

Reason: To define the permission for the avoidance of doubt and because deeper excavation would require further assessment in the interests of local amenity, pollution control, protection of ground and surface waters and the nature conservation interests of the River Lugg SSI/SAC and to comply with Policies S2, DR4, DR6, NC1 and NC3 of the Herefordshire Unitary Development Plan 2007.

Protect existing trees/hedgerows

24. The existing trees and hedgerows within and on the perimeter of the application site shall not be wilfully damaged, destroyed, uprooted, removed, felled, lopped or topped unless otherwise provided for within the approved plans and details set out in condition 5 above. Any vegetation removed without consent, dying, being severely damaged, or becoming diseased at any time during the development or aftercare period, shall be replaced in the planting season immediately following, with plants of such size and species as may be specified by the mineral planning authority.

Reason: To protect the integrity of those trees and hedgerows to be retained, in accordance with Policies S1, S2, S9 and LA5 of the Herefordshire Unitary Development Plan 2007.

Buffer zone for the eastern boundary

25. No development shall take place and no soil, overburden, materials stockpiles, plant, vehicles or equipment shall be stored within 5 metres of the eastern site boundary [see condition 11].

Reason: In the interests of the amenity of the locality and to protect perimeter hedging in accordance with Policies S7, DR4, LA5 and NC9 of the Herefordshire Unitary Development Plan 2007.

Buffer zone for Long Coppice

26. No development shall take place and no soil, overburden, materials stockpiles, plant, vehicles or equipment shall be stored within 20 metres of the western site boundary with Long Coppice [see conditions 11 and 27].

Reason: In the interests of the amenity of the locality and to protect an area designated as Ancient Semi-natural Woodland in accordance with Policies S7, DR4, LA5, NC4 and NC9 of the Herefordshire Unitary Development Plan 2007.

Temporary stockpiles location

27. Temporary material stockpiles within the application site shall be located in the vicinity of the western boundary adjacent to Long Coppice, in accordance with point 8.56 of the submitted Environmental Statement and plan reference W107/17b dated March 2006, taking account of the requirements of condition 26 above [see conditions 11 and 26].

Reason: To minimise the impact on flood flow and floodplain storage volume and to ensure compliance with Policies S2 and DR7 of the Herefordshire Unitary Development Plan 2007.

Stockpile height limit

28. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, no materials including aggregates shall be stockpiled or deposited in the open to a height

exceeding 5 metres.

Reason: To prevent visual intrusion in the locality and ensure compliance with Policies S2, DR1 and S9 of the Herefordshire Unitary Development Plan 2007.

Fuel/chemical storage

29. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment including the River Lugg SSSI/SAC and to ensure compliance with Policies DR4, DR6, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

Contaminated material

30. If during development, contaminated material (visual or olfactory) is found to be present then no further works in this area shall be carried out (unless otherwise agreed in writing by the mineral planning authority until a Method Statement has been submitted to and approved in writing by the mineral planning authority giving specific details as to how this unsuspected contamination shall be dealt with. Thereafter, development of the site shall be carried out in accordance with the approved Method Statement.

Reason: To protect the water environment and to ensure compliance with Policy DR10 of the Herefordshire Unitary Development Plan 2007.

Noise limits

31. The level of noise from the development hereby permitted shall not exceed such levels as are set out in Table 12/1 'Derived criteria' on page 186 section 12 of the submitted Environmental Statement, at the following specified locations on plan reference WQ12/1 dated May 2007.
- i) Almshouses
 - ii) New House
 - iii) Brookhouse Farm
 - iv) St. Peter's Court
 - v) Marden Vicarage

Within 14 days of any written request by the mineral planning authority, the operator shall submit a noise survey using these locations to demonstrate compliance.

Reason: In order to protect the amenity of the occupiers of nearby properties in accordance with Policy DR13 of the Herefordshire Unitary Development Plan 2007.

Lighting

32. No light source shall produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary unless otherwise agreed in writing in advance by the mineral planning authority.

Reason: To minimise any lighting impact, protect the amenity of the occupiers of nearby properties and to ensure compliance with Policies S2, DR4 and DR14 of the Herefordshire Unitary Development Plan 2007.

Burning restrictions

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

Reason: To safeguard the amenity of the occupiers of nearby properties and prevent pollution, to ensure compliance with Policies S2, DR4 and DR9 of the Herefordshire Unitary Development Plan 2007.

Excavator type (archaeological protection)

34. Only toothless excavators or grading buckets shall be used for soil or overburden stripping, unless otherwise agreed in writing in advance by the mineral planning authority.

Reason: To enable features of archaeological interest to be adequately investigated and recorded in accordance with Policies S7 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

Soil moving processes

35. Top soil and sub soil shall be stripped and stored separately in accordance with the appropriate DEFRA 'Good Practice Guide for Handling Soils'. All stripped materials shall be placed in storage mounds, the design and location of which have been agreed in advance in writing with the mineral planning authority as required by condition 11 above. No soil shall be stripped between the months of November and March inclusive or when standing pools of water exist on site [see informative note 3].

Reason: To protect the soil resource and ensure its optimum potential for re-use, in order to maximise the potential for successful restoration in accordance with Policy DR11 of the Herefordshire Unitary Development Plan 2007.

No soils to go off-site

36. No topsoil or subsoil shall be removed from the site other than for placement within the minerals extraction areas permitted under planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M, both dated 18th October 2005.

Reason: In order to ensure the proper reclamation of the site in the interests of landscape, local amenity, pollution control and to protect the River Lugg SSI/SAC, in accordance with Policies S2, DR4, DR11, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

No importation of waste soils

37. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation other than that naturally occurring within the minerals extraction areas permitted under planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M, both dated 18th October 2005.

Reason: In order to ensure the proper reclamation of the site in the interests of landscape, local amenity, pollution control and to protect the River Lugg SSSI/SAC, in accordance with Policies S2, DR4, DR11, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

No foul drainage discharges

38. Other than under licence from the Environment Agency there shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment, to protect the River Lugg SSSI/SAC and to ensure compliance with Policies S2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

Protection of River Lugg

39. All work associated with recharging the water from the working area back into the River Lugg shall be carried out in accordance with Environment Agency best practice guidelines and recommendations.

Reason: To retain the integrity of the River Lugg SAC designation and prevent increased suspended sediment entering the watercourse in accordance with policies S7, NC1 and NC2 of the Herefordshire Unitary Development Plan 2007.

LANDSCAPING, RESTORATION, AFTERCARE AND AFTERUSE**Landscaping/restoration scheme**

40. Unless otherwise agreed in writing in advance by the mineral planning authority, a scheme of phased progressive restoration landscaping based on drwg. nos. W107/22B 'Concept Restoration' and W107/23B 'Restoration Masterplan' shall be submitted in writing to the mineral planning authority within twelve months of the date of this permission. The scheme shall be implemented as approved and shall include in particular:
- i) Long-term establishment of lakes, ponds, reedbeds, shallows, species-rich grassland and wetland habitats.
 - ii) Plans and sections to scale 1:1250 showing detailed methods for construction, proposed profiles, levels and origins of materials to be used.
 - iii) Engineering details to maintain water levels including access, maintenance, overflow and drainage provision as necessary.
 - iv) A schedule of the proposed habitat types with a rationale for their creation, establishment of links between them, future maintenance and target species.
 - v) Seeding and planting plan and scheme including marginal and

- aquatic vegetation, comprising a location plan and list of species, seed mix/es, sizes and planting numbers.
- vi) Measures for tree and plant protection during their establishment.
- vii) Provision for the suppression of any invasive, proscribed or controlled weeds occurring on the site.
- viii) Provision for periodic review in order to adapt the scheme to reflect any revised adopted policies or changed circumstances.
- ix) Timescales for implementation of the scheme.

Reason: To clarify the approved details and secure the progressive restoration of the site to the highest possible standard while the winning and working of minerals takes place, and to facilitate the final reclamation of the site on completion of the development, in accordance with Policies S1, S2, DR4, LA6, NC7, NC8, NC9 and M7 of the Herefordshire Unitary Development Plan 2007.

Final restoration and removal of plant/infrastructure

41. Unless otherwise agreed in writing in advance by the mineral planning authority, a scheme of final restoration, based on drwg. nos. W107/22B 'Concept Restoration' and W107/23B 'Restoration Masterplan' shall be submitted in writing for the approval of the mineral planning authority within twelve months of the date of this permission. The scheme shall be implemented as approved within twelve months of the permanent cessation of minerals operations, unless otherwise agreed in writing in advance by the planning authority. The submitted scheme shall include in particular:
- i) Removal of all stockpiles, plant, equipment, vehicles, buildings, hardstandings, roads, waste materials and site infrastructure.
 - ii) Reinstatement of the land to a nature conservation/reedbed afteruse.
 - iii) Prescribed measures for targeted habitat creation and biodiversity enhancement.
 - iv) Continuation and consolidation of habitat creation and enhancement including for the identified target species provided for under conditions 16 and 17 above.
 - v) Reinstatement of perimeter hedgerows and fencing.
 - vi) Cross-sections including final water body depths, bed and bank profiles.
 - vii) Final drainage arrangements for the reclaimed land, including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage if and where appropriate.
 - viii) Soil re-spreading details including depths of soil layers.
 - ix) Further seeding of reclaimed areas with a suitable herbage mixture, where necessary.
 - x) Profiles of the permanent lake/s to succeed the workings, including any as-dug material, islands or promontories to be left or formed and the battering down of the banks.
 - xi) Provision for periodic review in order to adapt the scheme to reflect any revised adopted policies or changed circumstances.
 - xii) Timescales for implementation and completion.

Reason: To clarify the approved details and provide for appropriate landforms, geological conservation and final restoration of the site reflecting the approved afteruse, in accordance with Policies S1, S2, DR4, DR11, LA6, NC1, NC7, NC8, NC9 and M7 of the Herefordshire Unitary Development Plan 2007.

Aftercare

42. Unless otherwise agreed in writing in advance by the mineral planning authority, the operator shall submit a written aftercare scheme to ensure the reclamation of the site to the required standard for the approval of the mineral planning authority within twelve months of the date of this permission. The scheme shall include in particular provision for:
- i) Managing the site in the interests of biodiversity for at least a further five years on completion of the landscaping and final restoration works approved under condition 40 and 41 above.
 - ii) Provision for extending the aftercare across the whole quarry site for an agreed further period at the end of the five years as deemed necessary in the written opinion of the mineral planning authority at the time.
 - iii) Identification of the aftercare project manager.
 - iv) Schedule of works and timescales for implementation.
 - v) Monitoring and reporting arrangements and remedial work where necessary.
 - vi) Taking account of the adopted national and local Biodiversity Action Plans or their adopted equivalent in force at the time of implementation.
 - vii) Periodic review of management practices to take account of updated methodology, national or local government policy or advice as necessary.
 - viii) An annual site meeting at a mutually convenient date between the operators, the mineral planning authority and the person/s responsible for the aftercare works.

The scheme shall be implemented as approved on completion of the final restoration scheme as approved under condition 41 above.

Reason: To ensure the sustainable reclamation of the site to the highest possible biodiversity and landscape standards and to ensure compliance with Policies S1, S2, S7, S9, DR4, NC1, NC6, NC7, NC8, NC9 and M7 of the Herefordshire Unitary Development Plan 2007.

Afteruses

43. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, the land and lakes which remain on the cessation of mineral winning and working shall not be used for any activity other than for the purposes of nature conservation or agriculture unless a specific planning permission for such is granted by the local planning authority.

Reason: To protect the River Lugg SSSI/SAC to ensure adequate control of the future activities at the site and compliance with Policies S1, S7, DR2, DR4, NC1 and M7 of the Herefordshire Unitary Development Plan 2007 and because any other use could have adverse environmental effects which require further assessment by the mineral planning authority.

Informatives

1. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
2. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats
3. The scheme of working required by condition 11 should refer to the DEFRA soil handling guidance found at www.defra.gov.uk. The details concerning groundwater monitoring should complement or extend the scheme approved under condition 16 of planning permission reference DCCW2005/1243/M. The details concerning contamination, soils and groundwater management should be compatible with, or an extension to, the scheme approved under condition 17 of planning permission reference DCCW2005/1243/M.
4. The applicant should be aware that pursuant to Section 23 of the Land Drainage Act 1991, the prior consent of the Environment Agency is required for the erection of any mill, dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such construction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the local authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds and consents for such works will not normally be granted except for access crossings.
5. The applicant should contact the Environment Agency's Water Resources Section in Cardiff (02920 245124) with regard to water resource consenting and licensing requirements, including dewatering and foul drainage.
6. The biodiversity audits required by condition 17 are intended to run consecutively with or be an integral part of the similar audits required under the terms of planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M both dated 18th October 2005.
7. N15 - Reason(s) for the Grant of PP/LBC/CAC.

In reaching this decision the mineral planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of amenity and highway safety were addressed.

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

128. DCCE2007/2720/F - WHITETHORN FARM, CAREY, HOARWITTHY, HEREFORDSHIRE, HR2 6NG [AGENDA ITEM 6]

Erection of glasshouse.

The following updates were reported:

- Further comments had been received from the Traffic Manager as follows:

'The road network is adequate to serve the existing farming practices and the glasshouse. However, it would be undesirable for there to be a significant increase in vehicle movements without improvements to the access and highway network.'

- A further letter had been received from the applicant's agent which:
 - i. Re-iterated points made in the report and noted that the proposal accorded with the relevant landscape policies.
 - ii. Commented that the development was small scale and comparable in scale to other barns in the locality, 80% of the crops grown in the glasshouse would supply local distributors and shops, the development would make a contribution to the rural economy and the glasshouse was preferable to polytunnels.
 - iii. Commented that the extant permissions for glasshouses elsewhere on the holding were no longer required and therefore there was no objection to these permissions being rescinded.
 - iv. Stated that a condition restricting farm sales would not be appropriate and the glasshouse would not materially affect the level of farm sales.

In response to the additional representations, the Principal Planning Officer advised that:

- The rescinding of the extant permission for the glasshouses elsewhere within the holding would reduce the number of potential structures on the holding in the Area of Outstanding Natural Beauty [AONB]. Therefore, a change to the recommendation was suggested to enable the preparation and completion of a legal agreement to rescind the two extant agricultural notifications for glasshouses.

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

Councillor GFM Dawe, the Local Ward Member, noted the importance of the AONB and commented on concerns in the locality that the numerous structures at the site had already had a detrimental visual impact on the intrinsic quality of the landscape. He said that he was not unsympathetic to the applicant's business but felt that this proposal would represent a significant intrusion into the landscape. He did not feel that the mitigation proposed would adequately screen the glasshouse, particularly in the winter months and especially as the landscaping scheme would take a number of years to mature.

In response to a question from the Legal Practice Manager, the Principal Planning Officer advised that the two extant permissions for glasshouses were in more elevated locations.

Councillor DW Greenow noted the extensive planning history of the site and felt that the applicant had gone to great lengths to address concerns that had been raised. He commented that some of the issues raised in the letters of objection were overstated or could be overcome, in particular he drew attention to recommended condition 6 which would prevent the artificial illumination or heating of the glasshouse without prior approval. Referring to the applicant's statement that 80% of the crops grown would supply local distributors and shops, Councillor Greenow felt that the proposal would benefit the local economy and commented on the need to support small rural businesses such as this. He also felt that the landscaping scheme would be adequate and drew attention to the comment of the Conservation Manager that the *'landscaping scheme proposes to add to the already significant*

tree and shrub planting recently carried out ...; principally to screen glimpsed views from the lane immediately adjacent and from neighbouring properties'.

Councillor MAF Hubbard welcomed the small scale, organic nature of the enterprise and felt that it was refreshing that a glasshouse was proposed rather than polytunnels. He commented on the drawbacks of the elevated sites originally identified, both in visual impact and soil quality terms. He felt that the landscaping scheme was as good as could be achieved in the circumstances and supported the recommendation of approval.

Councillor AJM Blackshaw spoke in support of the application but, noting concerns about the effectiveness of the proposed landscaping, proposed that mature or semi-mature specimens be planted to provide screening at the earliest opportunity. This suggestion was supported by other members.

Councillor PJ Edwards expressed sympathy for the points raised by the Local Ward Member, particularly given the rapid development of this site in recent years. In response to a question, the Principal Planning Officer commented that the permitted glasshouses were smaller in scale than the current proposal but emphasised that the rescinding of the earlier permissions, as offered by the applicant, was considered an added benefit of the proposal rather than a primary consideration in this instance. He also advised that the properties directly opposite the site would have more than just 'glimpsed' views of the glasshouse and, although landscaping would provide some mitigation, the proposal would have an impact on the outlook from these properties.

Councillor DB Wilcox felt that the proposal was acceptable, subject to the rescinding of the extant permission for the glasshouses, and commented that any further development proposals would need to be considered on their own merits; with particular attention given to the impact on the highway network in light of the Traffic Manager's comments.

The Legal Practice Manager read out the full wording of the amended recommendation (incorporated into the resolution below).

In response to a question, the Principal Planning Officer advised that officers had recommended approval in respect of the agricultural structures at the site previously; although officers had recommended refusal in respect of temporary living accommodation at the site but the Sub-Committee had considered these applications to be acceptable.

Councillor Dawe commented that the key issue was the location of the glasshouse and he felt that the original sites would have less impact than the current proposal, especially as they were further away from residential properties. He did not feel that, in order to create a level base, there would be substantial loss of productivity if soils were removed and reinstated at those sites. He felt that the proposal would have an unacceptable visual impact on the AONB and emphasised that the principal objectors had direct, rather than just glimpsed, views of the site in question.

A motion to refuse the application, on the grounds of the potential detrimental impact of the proposal on the landscape of the area, failed and the resolution below was then agreed.

RESOLVED:

- 1) The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning**

Act 1990 to rescind the two extant agricultural notification permissions for glasshouses and any additional matters and terms that he considers appropriate.

- 2) Upon the completion of the aforementioned planning obligation, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any 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. G04 (Landscaping scheme (general))(to include reference to the use of at least standard size plants) .

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. G07 (Details of earth works).

Reason: (Special Reason).

5. G26 (Landscaping management plan).

Reason: In the interests of visual and residential amenity.

6. The development hereby permitted shall not be artificially illuminated or heated without the prior written agreement of the local planning authority. In obtaining such agreement, full technical details shall be provided of the lighting/heating to be used and the lighting/heating used shall not be changed thereafter without prior approval of the local planning authority.

Reason: In the interests of residential amenity and to minimise light pollution.

Informatives:

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

2. N19 - Avoidance of doubt.

129. DCCE2007/3860/RM - LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY [AGENDA ITEM 7]

A development of 151 dwellings consisting of 2,3,4 & 5 bedroom houses with 1+2 bedroom apartments (Phase 3).

The following updates were reported:

- Amended plans had been received seeking to address the concerns of officers but there had been insufficient time to assess the detail and therefore the recommendation remained one of delegated approval as set out in the report.

- Paragraph 6.17 of the report was incorrect in that the total area of open space, sport and recreation facilities was 4.15 hectares and not 2.45 hectares as stated.
- The Highways Agency had withdrawn their objection following the receipt of additional information to justify the additional level of parking proposed.

In accordance with the Code of Conduct, Councillor AT Oliver, who had declared a prejudicial interest in respect of this item, addressed the Sub-Committee before withdrawing from the meeting for the ensuing debate and vote.

In accordance with the criteria for public speaking, Mr. Owen spoke on behalf of Lower Bullingham Parish Council.

Councillor WU Attfield, a Local Ward Member, noted that the principle and density of development had been established in the outline planning permissions and through the Unitary Development Plan [UDP] process. Councillor Attfield commented that there would be some community benefits, particularly in terms of affordable housing and play areas, but noted that the contributions would have been greater if this was an entirely new proposal. She expressed concerns about additional traffic queuing on Bullingham Lane but noted that traffic lights on the junction with the A49 should mitigate some of the problems; although it was noted that this would have a consequential impact on the free flow of traffic on the A49. Councillor Attfield also expressed concerns about the increasing urbanisation of this area without the necessary infrastructure to support it.

Councillor ACR Chappell, also a Local Ward Member, drew attention to the representation from Hereford City Council stating that it '*Objects to the over development of this site that will have an adverse effect on the already over used A49*'. Given the existing problems with the A49, he felt that further large-scale development in this area was unsustainable. He commented on drainage and flooding problems associated with the Withy Brook and suggested that an additional condition should be added to any planning permission granted requiring the brook to be cleared out at least once a year. He reported on the parking problems already being experienced in the area, resulting from the high density of development, and felt that a minimum of two spaces per unit was necessary. It was noted that, initially, the local community had been told that 500 houses would be constructed. Now that the total would be over 600 houses, Councillor Chappell felt that the developer contributions towards community infrastructure should be enhanced.

Councillor AT Oliver commented on the difficulty of turning right from Bullingham Lane onto the A49 and was surprised that the Highways Agency had not maintained its objection to this development.

In response to the points raised by members, the Principal Planning Officer advised:

- The outline planning permission required the modification of the existing Bullingham Lane junction to a signalised junction and works were due to commence soon.
- As part of the UDP process, both the Council and the UDP Planning Inspector accepted that the capacity and density of the site could be increased to an estimated capacity of 600.
- The proposed planning contributions represented a significant increase on that achieved from the original Section 106 Agreement and were considered reasonable in the circumstances.
- There was no evidence to suggest that surface water drainage from the development had caused or increased localised flooding.

- Regular clearing of the Withy Brook could have a detrimental impact on its nature conservation considerations.
- The environmental credentials of the development would be enhanced through the applicant seeking to achieve at least Eco Homes 'Good' status for all the housing.

Councillor PA Andrews advised that Councillor H Davis had concerns about the level of parking provision, particularly given the disputes arising in the area about parking on pathways and cycleways.

Councillor DB Wilcox noted that the developer would be required to contribute towards sustainable transport measures. However, he felt that the proposed £280,067 public transport contribution was not sufficient to deliver the initiatives required. In light of the Draft Supplementary Planning Document on Planning Obligations [SPD], he questioned whether the developer contributions were sufficient. He also questioned whether the proposed 18% low cost market housing could be discounted in perpetuity. He noted that similar schemes elsewhere had not been managed effectively and, after the initial sale, the discount was lost in subsequent transfers.

The Development Control Manager advised that the SPD had not yet been adopted and, given the terms of the original outline permission, he felt that the proposed contributions achieved by officers were appropriate. The practical difficulties associated with low cost market housing discounts were noted and the Legal Practice Manager explained how such schemes should operate. The Principal Planning Officer advised that the discount scheme would be allocated through Home Point, thereby providing a greater degree of control.

Councillor PJ Edwards noted that planning policy and efficiency targets had evolved significantly since the outline planning permission was granted and felt that there should be substantial uplifts in terms of the environmental credentials of the houses and in terms of planning contributions. In particular, he noted that the additional houses would increase the amount of waste generated in the area and felt that consideration should be given to domestic waste macerators. Councillor Chappell highlighted other costs to the authority that could result from increased housing numbers.

Councillor GFM Dawe felt that the application represented a regrettable degree of urbanisation.

Councillor MAF Hubbard noted that officers had worked hard on the application but he felt that the scheme needed to be improved given the concerns identified by members. Therefore, he proposed that consideration of the application be deferred for further negotiations. This was supported by a number of members. Councillor Attfield requested that the Local Ward Members be consulted about the amended plans and ongoing negotiations.

The Principal Planning Officer commented that, due to the terms of the original outline permission, there was only limited room for negotiation on the final phase and asked for clarification about the issues that the Sub-Committee wanted raised with the developer. Members' suggestions included:

- Additional sustainability measures e.g. solar panels, grey water recycling, waste disposers.
- Details on how the low cost market housing discount would be managed in perpetuity.

- In view of the concerns over the discount, further consideration should be given to increasing the numbers of social rented and shared ownership housing.
- Additional contributions towards public transport infrastructure.

RESOLVED:

That consideration of the application be deferred pending further negotiations with the applicant.

130. DCCW2007/3940/F - MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS [AGENDA ITEM 8]

Proposed development of two buildings (4 units) for small business B1 and B8 use - light industrial.

The following updates were reported:

- The applicant's agent had confirmed that Marshall Business Centre was presently comprised of 10 office suites and 7 light industrial/storage units.
- Welsh Water had raised no objection but suggested the use of drainage conditions.
- The Parish of Hereford City Council had raised no objection to the revised plans.
- In response to consultation on the revised plans, 5 letters of objection had been received and the comments were summarised.
- A petition signed by 28 people had been received, stating that the revisions would be of no advantage to residents of Grandstand Road or Armdale Close.

In response to the additional representations, the Principal Planning Officer advised:

- The comments of Welsh Water were noted and considered reasonable, therefore appropriate drainage conditions and an informative were recommended.
- The distances referred to in the report had been estimated using an Ordnance Survey database but this was now understood to be out-of-date and inaccurate.
- It was noted that the site was within a designated area safeguarded for employment purposes and the amendments to the design of the buildings, in response to concerns raised in the letters of objection, were highlighted.

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

Councillor PA Andrews, a Local Ward Member, commented on the proximity of the site to established residential properties. Councillor Andrews did not feel that members could appreciate the dimensions of the site through photographs and proposed that a site inspection be held.

Councillor AJM Blackshaw sympathised with the public speaker but also noted that the site was located in an employment area. He considered that a site inspection was warranted in the circumstances.

Councillor SPA Daniels, also a Local Ward Member, felt that the Sub-Committee would benefit from a site inspection, particularly given the discrepancies that had arisen about the distances involved.

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.

131. DATES OF FORTHCOMING MEETINGS

19th March, 2008

16th April, 2008

14th May, 2008

The meeting ended at 4.40 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2007/1894/F**

- The appeal was received on 5th February, 2008.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Callow Marsh Ltd.
- The site is located at Callow Marsh Garage, Grafton Lane, Grafton, Herefordshire HR2 8BT.
- The development proposed is Change of use of land to car storage and associated landscaping.
- The appeal is to be heard by Inquiry

Case Officer: Russell Pryce on 01432 261957

Application No. DCCE2007/1554/F

- The appeal was received on 15th February, 2008.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. & Mrs. Hince.
- The site is located at 1 Llanfair Villas, Mordiford, Herefordshire, HR1 4LF.
- The development proposed is Demolish existing garage. Build new two storey extension and detached garage.
- The appeal is to be heard by Written Representations

Case Officer: Ben Lin 01432 261949

APPEALS DETERMINED**Application No. DCCE2007/0313/F**

- The appeal was received on 1st October, 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 Mrs. C. Merret.
- The site is located at Land to the rear of Stokes Stores, Holme Lacy Road, Hereford.
- The application, dated 2nd January, 2007, was refused on 4th April, 2007.
- The development proposed was Erection of 3 houses & formation of parking area.
- The main issue is the detriment of the amenities of the locality.

Decision: The appeal was UPHeld on 13th February, 2008.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCE2007/0195/F

- The appeal was received on 11th 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. M. Wilcox.
- The site is located at Access from U72011 road to field known as Warwickshire. OSM 9071 HR2 6PG.
- The application, dated 10th October, 2006, was refused on 7th March, 2007.
- The development proposed was Access track using plastic mesh, grassed paving system/scalpings, re-seeding with grass and re-instating verges and ditches.
- The main issue is the visual and landscaping impact of the creation of the access track.

Decision: The appeal was UPHELD on 13th February, 2008.

Case Officer: Ed Thomas on 01432 261961

Application No. DCCW2007/0990/F

- The appeal was received on 11th January, 2008.
- 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 Tobin Enterprises Ltd.
- The site is located at Land adjacent to Greyfriars Avenue. Formally known as Champions Restaurant and adjoining dwelling 'Gwalia'.
- The application, dated 26th March, 2007, was refused on 29th June, 2007.
- The development proposed was Residential development for erection of 46 flats.
- The main issues are the effect of the proposal:
 - i) *On the character and appearance of the area*
 - ii) *On highway safety*
 - iii) *On the flood risk of the area*

Decision: The appeal was WITHDRAWN on 15th February, 2008.

Case Officer: Peter Clasby on 01432 261947

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

5 DCCW2007/3940/F - PROPOSED DEVELOPMENT OF TWO BUILDINGS (4 UNITS) FOR SMALL BUSINESS B1 AND B8 USE - LIGHT INDUSTRIAL AT MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS

**For: Marshall Business Centre per Mr. S. Potter,
Pomona Office, Pomona Drive, Kings Acre Road,
Hereford, HR4 OSN**

Date Received: 24th December, 2007 Ward: Three Elms Grid Ref: 50346, 41121

Expiry Date: 18th February, 2008

Local Members: Councillors PA Andrews, SPA Daniels and AM Toon

Introduction

This application was deferred at a meeting of the Central Area Planning Sub-Committee on the 20th February 2008 in order to carry out a Members' site visit. This report has been updated to incorporate additional representations that have been received.

1. Site Description and Proposal

- 1.1 The application site comprises approximately 0.5 hectares of allocated employment land forming part of Westfield Trading Estate, accessed off Faraday Road
- 1.2 The application seeks permission for the erection of two single storey B1/B8 industrial buildings, with an aggregate floor area of 465m². Each building will be sub-divided into 2 self-contained units.
- 1.3 The central part of the application site is occupied by a large two storey building known as Marshall Business Centre, the remaining area being laid to hard standing serving as a parking and circulation area. Building 1 will be sited adjacent to the northwest corner of the site, whilst building 2 will be sited in the southeast corner.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

| | | |
|-------------|---|---------------------------------------|
| Policy S1 | - | Sustainable Development |
| Policy S2 | - | Development Requirements |
| Policy S4 | - | Employment |
| Policy DR1 | - | Design |
| Policy DR2 | - | Land Use and Activity |
| Policy DR3 | - | Movement |
| Policy DR14 | - | Lighting |
| Policy E6 | - | Expansion of Existing Businesses |
| Policy E8 | - | Design Standards for Employment Sites |
| Policy T11 | - | Parking Provision |

3. Planning History

3.1 None relevant.

4. Consultation SummaryStatutory Consultations

4.1 Welsh Water – No objection but suggest the use of standard drainage conditions.

Internal Council Advice

4.2 Environmental Health & Trading Standards Manager:

Comments on Original Submission

No objection. The Residents Group have contacted the Environmental Health Department regarding this application and have raised concerns regarding the likelihood of noise from the proposed development. There are two Residents Groups active in this area who liaise with the Council primarily regarding noise from Gelpack Printers and both noise and odour from Sun Valley. The complaints regarding noise in this area are primarily from those two sources, however there is a history of complaints regarding various businesses who operate from this area, obviously any intensification will increase the likelihood of further complaints being received. However, as far as I am aware there are no current ongoing investigations regarding noise from this area. Therefore I would recommend conditions to control hours of use, noise attenuation and no external use of plant or machinery. A condition controlling the hours of work during construction is also recommended. The delivery door on unit number 3 does not face into the business centre but north towards residential accommodation. This is likely to increase the likelihood of noise being heard by nearby residents as the building is not acting as a noise barrier. Ideally this door should be moved to face west to reduce the likelihood of complaints. The Council has also received complaints regarding the number of seagulls who nest in this area and the noise the birds generate, particularly during the breeding season. The control of seagulls is difficult and the prevention of nesting is considered to be the most successful approach in tackling the problem. Sun Valley take steps to reduce the number of birds by netting the roofs of their buildings and removing any nests. This action is likely only to displace any birds in the area and it is important that other potential nesting sites are designed to not attract birds and where possible netted or spiked to stop the birds landing. I would therefore advise the applicant to consider this problem when designing and proofing the buildings.

Comments on Revised Scheme

I have reviewed the amended plans for the proposed business centre, and I have no additional comments to make regarding the changes. Although the relocation of the door will reduce the likelihood of complaints being received, I still believe that there is the potential for nuisance to be caused due to noise, so the previously recommended conditions are still considered necessary.

4.3 Traffic Manager: No objection, but recommend conditions to secure the provision of details of parking and manoeuvring area, cycle storage and a travel plan.

5. Representations

5.1 Hereford City Council: No objections.

5.2 Letters of objection have been received from 23 properties in Grandstand Road and 6 properties in Armadale Close, summarised as:

- Application site is not large enough for the proposed development.
- The buildings are too large.
- The buildings are too close to the boundary with adjoining residential properties.
- The design and external materials do not match the surrounding buildings.
- Application is too vague, no details about the occupants, or hours of use.
- Storage use will be a fire risk.
- The application is speculative development.
- The development will give rise to additional noise and traffic.
- The existing car parking area is an important barrier to noise and other environmental nuisance and should be retained rather than built on.

Comments on Revised Scheme

5.3 Hereford City Council – No objection

5.4 In response to consultation on the revised plans 5 letters of objection have been received, which raise additional comments summarised as:

- The location of the proposed buildings has not changed
- The buildings are still too high.
- The application still does not give details of the proposed use.
- The relocated door will make no difference.
- Birds will still land on the roof
- The proposed development will devalue the adjoining residential properties

5.5 In addition a petition signed by 28 people has been received, stating that the revisions will be of no advantage to residents of Grandstand Road or Armadale Close

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

6. Officer's Appraisal

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

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

Principle of Development

- 6.2 The application site lies within a designated area safeguarded for B1, B2 and B8 employment purposes within the Herefordshire Unitary Development Plan 2007. Therefore the proposed development is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout of the Development

- 6.3 As originally submitted the application sought permission for buildings with a ridge height of 5.76 metres with an eaves height of 4.67 metres. However in response to the concerns raised in the letters of objection the applicants agent has revised the design of the buildings resulting in a reduction in ridge height to 5.47 metres, and through introduction of an asymmetric roofline the eaves height on the boundaries with the adjoining residential properties has been lowered to 4 metres. Furthermore in response to the comments of the Environmental Health & Trading Standards Manager, the doorway on unit 3 was relocated, and the applicant has agreed to incorporate bird-proofing measures to discourage birds from using the new buildings.
- 6.4 Although it is noted that a number of letters of objection refer to the inappropriate external appearance of the buildings, the utilitarian appearance of the buildings is representative of modern commercial buildings, and is not untypical of a number of commercial buildings in the wider locality.
- 6.5 Therefore having consideration for the character and appearance of both the existing site and that of the wider locality, the siting, scale, massing and general design of the proposed buildings are considered to be acceptable.

Residential Amenity

- 6.6 The average distance between the rear of the adjoining dwellings and the proposed buildings ranges between 27 and 30 metres, the one exception to this being a property known as 17 Grandstand Road where the distance falls to 21 metres.
- 6.7 Whilst it is acknowledged that the proposed development will inevitably alter the setting and outlook of the neighbouring properties, particularly those whose curtilages will abut the area behind the proposed buildings, having consideration for the existing relationship that the neighbouring properties have with the designated employment area, the siting of the proposed buildings close to the boundary is not considered to give rise to sustainable grounds for refusal in this instance.
- 6.8 With regard to the concerns raised in the letters of objection about noise, it is considered that the potential for disturbance can be satisfactorily mitigated. In this respect the comments of the Environmental Health & Trading Standards Manager are noted and appropriate conditions are recommended together with conditions to control external lighting.

Access and Highways

- 6.9 Whilst the concerns raised about the a potential increase in traffic are noted, it is not considered that the modest increase in vehicular movements which may be generated will materially alter these pre-existing highway conditions. The comments of the Traffic Manager are noted and appropriate conditions are recommended to secure the prior approval of parking areas, secure cycle storage and a travel plan.

Conclusion

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

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. E05 (Restriction on hours of use (industrial)).**

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

- 4. Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A or B of Part 8 and of Schedule 2, shall be carried out.**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining properties and to comply with Policies DR1 and E8 of the Herefordshire Unitary Development Plan 2007.

- 5. The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.**

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

- 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.

8. F01 (Scheme of noise attenuating measures).

Reason: To safeguard the amenity of the area.

9. F04 (No open air operation of plant/machinery/equipment).

Reason: To protect the amenities of nearby properties.

10. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

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

Reason: To safeguard local amenities.

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

Reason: In the interests of the amenity of the area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

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

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

14. F28 (No discharge of foul/contaminated drainage).

Reason: To prevent pollution of the water environment.

Informatives:

1. N03 - Adjoining property rights.

2. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Consultants on Tel: 01443 331155.

3. N19 - Avoidance of doubt.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/3940/F

SCALE : 1 : 1250

SITE ADDRESS : Marshall Business Centre, Westfields Trading Estate, Hereford, HR4 9NS

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6 DCCE2007/3860/RM - A DEVELOPMENT OF 151 DWELLINGS CONSISTING OF 2, 3, 4 & 5 BEDROOM HOUSES WITH 1+2 BEDROOM APARTMENTS (PHASE 3). LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY

For: George Wimpey South Wales, Unit C, Copse Walk, Cardiff Gate Business Park, Pontrennau, Cardiff, CF23 8WH

Date Received:

18th December, 2007

Ward:

St. Martins & Hinton

Grid Ref:

51072, 37949

Expiry Date: 18th March, 2008

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

This application was deferred at the Central Area Planning Sub-Committee on 20th February, 2008 to enable further negotiations to take place regarding improvements to the environmental sustainability of the development, clarification regarding the management of the affordable housing and a review of the public transport contributions. The report has been updated accordingly.

1. Site Description and Proposal

1.1 The site comprises two parcels of land located between Bullingham Lane to the west and Hoarwithy Road to the east adjoining the railway line to the south. Access to the site is gained via Bullingham Lane which links into the A49 to the west. Ground levels are generally flat although there is a general fall from north to south.

1.2 The site comprises the last phase (Phase 3) of the residential development on the former SAS Camp known as Bradbury Lines. Outline planning permission was granted on 10th February, 2005 for the mixed use development of the site comprising housing, public open space community and local retail facilities. This permission superceded a planning permission in 2004 for Phase 1. The master plan accompanying the outline permission estimated a capacity of the site of around 500. Over the past three years several detailed permissions have been approved comprising Phases 1 and 2. The total number of approved dwellings now stands a 457, the majority of which have now been constructed and are occupied.

1.3 This application seeks to secure reserved matters approval for the layout, scale, access, appearance and landscaping for the final phase of the development. The application comprises 151 one, two, three, four and five bedroom dwellings and one and two bedroom apartments taking the total number of units for the site up to 608.

1.4 This mix has been amended to take on board comments received from consultees. Thirty-six per cent of the total number of units are affordable with 18% comprising low cost discount market housing, 9% are rented and 9% shared ownership. This will be in line with the Section 106 Agreement accompanying the outline permission. The main area of central open space, the junior football pitch, the all surface multi-use games

area and main play area have all been approved in 2005 and do not form part of this proposal. Land in the south east corner of the site is also identified within the master plan for community use and this has now being transferred to Herefordshire Council. A new community building funded by the developer is to be constructed on this land but this again, does not form part of this application.

2. Policies

2.1 Planning Policy Guidance:

| | | |
|-------|---|--------------------------------------|
| PPS 1 | – | Planning for Sustainable Development |
| PPS 1 | - | Annexe - Planning and Climate Change |
| PPS 3 | - | Housing |

2.2 Herefordshire Unitary Development Plan 2007:

| | | |
|-------|---|--|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| S3 | - | Housing |
| S5 | - | Town centres and retail |
| S6 | - | Transport |
| S8 | - | Recreation, sport and tourism |
| S11 | - | Community facilities and services |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR5 | - | Planning obligations |
| DR13 | - | Noise |
| H1 | - | Hereford and the market towns: settlement boundaries and established residential areas |
| H2 | - | Hereford and the market towns: housing land allocations |
| H9 | - | Affordable housing |
| H13 | - | Sustainable residential design |
| H14 | - | Re-using previously developed land and buildings |
| H15 | - | Density |
| H16 | - | Car parking |
| H19 | - | Open space requirements |
| TCR13 | - | Local and neighbourhood shopping centres |
| T6 | - | Walking |
| T7 | - | Cycling |
| T8 | - | Road hierarchy |
| T11 | - | Parking provision |
| LA6 | - | Landscaping schemes |
| RST3 | - | Standards for outdoor playing and public open space |
| RST5 | - | New open space adjacent to settlements |
| W11 | - | Development and waste implications |
| CF5 | - | New community facilities |
| CF2 | - | Foul drainage |

3. Planning History

- 3.1 CE2001/2756/O - Site for mixed use development to provide housing, open space, community and local retail uses (Phase 1) at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 19th January, 2004.
- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 10th February, 2005.
- 3.3 DCCE2004/0095/RM - Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, bungalows, car parking/garages, roads and sewers thereto and landscaping. Approved 2nd June, 2004.
- 3.4 DCCE2005/1230/RM - Construction of 130 dwellings, provision of public open space and associated works. Approved 18th October, 2005.
- 3.5 DCCE2004/1545/RM - Proposed erection of 70 residential mixed dwellings. Withdrawn.
- 3.4 DCCE2005/1130/RM - Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, car parking/garages, roads and sewers thereto and landscaping (Phase 2). Approved 9th August, 2005.
- 3.7 DCCE2005/1991/F - Variation of Condition 29 of Outline Approval CE2001/2757/O. Approved 17th August, 2005.
- 3.8 DCCE2005/3145/RM - Provision of central area of public open space. Approved 22nd November, 2005.
- 3.9 DCCE2005/3706/RM - Proposed 2, 3 and 5 bedroom mixed residential development for 21 dwellings with associated accesses and garaging. Approved 8th February, 2006.
- 3.10 DCCE2006/1928/RM - Proposed 2, 3 and 4 bedroom mixed residential development Phase 2B. Amendment to permission CE2005/1130/RM to include construction of 14 dwellings. Approved 15th September, 2006.
- 3.11 DCCE2007/2193/RM - 152 new dwellings consisting of 1, 2, 3 and 4 bedroom flats and houses, associated garages, highways and external works. Withdrawn 26th October, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency:
Outline planning permission was given for the site which indicated 500 dwellings, although a definitive ceiling on numbers was not stipulated in the consent. During further consultation and assessment work, the Highways Agency agreed that the trunk road network along with agreed mitigation measures would be able to accommodate up to 609 dwellings on the site.

This application is for a 151 dwellings and all the highway mitigation and drawings are as agreed in the outline consent. The number of parking spaces stipulated has increased from 280 to 302. This is a significant increase. However, the Agency recognises that the increase has been at the Councils request and accepts the reasons put forward with regard to emergency vehicles. We welcome the developers additional fund provision for sustainable transport measures which will help support the development.

4.2 Sport England:

The creation of the new dwellings will lead to an increased demand on existing leisure and sports facilities. Therefore, unless there are already contributions sought for sports and leisure, we strongly advise contributions in the region of between £110,234 and £126,222 are required to either underpin existing sports facilities or towards the creation of new ones. This sum is based on the possible number of occupants in the dwellings proposed using our Sports Facilities Calculator.

4.3 Environment Agency: We have no objections to the development but recommend that the conditions attached to the outline consent are imposed. This includes requirements that sustainable urban drainage SUDS is incorporated prior to discharge to any sewer or receiving watercourse.

The use of SUDS is also acceptable providing such drainage does not result in unacceptable risk of remobilising contaminants present in the soil. If soil conditions are not appropriate an alternative drainage system will be required.

4.4 Welsh Water: No objections subject to conditions concerning foul and surface water drainage.

4.5 Network Rail: There is no objection to the proposal but specific requirement relating to fencing, drainage, ground levels, site layout, environmental issues, landscaping, construction and general safety are required to ensure the safe operation of the railway and protection of Network Rail's adjoining land.

Internal Council Advice

4.6 Traffic Manager: I recommend refusal until the following items have been resolved and amended plans provided. These include revisions to the design of the internal road network and associated footway and cycle paths, clarification as to parking allocation, changes to internal junction designs, visibility splays from some of the internal roads and widening of Bullingham Lane frontage.

Further amended plans have been submitted to address all the highway concerns but final confirmation of approval is awaited.

4.7 Parks and Countryside Manager:

I understand that the total number of dwellings on this development including Phase 3 is now 608. The total area of public open space provided is 4.15 hectares. Based on the thresholds within Policy RST3 of the Herefordshire Unitary Development Plan of 2.8 hectares per 1000 population and 2.3 persons per dwelling (average persons per dwelling - 2001 Census), a development of 608 dwellings should provide 3.92 hectares I would therefore not ask for any increase or an off-site contribution on this basis.

In a development this size, Policy H19 requires a play area suitable for 8-14 year olds and younger children, and outdoor sports provision for older children and adults. I understand that these details have already been approved.

We now, however ask for a Sport England contribution towards sports facilities provision from all new developments. This is in response to Sport England who require such developments to help contribute towards increased participation in active sports to meet with their strategy. The calculation is based on Sport England's Sports Facilities Calculator and equates to £630 per dwelling/apartment (figure agreed by Sport England). Therefore in this case based on 108 units, we request £68,040. This will be used primarily towards improvements at Hereford Leisure Pool.

Given that the emerging PPG17 audit identifies a substantial shortfall of outdoor sports facilities per head of population in Hereford City south, we ask for Sport England's contribution in addition to on site provision of outdoor sports areas as determined by Policy H19.

With regard to the layout plans, we ask that consideration is given to the following regarding the proposed open space/landscaping scheme?

- Ensure adequate run off areas for the football pitch.
- In respect of the public/private domain ensure clear boundaries are established between residential property and POS.
- Remove the pathways to houses that cut across the POS as shown in phase 3b and have one path to these properties. These will avoid potential future disputes with residents over maintenance issues. It also reduces maintenance costs.
- Trees planted in residential gardens are not encouraged as they are often removed when residents move in.

We would like to see the final landscaping plan for this phase to incorporate the comments above and clear boundaries of POS to be adopted by the Council.

The latest amended plans address the items listed by the Parks and Countryside Manager.

4.8 Head of Children's & Adult Services:

The provided schools for the site are St Martin's Primary School and Wyebriidge Sports College. Both schools currently have capacity however the authority is currently undertaking a review of school provision and it is likely that capacities of schools will be assessed and reduced resulting in little if any surplus capacity at the schools.

Any additional children may then result in organisational difficulties at the schools and Section 106 contributions in line with the draft Supplementary Planning Document on Planning Obligations are therefore sought towards rectifying some of the existing issues that will be exacerbated by inclusion of additional children. The issues being the inadequate size of some of the classrooms, insufficient storage and general ancillary facilities such as cloakrooms. The required contributions range from £2,005 per unit for two bed apartments to £6,485 per unit for 5 bed houses.

4.9 Conservation Manager: There is no objection to the layout in principle but the final landscaping details are awaited.

- 4.9 Strategic Housing Manager:
Taylor Wimpey have now agreed to 25 low cost market units, 18 rented and 8 shared ownership over this last phase. Strategic housing now support the mix of affordable proposed and the distribution across the site.
- 4.11 Environmental Health and Trading Standards Manager: No objection.
- 4.12 Primary Care Trust: No comments received.
- 4.13 Defence Estates: No comments received.
- 4.14 Hereford Nature Trust: No comments received.

5. Representations

- 5.1 Hereford City Council: Objects to the over development of this site that will have an adverse effect on the already over used A49.
- 5.2 Lower Bullingham Parish Council: The Parish Council comments as follows:
1. There is lack of infrastructure.
 2. Disagree with the density of houses at this site - more cramming in of houses.
 3. Concerns over drainage - current drainage network cannot cope with the water at times of high rainfall which has contributed to flooding of a large area along Hoarwithy Road and localised properties.
 4. Parking - the Parish Council is concerned over the parking proposed for this application as there are on-going parking problems within the area already in the location of Hoarwithy Road. This development will only exacerbate the problem.

Finally the Parish Council feel throughout the development Herefordshire Council has not listened to the points raised by the Council in previous phases. The Parish Council would have welcomed involvement during the consultation period to air the concerns of parishioners.

It is requested that with any further development around this area, the Parish Council are consulted upon prior to applications being submitted.

- 5.3 One e-mail from Gordon Higginbotham of 1 Aconbury Avenue. He queries whether access to the final phase will be via Hoarwithy Road, whether existing mature trees along Hoarwithy Road around the community land will be retained and how noise and dust emanating from the development during the construction phase will be controlled.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

The Principle

- 6.1 Two outline planning permissions have been approved for the site, the first granted on the 19th January, 2004 represented Phase 1 and was for a total of 160 units. This outline planning permission was superseded by the main outline permission for the site as a whole granted on the 10th February, 2005. The master plan accompanying this

outline permission estimated the capacity of the site at the time to be around 500. However, neither the outline planning permission for the site as a whole nor the associated Section 106 Agreement placed a limit on the total number of units to be constructed on the site. As such, the principle of developing the site for residential development along with the potential for an increase in the density falls within the terms of the outline planning permission.

- 6.2 The capacity of the site was reviewed as part of the Unitary Development Plan process and both the Council and the UDP Planning Inspector accepted that the capacity and density of the site could be increased from an estimation of 500 to an estimated capacity of 600. This is now confirmed by Policies S3 and H2 of the Unitary Development Plan. Therefore the principle of increasing the density of development across the site as a whole including the last phase is fully supported by the Unitary Development Plan policy and falls within the terms of the outline planning permission and Section 106 Agreement.
- 6.3 The master plan accompanying the outline permission also identified a small area of land in the south eastern corner of the site as being a possible special care unit and local retail unit totalling 0.44 hectares. It was envisaged that this would include some form of sheltered or special care housing and local retail facilities to be integrated with adjoining community buildings. These facilities are no longer proposed. Neither the outline planning permission or the Section 106 Agreement required the provision of these facilities and the master plan merely presented them as being an option. Nevertheless, the applicants have appointed Turner & Company to undertake a retail viability appraisal to consider whether there is likely to be demand for a retail facility in this part of the site taking into account current supply and market conditions. The report concludes that due to the location of the site, the lack of any prominent road frontage, the limited through flow of vehicles and pedestrians along this part of Hoarwithy Road and other large development that has taken place since the time of the outline permission was considered (Asda, Co-Op Supermarket on Holme Lacy Road and the development at 109-111 Belmont Road) retail development at any scale on the site is unlikely to attract any commercial interest due to its 'off pitch' location.
- 6.4 This report is considered sufficient evidence to demonstrate that even small-scale retail provision on the site is unlikely to be viable. That is not to say that such a facility could not be accommodated on the community land or even within the community building if a need generated by future housing land allocations exists in the future. However, in terms of the principle of considering this application, the development of the area identified on the masterplan as being retail with housing is considered acceptable.

Density and Highway Impact

- 6.5 Policy H15 of the Unitary Development Plan requires the efficient use of previously developed land and sets an indicative minimum net density of 30 dwellings per hectare rising up to 50 dwellings per hectare on town centre sites. The overall density of the last phase amounts to 45 dwellings per hectare which falls within the limitations of Policy H15 and that advocated by Planning Policy Statement 3. This is also comparable to that which has already been approved on Phases 1 and 2. Therefore, the proposed density of this last phase is not considered to be excessive for the site itself and will be consistent with the general character and density of earlier phases. The appropriateness of the increased number of units on the site must, however, be assessed against the residential environment that is created in terms of the layout,

housing scales, design, materials, infrastructure, level of open space and highway impact.

- 6.6 In 2005, planning permission was approved for the Variation of Condition 29 of the outline permission, which entailed the re-evaluation of the traffic impact and production of a new traffic assessment. This, amongst other things explored the capacity of the junction from the A49 onto Bullingham Lane along with the impact on other localised junctions such as Holme Lacy Road. In approving this variation, the Highways Agency were satisfied that the junction had capacity to accommodate up to 609 units without further significant works.
- 6.7 The outline planning permission required the modification of the existing Bullingham Lane junction to a signalised junction and these works are due to commence in the next month or so. Therefore, the Highways Agency and the Traffic Manager are satisfied that the local highway infrastructure can accommodate the total number of units proposed from this development, this being 609. This is also subject to the developer contributing to sustainable transport measures including the subsidisation of the bus service through the site and other off site pedestrian and cycle improvements to encourage the use of non-car based modes of transport. The strategic highway impact of this development is also confirmed by the Highways Agency who have raised no objection to the total number of units now proposed.

Layout

- 6.8 The layout is largely dictated by the existing road infrastructure and approved public open space, which borders most of the boundaries of the site. Nevertheless, some key principles have been adopted to ensure the development integrates with the existing built environment. A principle of the western parcel of land is to create an outward facing development with properties sited around the site boundaries to create a strong frontage both to Bullingham Lane and the open space whilst also ensuring that the footpath and cycle links are overlooked. The alignment of the Bullingham Lane frontage has been stepped back to mirror the now built development on the opposite side of the road. The key mature trees in the south western corner of the site are to be retained with a new pedestrian/cycle path from the south western corner of Bullingham Lane adjacent to the railway bridge through this part of the site linking with the public open space and community land beyond.
- 6.9 The eastern half of the development also contains a strong frontage overlooking the public open space with slightly looser density with greater space between properties along the Hoarwithy Road frontage ensuring a continuation of the existing appearance created through the development constructed as part of Phase 2. A new pedestrian/cycle link is to be created running north-south linking with the community land and on to Hoarwithy Road. Properties are set back some distance from the cycle way enabling existing trees to be retained along with new planting to create a green corridor.
- 6.10 Where possible, the appearance and scale of the internal access roads have been down graded or reduced in width to create a more tortuous route for vehicles thereby acting as a traffic calming measure. Some of the gardens are relatively small and window-to-window distances a little restricted. However, in general, the property to garden ratio is acceptable and not unusual by modern residential development standards. The overall layout will not appear excessively dense or claustrophobic and

a satisfactory residential environment will be created for the occupiers of the new dwellings.

Housing Mix and Design

- 6.11 A broad mix comprising one and two bedroom apartments and two, three, four and five bedroom houses is proposed, 36% of which are to be affordable housing. The housing comprises a mixture of terraced, semi-detached and detached properties, apartments and flats above garages with scales varying between two, two-and-a-half storey and three storey. This mix is in line with that which has been achieved from Phases 1 and 2 and will achieve a satisfactory mix and balance of accommodation ensuring that all levels of affordability are catered for.
- 6.12 In terms of design, additional interest is being introduced to key street scenes through varying the mass, width and height of the properties. There was scope to improve the transition between some of the different scales of properties to achieve acceptable street scenes and the latest amended plans have largely addressed this. The proposed designs are fairly typical of a development of this nature and given the same developer is involved, will largely follow that which has been achieved on Phase 2. Seventeen different house types are proposed with the predominant material being brick, some render and tiled roofs. Additional interest is achieved through some dormer detailing within the roof space, hipped as well as pitched roofs and subtle changes to features such as porch detailing and window lintels. Given the context of the site, sufficient variation and interest will be created in the streets scenes and development as a whole.

Highway and Open Space Matters

- 6.13 As discussed in Paragraph 6.1, the general traffic impact of the development was assessed at both the outline stage and as part of the 2005 permission. The latter concluded the overall traffic impact associated with around 600 units is acceptable. Phase 3 will be served by the same means of access off Bullingham Lane as the remainder of the estate with the only vehicular access to Hoarwithy Road being for buses controlled by a bus gate system.
- 6.14 Parking is provided on plot where possible with occasional small communal parking courts at the rear of properties, which ensures that parking areas are overlooked. The parking provision has been increased slightly from that which has been provided in Phases 1 and 2 due to localised concerns that inadequate on plot parking has been provided. The ratio now proposes a minimum two spaces per unit (including garages). Although this is above that required by Policy H16 of the Unitary Development Plan, it is considered an appropriate provision given the location of the site on the edge of the city and the type of housing proposed. Whilst the bus service is to be diverted through the site, it is still likely that the occupants will be relatively dependent on the car and therefore it is considered reasonable that the parking provision should reflect this situation.
- 6.15 As with Phases 1 and 2, the ethos has been to create a network of footpath/cycle links across the site linking in with existing footways where possible. This is continued with the current application where all components of the proposed development will have direct pedestrian and cycle access to the open space, sports and play facilities and a community site. The principles of the highway layout and parking provision on the amended plans are considered acceptable.

- 6.16 There are now limited trees on the site but where existing trees worthy of retention exist, they are to be retained and integrated with the development. Additional planting is proposed in key spaces to enhance the residential environment. This includes a continuation of the existing green corridor around the Hoarwithy Road frontage bordering the community land and the retention and enhancement of existing trees and vegetation along the southern boundary with the railway line. Although the final landscaping details are awaited, the principles of tree retention and integration with the development are considered acceptable.
- 6.17 Across the development as a whole 4.15 hectares of public open space, play and sport provision is proposed. Based on the total number of units now proposed being 608, this equates to a slight over provision when assessed against Policy H19 of the Unitary Development Plan. This still, however, represents a short fall compared to that, which existed prior to the development taking place, as there were a number of sports pitches on the site when it was utilised by the SAS. Nevertheless, the general provision of public open space is considered acceptable and the main play facilities have already been approved in 2005.

Section 106 Matters

- 6.18 This application, being a reserved matters is bound by the requirements and restrictions contained in the original Section 106 Agreement associated with the outline permission. The Section 106 requires 36% of the total number of units within each phase to be affordable housing comprising 18% low cost discount market housing, 9% social rented and 9% shared ownership. This requirement has been met with the current proposal and the affordable housing is well distributed around the site to create a socially inclusive residential community. 6 bespoke units are also being provided to meet the needs of a specific group on the affordable waiting list.
- 6.19 The low cost market housing is discounted at 30% below the market value at the time of purchase and this discount remains in perpetuity and transfers from owner to owner. All the affordable housing including the low cost market discount housing has been transferred to a registered social landlord with the properties then advertised on the affordable waiting register (Homepoint) and allocated accordingly based on need and affordability. In addition, each of the low cost market affordable properties has a covenant within the deeds to require that each sale in perpetuity must be at 30% below the market value at that time. The value is established from the mean of two independent valuations. The requirement for the properties to be occupied as affordable housing, the sale price of the property and the requirement for the restrictive covenant are all stipulated in, and required by the Section 106 Agreement. As such there is no doubt that all three forms of tenure will remain as affordable housing in perpetuity.
- 6.20 The Section 106 Agreement also requires contributions towards community infrastructure in the locality of the site. All of the contributions outlined in the Section 106 were received at the beginning of this year. The index linked contributions are as follows:
- Education £182,443,
 - Public transport contribution £280,067,
 - Bus stop contribution £22,805,
 - Safe route to school £79,819,
 - Graveyard contribution £57,013,
 - Community building contribution £786,787,
 - Walk/cycle facilities contribution £51,312.

- 6.21 The above contributions were based on the outline permission and the master plan, which identified an estimated capacity of 500 units and were negotiated over five years ago. The proposed increase in the number of units will inevitably generate an additional impact on community infrastructure and therefore it is considered reasonable and necessary to re-assess the Section 106 contributions accordingly. It has been agreed that the simplest mechanism of delivering further contributions is the provision of a “roof tax” contribution per dwelling over 500 units. A figure of £4250 per residential unit has now been agreed and the additional funds will be used for the same uses identified in the original Section 106 Agreement with the addition of money being used towards off-site sports and recreational facilities as required by Sport England and the Parks and Countryside Manager. A large proportion of the additional money can also be used to support sustainable transport measures.
- 6.22 The additional contribution falls short of that required by the Draft Supplementary Planning Document on Planning Obligations. However, this document does not come into force until April this year and negotiations on this application commenced in 2006. Furthermore and most importantly, this application is not a ‘full’ planning application in the legal sense, it is the request for the approval of those details not approved at outline stage – the reserved matters. This application merely forms a component of the outline application and the development must ultimately therefore still be considered under the terms of the original outline permission and original Section 106 Agreement. Notwithstanding this, the proposed contribution is a significant increase on that which has been achieved from the original S106 and therefore the increased Section 106 contributions are considered reasonable and appropriate.

Other Matters

- 6.23 As a result of the concerns raised at the February Central Area Committee meeting, the whole of the last phase is to now be designed and constructed to a minimum standard of Eco Homes “Very Good”. This system will soon be replaced by the Code for Sustainable Homes but at present, still remains in force. Eco Homes Very Good is comparable to Code Level 3 of the Code for Sustainable Homes which is the standard that has been achieved from other recent residential developments in and around the city. Achieving Eco Homes Very Good will increase the environmental credentials of the site considerably and particularly the energy efficiency of the houses. Some of the measures include additional loft and integral wall insulation over and above current Building Regulations Requirements, the provision of 3 internal separate recycle waste storage bins and waste macerators within each property, use of an energy efficient combination boiler heating system, flow regulators on all taps, dual flush toilets and water butts to minimise water usage, ‘A’ rated appliances and light fittings and external clothes drying space and a rotary line.
- 6.24 These measures along with additional sustainable transport contributions will assist in reducing the overall carbon footprint of the development from the start of the construction process through to future occupation of the houses.
- 6.25 Concerns have been expressed by the Parish Council regarding localised incidents of flooding and whether the drainage infrastructure can accommodate the total number of units now proposed. As part of the conditions accompanying the outline permission surface water run-off is limited to a greenfield run-off rate of 10 litres per second per hectare. In addition surface water drainage is also attenuated within the site to a 1 in 100 year flood risk with discharge controlled by a hydro brake to a culvert. There is no evidence to suggest that the surface water drainage from the development has caused

or increased localised flooding and Welsh Water confirm that adequate foul drainage capacity exists.

Conclusion

6.26 The amended plans that have been provided generally address all the key concerns but formal approval is awaited from consultees and therefore delegated authority is required to enable any minor outstanding issues to be resolved and the S106 Agreement to be completed.

RECOMMENDATION

- 1) **Subject to the there being no objection from the Traffic Manager in response to the amended plans:**
 - 2) **The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
 - 3) **Upon the completion of the aforementioned planning obligation the officers named in the Scheme of Delegation to Officers be authorised to issue a reserved matters approval subject to the following conditions and any further conditions considered necessary by Officers.**
1. **Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no new hardstanding shall be created between any highway or footpath under frontages of the approved dwellings other than those expressly authorised by this permission.**

Reason: In the interests of visual amenity.

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

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

3. **The development hereby permitted shall be designed and constructed to meet The Building Research Establishment Eco Homes rating of 'Very Good'. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard.**

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'

Informatives:

1. **N02 - Section 106 Obligation.**
2. **N09 - Approval of Reserved Matters.**

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

4. N19 - Avoidance of doubt.

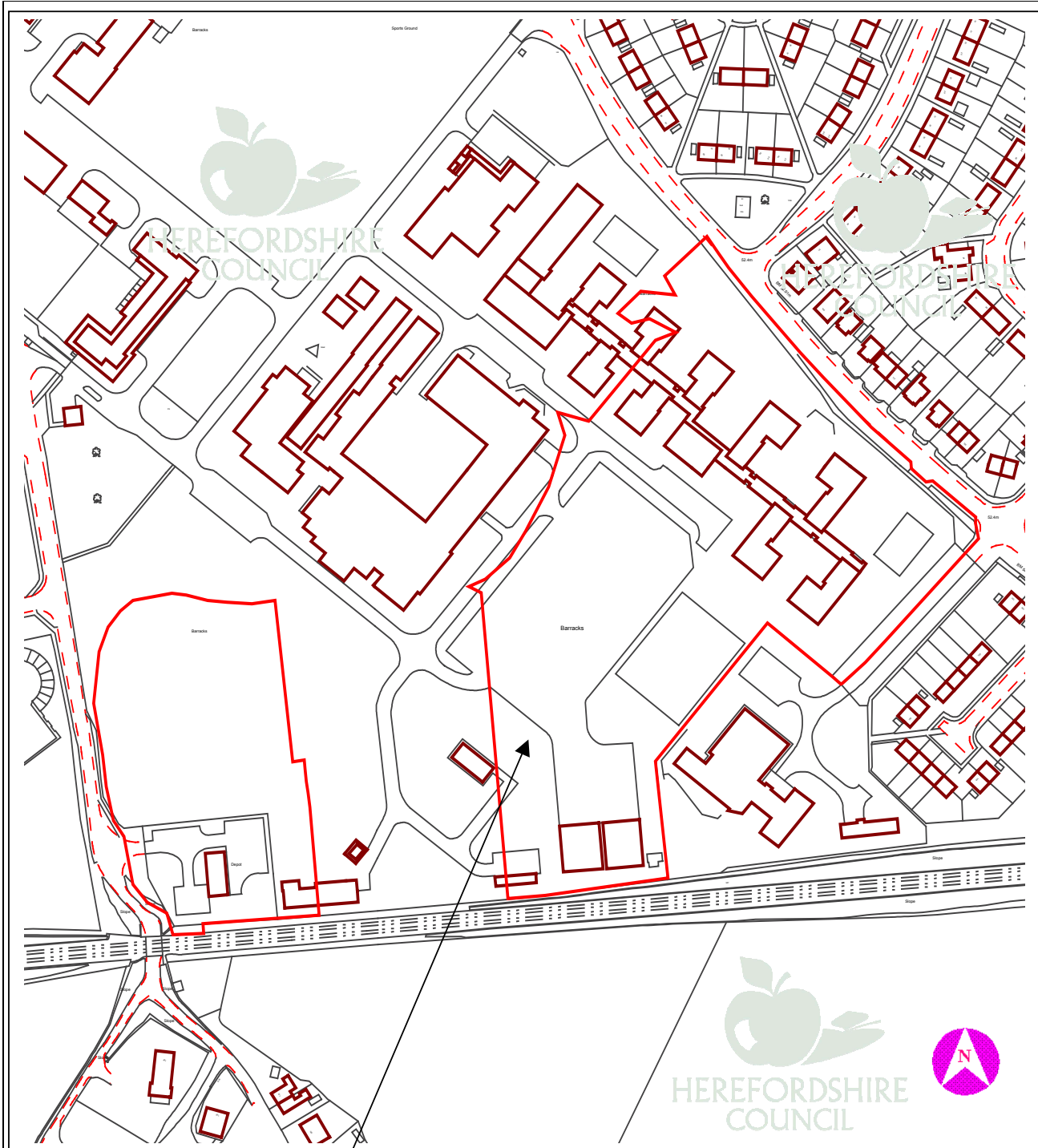
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3860/RM

SCALE : 1 : 2500

SITE ADDRESS : Land off Bullingham Lane, Hereford, Herefordshire, HR2 7RY

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

Planning Application – DCCE2007/3860/RM

- Residential development of 151 dwellings with associated parking and landscaping

Land off Bullingham Lane, Hereford, HR2 7RY.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council £4250 per dwelling for every dwelling over 500 dwellings falling within the site for which outline planning permission was approved on 10th February 2005. The money shall be used for the enhancement of community infrastructure in accordance with the Section 106 Agreement dated 9th February 2005 and towards the provision of new or enhancement of existing off site sport and recreation facilities in the South Wye area.
2. The financial contribution shall be Index linked and paid in full prior to the occupation of the 501st dwelling.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in clause 1 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Russell Pryce - Principal Planning Officer

7th February 2008

7 DCCW2008/0235/F - ERECTION OF 2 NO. TWO BEDROOM THREE PERSONS FLATS AND ASSOCIATED PARKING AT LAND ADJOINING 9 & 11 PIXLEY WALK, HEREFORD, HR2 7TA

For: Herefordshire Housing Ltd per DJD Architects, 2 St. Oswald's Road, Worcester, Worcestershire, WR1 1HZ

Date Received: 31st January, 2008 Ward: Belmont Grid Ref: 49481, 37733

Expiry Date: 27th March, 2008

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

1. Site Description and Proposal

- 1.1 The application site is comprised of a small parcel of land situated immediately to the west of a block of six flats situated on the northern side of Treago Grove within an established residential area.
- 1.2 Originally the land was designed as an outdoor drying area. However in more recent years this use has ceased and the area has fallen into disrepair with the sense of dilapidation being exacerbated by the need to partially demolish the wall enclosing the area in response to anti-social behaviour arising from people gathering within the enclosure.
- 1.3 The application seeks permission to construct a pair of affordable flats, each comprising two bedrooms, a bathroom, kitchen and reception room. Externally one off-road parking space will be provided to serve each unit within an existing communal car parking area located on the opposite side of Treago Grove.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

| | | |
|------------|---|--|
| Policy S1 | - | Sustainable Development |
| Policy S2 | - | Development Requirements |
| Policy S3 | - | Housing |
| Policy S8 | - | Recreation, Sport and Tourism |
| Policy S10 | - | Waste |
| Policy S11 | - | Community Facilities and Services |
| Policy DR1 | - | Design |
| Policy DR2 | - | Land Use and Activity |
| Policy DR3 | - | Movement |
| Policy DR4 | - | Environment |
| Policy H1 | - | Hereford and the Market Towns: Settlement Boundaries |
| Policy H13 | - | Sustainable Residential Design |
| Policy H15 | - | Density |
| Policy H16 | - | Car Parking |

| | | |
|------------|---|-------------------------------------|
| Policy T11 | - | Parking Provision |
| Policy CF1 | - | Utility Services and Infrastructure |
| Policy CF2 | - | Foul Drainage |

3. Planning History

- 3.1 DCCW2007/3114/F Erection of 2 flats and associated parking. Withdrawn 14th November, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to the imposition of standard conditions.

Internal Council Advice

- 4.2 Strategic Housing: No objection. This scheme would help to meet the need identified in the Herefordshire Housing Strategy 2006-2009, as well as contributing to the affordable homes targets in the Herefordshire Unitary Development Plan 2007.
- 4.3 Traffic Manager: No objection.
- 4.4 Public Rights of Way Manager: No objection.

5. Representations

- 5.1 Hereford City Council: The City Council recommends that this application should be refused due to inadequate parking provision.
- 5.2 Five letters of objection have been received from Mrs. S. Phipps, 2 Pixley Walk; Mr. Baclawski, 13 Pixley Walk; Mr. K. Higgins, 15 Pixley Walk; Mr. F. Wargen, 35 Marcle Walk and Mr. M. Pennell, 45 Pixley Walk which are summarised as follows:
- Other properties in the area have limited or no allocated parking provision, this development will exacerbate the situation.
 - It would be better to use the land to provide additional parking not more houses.
 - The building of the flats will improve the area, the objection is only on the grounds of parking.
 - Loss of views.
 - Loss of light.
 - Existing property prices will be devalued.

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

6. Officer's Appraisal

- 6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:
- The Principle of Development
 - Design and layout
 - Residential amenity
 - Highway and Parking 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 provide 2 new affordable residential units is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout of the Development

- 6.3 The pattern of residential development in the wider locality is generally characterised by a cohesive estate development comprised of terraced two storey blocks, providing a mixture of houses and flats.
- 6.4 The proposed development will effectively comprise of a two storey extension off the western flank of the existing block of flats. Having regard to the character and appearance of the building to which it will be attached as well as that of the wider locality, the design, bulk and massing of the proposed development is considered to be acceptable, whilst the fenestration takes appropriate account of the position and orientation of the adjoining properties.
- 6.5 More specifically the design is considered to improve the appearance of the wider locality, by adding a degree of architectural interest, to what is at present a large blank gable in a visually prominent location.

Residential Amenity

- 6.6 The proposed development will not give rise to a material change in the relationship between the extended block of flats and the parallel terrace of houses to the north and as such it is not considered that loss of privacy or light could be sustained as a reason for refusal.
- 6.7 With regard to the concerns raised in the letters of representation about loss of views, this is not a material planning consideration
- 6.8 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the demolition and construction phases.

Highway and Parking Issues

- 6.9 The application proposes to create two additional parking areas within an existing car park situated on the opposite side of Treago Grove, in a location that will be overlooked by the flank windows of the new flats.
- 6.10 In the absence of any objection from the Traffic Manager, and given the size of the flats proposed, it is not considered that the concerns raised in the letters of representation about the lack of parking can be substantiated as grounds for refusal on highway safety grounds.

Conclusion

- 6.11 Overall, the proposal will create two affordable 2 bedroom flats and complies with the relevant policies in the Local Plan. As such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. A07 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. B02 (Matching external materials).**

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

- 4. F22 (No surface water to public sewer).**

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

- 5. H13 (Turning area and parking).**

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

- 6. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.30 am - 6.00 pm, Saturday 8.00 am - 1.00 pm or 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. **N04 - Rights of way.**
4. **N14 - Party Wall Act 1996.**
5. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'.**
6. **N19 - Avoidance of doubt.**
7. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

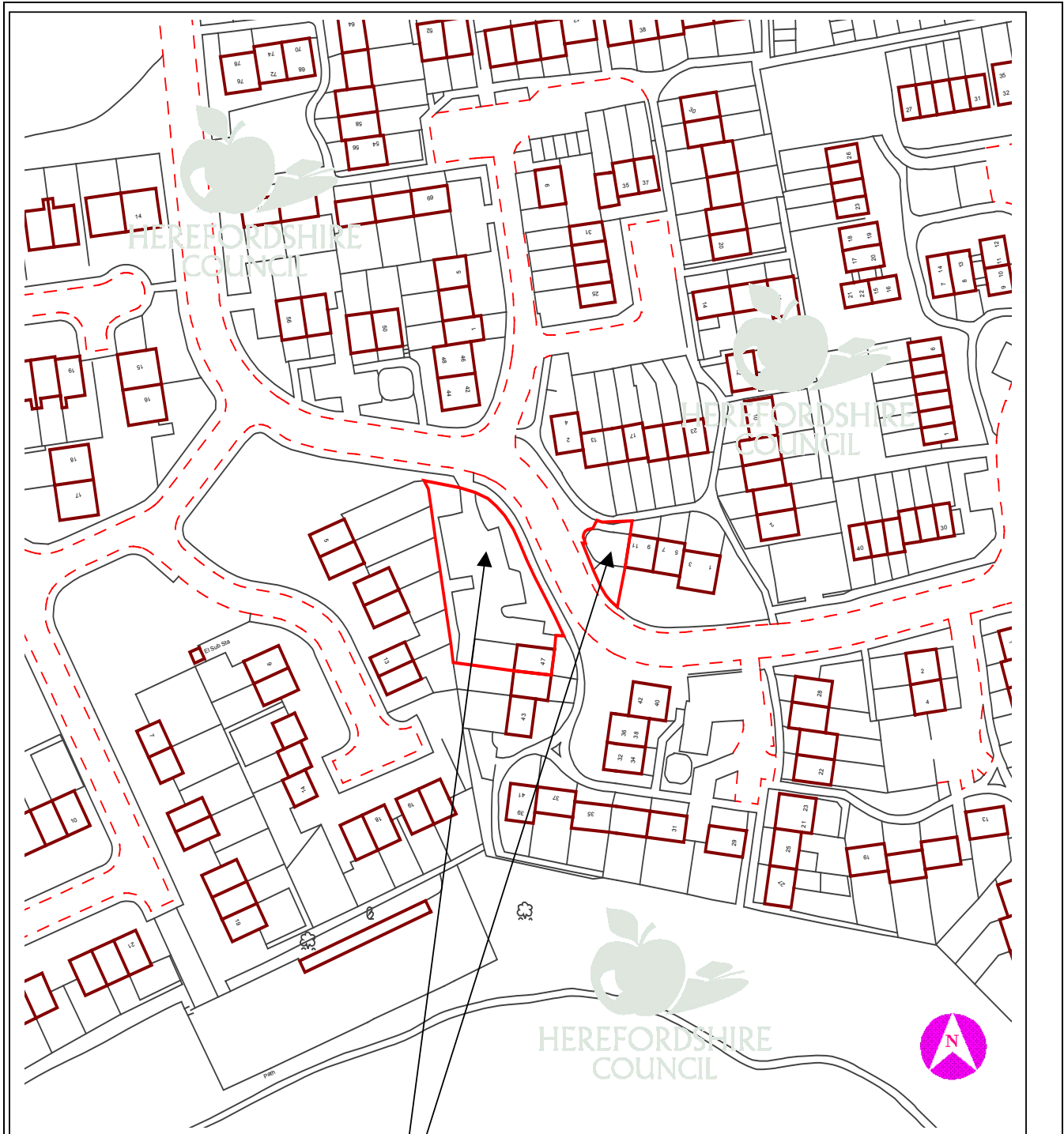
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/0235/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjoining 9 & 11 Pixley Walk, Hereford, HR2 7TA

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Further information on the subject of this report is available from Mr. P.G. Clasby on 01432 261947

8A DCCE2008/0112/F - CONVERSION OF PARTS OF BUILDING TO EIGHT FLATS, RELOCATION OF MANAGERS FLAT AND SECRETARY'S OFFICE. HEREFORD CONSERVATIVE CLUB, 102 EAST STREET, HEREFORD, HR1 2LW

For: Finale Properties Ltd, Wormelow House, Wormelow, Herefordshire, HR2 8EG

8B DCCE2008/0114/L - CONVERSION OF PARTS OF BUILDING TO EIGHT FLATS, RELOCATION OF MANAGER'S FLAT AND SECRETARY'S OFFICE. HEREFORD CONSERVATIVE CLUB, 102 EAST STREET, HEREFORD, HR1 2LW

For: Finale Properties Ltd, Wormelow House, Wormelow, Herefordshire, HR2 8EG

Date Received: 16th January, 2008 Ward: Central

Grid Ref: 51036, 39937

Expiry Date: 12th March, 2008

Local Member: Councillor MAF Hubbard

1. Site Description and Proposal

- 1.1 The applications seek planning permission and listed building consent for the partial conversion of the Hereford Conservative Club to form eight self-contained flats. The building is found to the south side of East Street in close proximity to the city centre. The conversion involves parts of the first and second floors and attic space, together with two detached buildings within the grounds at the rear. One of these is the existing skittle alley, the other a semi-detached outbuilding.
- 1.2 The site is located within the Central Conservation Area and the Area of Archaeological Importance. The building is also Grade II* Listed. The current applications follow lengthy negotiation involving English Heritage and the Council's Conservation Department, and follow earlier withdrawn and refused applications.
- 1.3 The outbuildings would be converted to form 3 apartments, with the remaining accommodated within the main Club building. The description of development describes conversion to 8 units, but also involved is the relocation of the existing manager's flat from the second to the first floor. There would be 9 apartments in total. Five apartments would be one-bed, the remaining being two-bed.
- 1.4 The scheme has been significantly amended over the course of the previous applications. Earlier submissions had included the use of the attic space over the

existing billiard room. This has now been omitted on the basis that potential long-term damage to the ornate plaster ceiling below could be not be adequately managed. Further amendments include significant reduction in the subdivision of internal space, which has resulted in a fewer number of bedrooms and a scheme that better respects the internal layout of the historic building.

- 1.5 The site is incapable of providing for car parking and the scheme is thus put forward as a car free development. A Design and Access Statement and a structural report confirming the extent of the remedial work required to the semi-detached outbuilding, accompany the applications.

2. Policies

2.1 National Planning Policy:

| | | |
|-------|---|---------------------------------------|
| PPS1 | - | Delivering sustainable development |
| PPS3 | - | Housing |
| PPG15 | - | Planning and the historic environment |

2.2 Herefordshire Unitary Development Plan 2007:

| | | |
|-------|---|--|
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| H1 | - | Hereford and the market towns: settlement boundaries and established residential areas |
| H14 | - | Re-using previously developed land and buildings |
| H15 | - | Density |
| H16 | - | Car parking |
| HBA1 | - | Alterations and extensions to listed buildings |
| HBA3 | - | Change of use of listed buildings |
| HBA4 | - | Setting of listed buildings |
| HBA6 | - | New development within conservation areas |
| ARCH6 | - | Recording of archaeological remains |

3. Planning History

- 3.1 DCCE2007/0847L and DCCE2007/0848/F: Conversion of parts of 102 East Street and outbuildings to 8 units of accommodation including internal and external alterations with external staircase. Applications withdrawn 10th May, 2007.
- 3.2 DCCE2007/2912/F and DCCE2007/2913/L: Conversion of parts of building and outbuildings to eight flats, including internal and external alterations and external stairwell enclosure. Refused 7th November, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage: Consent should be conditional on the Council's prior approval of the exact scope of work, and of all details, materials and finishes.

- 4.2 Welsh Water: No objection, but recommend the separate discharge of foul and surface water drainage and the prevention of land drainage run-off connecting either directly or indirectly to the public sewage system.

Internal Council Advice

- 4.3 Conservation Manager (Historic Buildings): States that the historic building issues have now been resolved and recommends approval. It is recognised that the proposal should give the various buildings a viable new use and would retain the integrity of the important late medieval hall and later plaster ceiling. The room proportions are now in the main being retained. Approval is conditional upon the prior approval of a range of detail including submission of joinery details, brick, slates and rainwater goods.
- 4.4 Traffic Manager: Contributions should be sought in line with the draft Supplementary Planning Document to be used for improvements to pedestrian facilities and signing in the vicinity of the development. This would equate to £1,465/unit or £11,720 in total.
- 4.5 Parks and Countryside Manager: Contributions are sought towards improvements to off-site play areas and sports facilities provision. In total this equates to £5,040.
- 4.6 Conservation Manager (Archaeology): No objections subject to the imposition of a condition requiring submission of an archaeological survey prior to commencement of development

5. Representations

- 5.1 Hereford City Council: No objections.
- 5.2 There have been no other responses on either the planning or listed building consent applications.
- 5.3 The planning and listed building files can be inspected upon request at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The planning and listed building applications raise distinct issues. The former should be judged against the usual planning criteria concerned with housing, whereas the listed building application should be judged against policies and guidance specific to the treatment of Grade II* listed building.
- 6.2 With this in mind the key issues are considered to be:

Planning Issues

- The appropriateness of the conversion scheme having regard to unitary development plan policy;
- The impact that the development would have upon the amenity of the immediate area and the character of the conservation area;
- The appropriateness of a car-free scheme in this location;
- A judgement on s106 contributions.

Listed Building Issues

- The impact of the proposal upon the Grade II* listed building and the special features that contribute to its status.
- 6.3 Members will be aware of policies aimed at making best use of land and buildings within city centres. The overriding objective is to concentrate development in sustainable locations, which should preserve the character of rural areas and reduce the need to travel by private car. In this case the city centre and the amenities that it offers are extremely accessible to prospective inhabitants. On this basis, the car-free approach is considered appropriate.
- 6.4 The impact of the conversion scheme upon the exterior of the building and therefore the character or appearance of the conservation area will be limited. Conditions will be imposed to require prior approval of joinery, external facing materials, rainwater goods and the like in order to ensure that the cumulative impact of the introduction of 8 apartments is acceptable in this context. Moreover, in accordance with policy H14, the proposal makes for a sustainable re-use of an existing building.
- 6.5 In this case, the key to a successful outcome is the management of sustainable development objectives that aim to make best use of the building, whilst respecting the nationally significant historic context. In this respect, the applications have been amended over the course of extensive negotiations with English Heritage heavily involved. Members will note through reference to paragraphs 4.1 and 4.3 (above) that English Heritage and the Conservation Manager are both satisfied that the scheme, subject to conditions, is acceptable from a listed building perspective. Key to this has been the negotiation of a scheme that demands less of the building in terms of the level of accommodation. 3-bedroom apartments no longer form part of the proposal, owing to the adverse affect that they would have had upon the internal space. Reference has already been made to the omission of an apartment above the ornate plaster ceiling in the billiard room.
- 6.6 The developer has agreed to contribute £5,000 towards improvements to pedestrian facilities in the locality. The draft legal agreement is annexed to this report. This is below the sum requested by the Traffic Manager. Members may also note that there is no contribution to sport and recreation facilities. The level of contribution is, however, considered acceptable and appropriate in this context. Negotiations have been ongoing on site for 18 months, whilst the Supplementary Planning Document has been going through various phases towards adoption. It is considered unreasonable to approach the developer for this additional level of contribution given the relative lateness of the request. It is also reasonable to give consideration to the relative costs involved in undertaking the sensitive conversion of a Grade II* listed building.
- 6.7 Having regard to the various planning and listed building issues identified above, the officer is now satisfied that the conversion scheme represents an acceptable re-use of elements of this Grade II* listed building within a sensitive historic environment. The applications are recommended for approval subject to appropriate conditions, the completion of a Section 106 agreement and referral of the listed building application to the Secretary of State for formal determination.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

DCCE2008/0112/F

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. **C04 (Details of window sections, eaves, verges and barge boards).**

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

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

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

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

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

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

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

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

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

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

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

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

Reason: To protect the amenity of local residents.

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

Reason: In the interests of amenity.

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. D02 (Archaeological survey and recording).

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

Informatives:

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

2. N19 - Avoidance of doubt.

DCCE2008/0114/L

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

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

2. B01 (Samples of external materials).

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

3. C04 (Details of window sections, eaves, verges and barge boards).

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

4. C05 (Details of external joinery finishes).

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

5. C10 (Details of rooflights).

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

6. C11 (Specification of guttering and downpipes).

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

7. Prior to the commencement of development details of the method of closure of the entrance to the attic space above the billiard room shall be submitted to and

approved in writing by the local planning authority. The entrance shall be closed and inaccessible to occupants of Flat 8 prior to the first occupation of this unit.

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

8. C06 (External finish of flues).

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

9. C18 (Details of roofing).

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

Informatives:

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

2. N19 - Avoidance of doubt

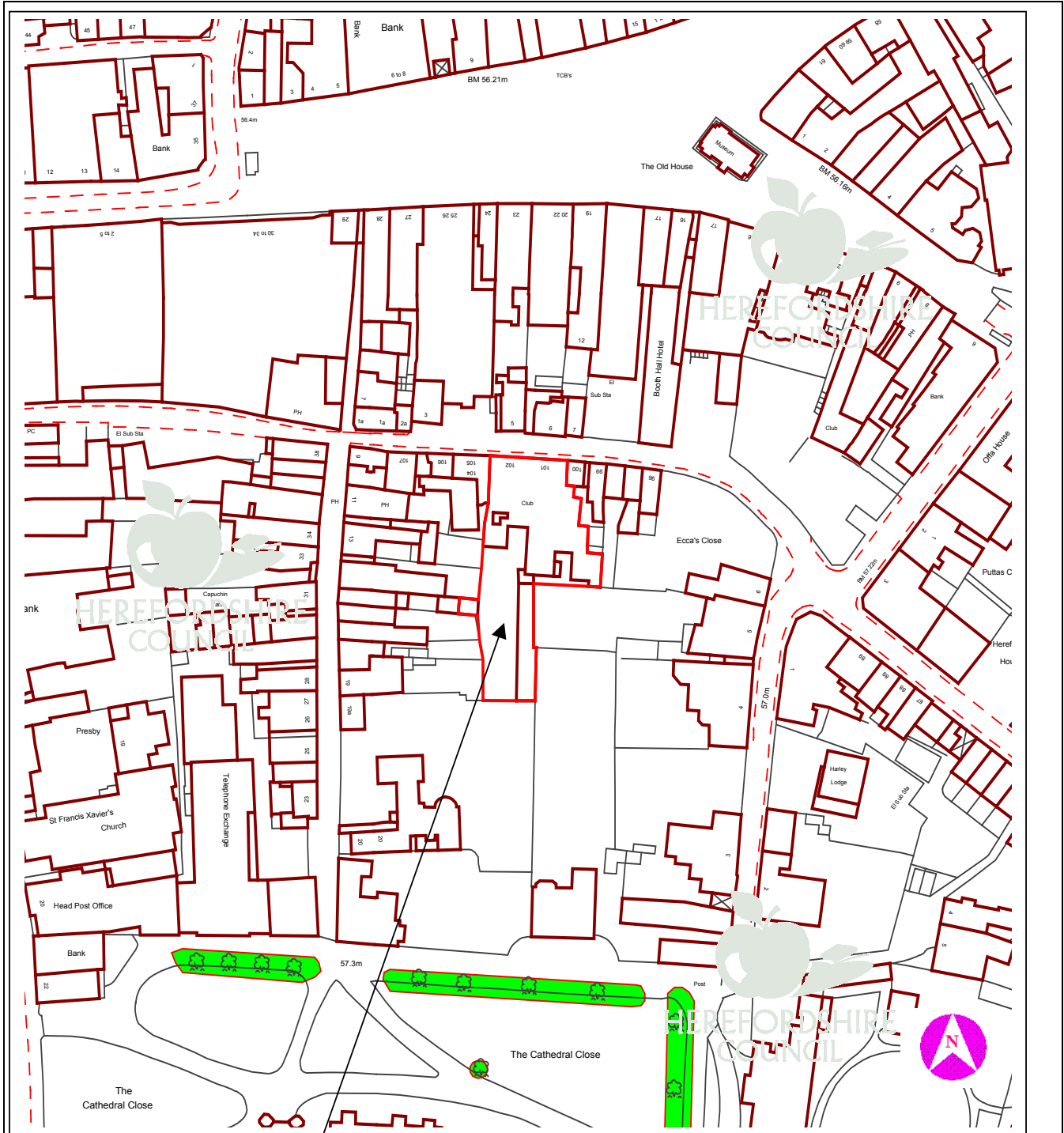
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/0112/F

SCALE : 1 : 1250

SITE ADDRESS : Hereford Conservative Club, 102 East Street, Hereford, Herefordshire, HR1 2LW

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

**DRAFT SECTION 106 AGREEMENT
THIRD SCHEDULE
(the restrictions and obligations)**

1. Not to occupy or cause or permit Occupation of any Dwelling until the Contribution (£5,000) is paid to the Council provided that following the fifth anniversary of the date of payment of the Contribution, the payer of the Contribution shall be entitled to apply to the Council for the refund of the unexpended balance of the Contribution (if any) together with accrued interest thereon at the Council's standard rate from time to time calculated from the date of payment of the Contribution to the date of repayment.
2. On completion of this Deed to pay to the Council their legal and administrative costs and disbursements reasonably incurred in connection with the acceptance of this Deed.

9A DCCE2008/0004/F - REDEVELOPMENT OF THE CATHEDRAL CLOSE WITH NEW LANDSCAPE PROPOSALS, LIGHTING, SEATING, PATHS, FENCES, RAILINGS AND GATES. THE CATHEDRAL CLOSE, HEREFORD, HEREFORDSHIRE, HR1 2NG

For: Hereford Cathedral Chapter, Robert Kilgour & Assoc, 4 Park Lane, Bewdley, Worcestershire, DY12 2EL

9B DCCE2008/0011/L - ERECTION OF NEW PIERS, RAILINGS AND GATES AT NOS. 1 & 2 CATHEDRAL CLOSE, RELOCATION OF CASTLE STREET GATE PIER. NEW GATE TO COLLEGE CLOISTERS, REPAIR OF THE CATHEDRAL BARN AT CATHEDRAL CLOSE, HEREFORD, HR1 2NG

For: Hereford Cathedral Chapter, Robert Kilgour & Assoc, 4 Park Lane, Bewdley, Worcestershire, DY12 2EL

Date Received: 2nd January, 2008 Ward: Central Grid Ref: 51012, 39766
Expiry Date: 27th February, 2008
 Local Member: Councillor MAF Hubbard

1. Site Description and Proposal

- 1.1 The applications seek planning permission and listed building consent for wide ranging redevelopment of Cathedral Close, including a comprehensive overhaul of the landscaping, lighting, seating, paths, fences, railings and gates. The applications are relevant to the wider setting of this part of the city centre and specifically the Cathedral, Nos. 1 & 2 Cathedral Close, The Lady Arbour and St. Johns Quad.
- 1.2 The application site extends to 1.1 hectares and includes the Cathedral, the open space to the north (bound by the Zimmerman Building and Nos. 1 & 2 Cathedral Close), the east and west (Castle Street and Broad Street respectively) and The Lady Arbour and St. Johns Quad (south of the Cathedral). The Cathedral Close is widely acknowledged as the foremost public open space in the city. It has, however, suffered from both heavy use and a lack of maintenance to the extent that surfaces have become degraded, the space has become poorly defined and the visual quality is as a result disappointing.

- 1.3 The design and access statement submitted with the applications states that the aim of the project is to "cement the role of the Close as a tranquil and contemplative public space in the city and at the heart of the rural community, linking various areas of the city and enhancing the setting of the Cathedral." The statement goes on to say that this will be carried out by:
1. Improving the definition of the Close and the spaces within it;
 2. Controlling vehicle access and parking;
 3. Improving the visual qualities of the space;
 4. Creating more opportunities for sitting and informal use of the open spaces;
 5. Improving disabled access, lighting, signage and providing CCTV.
- 1.4 The historical context analysis explains that the Close was the general burial ground for Hereford from the twelfth century and was enclosed in the late 14th century to prevent theft and secret burials. The site is within the Area of Archaeological Importance and the Central Conservation Area. The Cathedral is Grade I listed and all of the buildings surrounding the site (with the exception of the former telephone exchange) are listed. All work proposed also requires the consent of the Cathedrals Fabric Commission for England and the Diocesan Advisory Committee (for works in a closed burial).
- 1.5 The existing layout is little changed from the nineteenth century with the northern space set out in a wide lawn, framed by mature lime trees to the north and east (many of these are subject to Tree Preservation Orders). Tarmac paths bisect the space and comparison with nineteenth century plans indicates that these paths have widened over time.
- 1.6 One of the principal motives behind the current proposals is the improvement of the layout and surfacing materials in a bid to create a unified and high quality landscape. It is proposed that surfacing materials be completely overhauled throughout the close with the removal of the existing tarmac paths and replacement with a tar 'spray and chip' surface. In conjunction path widths will be narrowed set into the ground with a raised kerb on either side. In the northern close the paths would be realigned to improve pedestrian movement and a new paved entrance and gathering place is proposed outside the northern Booth porch. It is proposed that a border of trees be reinstated around the three sides of the northern close with seating interspersed beneath them. Lighting would be provided along pedestrian routes. Within this area a single Common Lime tree would be removed from in front of the Mason's Yard, although four semi-mature trees would be planted to fill existing gaps where trees lining the north road have failed.
- 1.7 It is also proposed to relocate the Elgar statue to the northeast corner of the northern close, planting a tree on the existing site. The Design and Access Statement states that under the proposals relocation is necessary as otherwise the statue would be stranded in a grassed area once the northern road has been narrowed.
- 1.8 The foreground at the west end of the Cathedral is currently formed by a lawn, tarmac area and planting. It is proposed that this be replaced with a new paved space with seats to be used as a semi-public space and an area for congregating when the west doors are in use. This space would incorporate new seating, lighting and artwork. Railings are proposed to the three entrance recesses at the west end in an attempt to reduce anti-social behaviour.

- 1.9 It is also proposed to reinstate cast iron railings along the Broad Street/ Palace Yard perimeter. The Design and Access Statement identifies the rationale for the reinstatement of the railings as being the enclosure of the space and improvement to the definition of the Close as a whole. The entrance outside the Knight Frank building would be defined with cast iron piers but without gates, to allow for ease of pedestrian access. New cast iron gate piers are proposed to "define and frame" the entrances from Church Street and St. John Street. The primary piers would follow the proportions of the Cathedral tower in height and width. No gates are proposed to the perimeter of the Close to assist in the free movement of pedestrian traffic. The Design and Access Statement refers to the existence of railings in the early part of the 20th Century. The Castle Street gates will be retained and adjusted to allow better access for vehicles for vehicles. The pedestrian entrances on either side will be retained.
- 1.10 It is proposed to redesign the landscape within the Lady Arbour Cloister (south of the Cathedral) and create what is described as a contemplative garden, incorporating new paths, seating, planting and routes through and around the space. A stone paved path will cater for the route into the Cathedral with an outer gravel path creating a circular walk alongside the planting. Seats would be provided in the south facing niches between the Cathedral buttresses. It is proposed to remove and replace the existing black Mulberry tree.
- 1.11 In the St. John's Quad the condition of the existing surfacing is particularly poor. It is proposed to resurface this area with a tar 'spray and chip' surface with stone setts used to define the area. Parking at the Castle Street entrance would be reorganised with spaces parallel to the paths edge. The existing oak tree would be replaced by three sweet gums, which are considered appropriate specimens for the area.
- 1.12 The redevelopment of the Close in terms of both hard and soft landscaping would be carried out in conjunction with a new regime for vehicle management. The Castle Street entrance, controlled by automatic retractable bollards, would allow access and egress on a daily basis. Restricted access would be allowed via St. John Street and Broad Street. Manual bollards are proposed to the two western entrances, which would allow access for outside broadcast and emergency vehicles.
- 1.13 The scheme also provides for the replacement of buildings in the Mason's Yard. Two structures are proposed. The smaller building to the east would be open, yet covered, to allow for visual access to passing visitors. The second larger building would have three open bays to the close, which could be closed at night. The buildings would be constructed of green oak and the existing picket fencing replaced with a cleft chestnut fence.
- 1.14 One of the key components of the listed building application is the grade II* Cathedral Barn at the northeast corner of the Close. It is proposed that the barn be used as a reception for educational visits and storage. Extensive repairs are necessary to the timber frame. Originally it was proposed to re-clad the southern elevation in timber boarded, as exists. It has subsequently been decided that wattle and daub infill panels would be more appropriate.
- 1.15 An Art Strategy is also described. A single artistic theme would link the three distinct areas i.e. the northern Close, the west end and The Lady Arbour garden. It is envisaged that the theme would centre upon the 'Mappa Mundi' with the artistic interpretation within the Close being expressed in terms of its existence in the past, present and future. Essentially, artistic expression would take place through two-

dimensional work engraved into the ground or kerbs within the north Close and west front. Within the Lady Arbour garden a centrally located three-dimensional piece of artwork combining three elements of peace, water and world is proposed.

- 1.16 The Design and Access Statement confirms that all surfaces will be appropriate for use by wheelchairs, pushchairs and the ambulant disabled.

2. Policies

2.1 Planning Policy Statements:

- PPG15 - Planning and the historic environment
PPG16 - Archaeology and planning

2.2 Herefordshire Unitary Development Plan:

- S2 - Development requirements
S7 - Natural and historic heritage
DR1 - Design
DR2 - Land use and activity
DR3 - Movement
LA5 - Protection of trees, woodlands and hedgerows
LA6 - Landscaping schemes
HBA1 - Alterations and extensions to listed buildings
HBA4 - Setting of listed buildings
HBA6 - New development within conservation areas
ARCH1 - Archaeological assessments and field evaluations
ARCH2 - Foundation design and mitigation for urban sites
ARCH6 - Recording of archaeological remains
ARCH7 - Hereford Area of Archaeological Importance
T6 - Walking
T7 - Cycling
W3 - Waste transportation and handling

3. Planning History

- 3.1 DCCE2004/1331/F - Erection of a statue of Sir Edward Elgar: Approved with conditions 7th June, 2004.
3.2 DCCE2005/2942/L - CCTV security camera attached to no.1 Cathedral Close to overlook the Elgar Statue: Approved with conditions 13th October, 2005.

4. Consultation Summary

The following comments apply to both the planning and listed building applications.

Statutory Consultations

- 4.1 English Heritage: In the original response English Heritage expressed support for the project in principle, but advised that further archaeological information is required and that discussion should continue on the most appropriate form of treatment for the Cathedral Barn. The following is a direct quote.

"This scheme has the potential to give the Cathedral Church and its remarkable ancillary building a worthier setting, and to enhance the contribution the Cathedral Close makes to the quality and character of this fine historic city. The scheme promises to help people understand, enjoy and cherish this historic place."

English Heritage also expressed concern regarding the dominance of car parking within St. John's quad and to the west of Castle Street gates. The proposals to the west front are also scrutinized. It is concluded that the proposals give too much emphasis to the aisle doors rather than the main West Door.

English Heritage has subsequently been consulted on revised proposals for the Cathedral Barn. A formal response was not available at the time of writing.

- 4.2 Environment Agency: No objections. There are no works that would create a significant impact upon the functional floodplain.

Internal Council Advice

4.3 **Conservation Manager (Listed Buildings and Conservation Areas):**

Expresses strong support for the scheme and recommend approval. "We believe that it would be a major enhancement of the area, improve the listed buildings and their setting and restore one of the finest civic spaces in the city to a high standard. The designs and materials have been carefully contemplated and are appropriate and in keeping with the character of the historic environment. The landscaping would also provide a major enhancement, hopefully restoring the feel of the cloister area, inserting appropriate paths, which would sit more comfortably with the buildings, and opening up views across the close with the removal of the Lime tree. The rationalisation of the car parking would make a vast improvement to the approach to the Cathedral, in particular from Castle Street."

Concern was expressed at the treatment of the Cathedral Barn, which is described above now involves the introduction of wattle and daub infill panels, rather than weather boarding.

4.4 **Conservation Manager (Archaeology):**

The site forms the hub of the statutorily designated Hereford Area of Archaeological Importance and contains a wide range of exceptionally important archaeological remains and features. The Close was formally enclosed as a burial ground in the fourteenth century, but is known to contain very numerous human remains dating to well before this. During the construction of the Mappa Mundi building in 1993, a nationally important assemblage of more than one thousand burials dating to the Saxon period was encountered.

- 4.5 In light of the above the officer has expressed concern at the general level of information submitted as an archaeological assessment and evaluation, although on balance it is considered appropriate in light of the amount of data that already exists in relation to the Close - it is also acknowledged that more investigative trial trenches may be more damaging.

- 4.6 However, given the sensitivity of the site, the officer considers that there is inadequate information about the methodology (and hence level of disturbance) of the proposed ground works. A full and detailed method statement is required in order that the authority can properly assess and determine the likely level of ground disturbance.

- 4.7 The officer concludes that assuming the ground impact is eventually deemed as acceptable in principle, it is likely that the proposal would be considered acceptable in full, subject to the imposition of suitable conditions.
- 4.8 A detailed methodology, including indications of the level of ground disturbance, has been requested from the agent. A verbal update will be provided as appropriate at the Sub-Committee meeting.
- 4.9 **Conservation Manager (Landscapes):**
The significance of Cathedral Close as the most important public open space in the city is recognised. The Close is considered to be in a poor condition, with any previous design intentions degraded and eroded. The opportunity to refresh the space is welcomed and in general the proposals will result in a far more coherent and high quality space. Of particular value is the proposal to introduce a common standard of surfacing and edge treatment (kerb) throughout the Close, defining circulation routes and separating them from grassed areas popular for rest and reflection.
- 4.10 Although acknowledged as being contrary to policy LA5 (Protection of trees, woodlands and hedgerows) at face value, the officer considers that the removal of the Lime tree to the north of the 'masons yard' can be justified. This is on the basis that the proposals refer to historic evidence to inform the objectives. In this case, the tree proposed for removal represents the most recent and possibly the least significant layer of development. Compensation for this loss is provided by the introduction of four trees to the north and east of the Close, thereby reinstating the planting pattern evident from the mid-eighteenth century.
- 4.11 The scheme also proposes the removal of a small oak in St. John's quad. The tree is in sub-optimal condition. Again the proposal to remove a protected tree can be justified, in the officer's opinion, through the proposed replacement planting. The officer welcomes the formal landscaping to the front of Nos. 1 and 2 Cathedral Close. Again this draws heavily upon historic precedent.
- 4.12 The landscaping to the Lady Arbour Cloister draws heavily upon historic landscape and gardening principals and is acceptable. One area of concern surrounds whether the black Mulberry can in fact be relocated or whether a replacement specimen is more realistic.
- 4.13 Generally the 'hard landscaping' and street furniture proposed for the site is acceptable and contributes to the cohesiveness of the scheme. The benches interspersed with the trees along the northern road are considered a sensitive and complementary solution to public seating. The officer considers the relocation of the Elgar statue to contribute to the rationalisations of the space.
- 4.14 The officer recommends approval subject to detailed specifications being provided for the proposed planting and its ongoing maintenance and the translocation of the Mulberry in the Lady Arbour Cloister. The relocation/replacement of the black Mulberry tree is still under review.
- 4.15 **Principal Planning Officer (Minerals and Waste):**
No objection, although a site waste management plan is recommended in order to take account of waste arising from the landscaping and tree removal/relocation.
- 4.16 **Traffic Manager:**

Expresses concern at the narrowing of the paths, particularly as sinking them below grass level will make it more difficult for pedestrians to 'spill' onto the grass areas at times of peak flow. Concern is also expressed at the level of cycle parking provision, the narrowing effect of the railings in front of Nos. 1 & 2 Cathedral Close and the loss of informal seating along Broad Street with the introduction of the railing. The width between the automated and manual bollards is also considered too narrow. The Traffic Manager considers it likely that the railings along Broad Street will be used as informal cycle parking in the absence of specific provision for visitors.

- 4.17 In response to the cycle parking issue, the architect has confirmed that the parking space closest to the College Cloisters entrance will be converted to cycle parking. The architect has also given an undertaking that bollard widths will be increased to the minimum 1.2m widths as required by the DfT publication "Inclusive Mobility Guidance."

5. Representations

- 5.1 Hereford City Council: Has no objection to either the planning or listed building consent application.

- 5.2 A total of 5 letters of objection have been received. The key issues can be summarised as follows:

- Why spoil the unfettered views of the Cathedral across the Close with the introduction of iron railings? Could the money not be better spent elsewhere?
- There has been inadequate consultation regarding the proposals with the biggest user group - pedestrians and tourists;
- There have been queries concerning the status of the routes across the Close and whether they constitute Public Rights of Way. The denial of the existence of the general public's right to cross this space is indicative of the Chapter's attitude toward the common man;
- A 'tar spray and chip' gravel dressing applied to a tarmac base will be no less municipal than the existing tarmac;
- The artistic element of the proposal has the potential to produce something banal - a tasteless advertisement for the Mappa Mundi;
- The treatment of the south elevation of the Cathedral Barn (as originally proposed) is bland - the proposal has now been amended in this respect;
- The introduction of gates to the north porch and west front will render the Cathedral out of bounds to those who need refuge at night;
- The scheme does not appear to take sufficient account of cyclists, although it is acknowledged that cycling is technically not allowed within the Close. It would seem possible to link the Broad Street cycle route around the north side of the Close to Church Street and Castle Street.

- 5.3 Conservation Advisory Panel: The landscape proposals are very good with use of contemporary street furniture. The domestic enclosures are acceptable. Members voiced concern at the scale of the fence on Broad Street - this should be an open urban space - and queried the justification for this intervention. The Mason's Yard would benefit from review, with more imaginative designs for the buildings. There is a lost opportunity for the removal of car parking.

- 5.4 Although not in direct response to the planning application, the local planning authority has been made aware of correspondence from the Elgar in Hereford Group concerning the relocation of the Elgar statue. The Group is strongly of the opinion that the

optimum solution would be to leave the statue in its present location. However, there is an acceptance that there was a condition upon the original placing of the statue that it might have to be relocated. The Group expresses reservation at the proposal to remove the plinth and the Lime tree.

- 5.5 The Cathedral Close redevelopment proposals have also been presented to the Cathedrals Fabric Commission. The Commission approved the application with the exception of that part which relates to the refurbishment of the Cathedral Barn, on which a decision was deferred. This is indicative of the ongoing negotiations surrounding the treatment of the Barn. Approval was subject to a number of conditions requiring the prior approval of the Commission on a number of issues involving lighting, treatment of remains etc. These conditions are similar to planning conditions in content.
- 5.6 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 applications for planning permission and listed building consent involve major works to the Cathedral Close, which is commonly regarded as the most important public open space in the city. The site forms an integral part of the Central Conservation Area, is framed by nationally significant listed buildings and is also perhaps the most important element of the Area of Archaeological Importance. It is also an important means of access across the city, with heavy pedestrian and cycle use by people wishing to cross the city from Castle Street/John Street in the east to Broad Street to the west and vice versa.
- 6.2 Given the wide-ranging scope of the proposals there is a similarly wide planning policy context. Strategic policies S2 (Development requirements) and S7 (Natural and historic heritage) are relevant. Policy S2 is a criteria based policy requiring a high standard of design and layout which 'respects the townscape, landscape, ecological and historic character of the area.' Policy S7 requires the protection, restoration or where possible the enhancement of the County's historic heritage, including archaeology, buildings and area of historic or architectural importance. National guidance is bound up in PPG15 (Planning and the historic environment) and PPG16 (Archaeology and Planning).
- 6.3 More specifically, policies concerned with new development within Conservation Areas (HBA6) and alterations and extensions to listed buildings (HBA1) are also relevant. In respect of development affecting Conservation Areas it is a statutory requirement that 'special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.' Similar duties exist in relation to the setting of listed buildings.
- 6.4 It is considered that the key issues in the determination of this application are as follows:
- The impact of the proposals upon the Conservation Area and the setting of the Cathedral and associated listed buildings, including the wider public realm;
 - The impact of the proposals upon the Area of Archaeological Importance;
 - The impact of the proposals upon the movement of people and traffic within the Close.

Impact of the proposals upon the Conservation Area and setting of the Cathedral and associated listed buildings

- 6.5 Members will note that English Heritage express the view that the 'scheme has the potential to give the Cathedral Church and its remarkable ancillary building a worthier setting, and to enhance the contribution the Cathedral Close makes to the quality and character of this fine historic city.' Their advice is subject to caveats concerning the archaeological interest of the site, parking and the treatment of the exterior of the Cathedral Barn. These are all issues that are subject of ongoing discourse.
- 6.6 The Conservation Manager expresses strong support for the proposals, considering that the scheme would enhance the area, improve the listed buildings and their setting and restore one of the finest civic spaces in the city to a high standard. Implicit within this comment is that the detail of the proposal is also acceptable. Whilst it is acknowledged that objectors have queried the rationale for reinstating iron railings to the Broad Street and Palace Yard boundaries, there is strong support for this element from both English Heritage and the Conservation Manager. This element draws heavily upon the historic context and would be a key component in elevating the status of this area and redefining the 'sacred and the secular.' The height of a typical rail is 2.7m, whilst the main piers at the west front are 3.4m. This scale is considered appropriate given the proportions of the Cathedral. Concern has been expressed at the disruption to views across the Close and towards the Cathedral, although the railing design does incorporate wider spacing between the rails where commensurate with eye level to allow views through.
- 6.7 The Conservation Manager is satisfied that the detailed designs and materials have been carefully contemplated and are appropriate and in keeping with the character of the historic environment. It is also considered that the landscaping would also provide a major enhancement, restoring the feel of the Lady Arbour cloister area in particular. At present this area is particularly disappointing and the proposals would be successful in restoring it.
- 6.8 It is considered that the relocation of the Elgar statue would help to rationalise the space, particularly as this would enable the introduction of a further tree to help redefine the historic tree planting pattern around the northern Close.
- 6.9 The treatment of the Cathedral Barn has been subject to negotiation. Originally it was proposed to weatherboard the southern elevation. Discussion between the applicant, Conservation Section and English Heritage has informed the revised approach, which incorporates the introduction of wattle and daub infill panels. English Heritage has confirmed its support of this amendment and the general principle of the work, which would bring the Barn back into beneficial use. The precise scope of restorative works will be governed by condition.
- 6.10 The buildings within the Mason's Yard would be of oak frame construction with cedar shingle roof. The smaller of the two buildings would be entirely open to allow visitors and passing pedestrians visual interaction with the process. The larger of the buildings would have a covered canopy at the front to allow likewise. The proposed buildings are broadly commensurate with the existing in terms of footprint, although at 3.8m, the larger building is 70cm taller than the existing workshop. Overall the redevelopment of the Mason's Yard is considered to benefit the appearance of the area without adding an undesired air of permanence.

- 6.11 Elsewhere trees are only being removed where they are in poor condition or where their removal is required to facilitate enhancement works. However compensation planting is proposed in some instances on a 4:1 ratio. The principle of the tree removal and new planting also has the support of the Landscape Officer.
- 6.12 As a qualitative assessment it is considered that the proposal would enhance and restore the Close and provide the Cathedral with a worthier and more appropriate setting than presently exists. Accordingly the scheme is considered to enhance the character and appearance of this part of the Conservation Area and the setting of the respective listed buildings in accordance with policies HBA1 and HBA6 of the Unitary Development Plan.

The impact of the proposals upon the Area of Archaeological Importance

- 6.13 The scheme, through ground works, will have an impact upon the statutorily designated Area of Archaeological Importance. Policy ARCH7 of the Unitary Development Plan only permits development where either full preservation of remains in situ can be achieved or where sufficient archaeological investigation, conservation and post excavation work can be carried out.
- 6.14 The Council's Archaeological Advisor is not entirely satisfied with the provision of information pertaining to the potential ground disturbance. However it is acknowledged that if this information can be provided, any adverse impact upon the AAI could be adequately mitigated through the imposition of standard archaeological conditions. Further information regarding this matter will be reported to Members at Committee.
- 6.15 Subject to the provision of an appropriate methodology for the proposed ground works, the proposal is considered satisfactory in terms of its potential impact upon the AAI.

The impact of the proposals upon the movement of people and traffic within the Close

- 6.16 The Traffic Manager has expressed a number of concerns. Principally these revolve around the narrowing of paths widths and the resultant impact upon peak pedestrian flows. The lack of cycle parking is also highlighted as an issue. However, the latter has been addressed to an extent by the substitution of one of the parking spaces within St. Johns Quad for cycle parking. This substitution is meaningful as the space in question is the space closest to the College Cloisters entrance and is thus likely to be attractive to cycle users.
- 6.17 Although narrowed, the paths will measure between 3 and 4 metres in width for the vast majority of their length. The main link from Castle Street to Broad Street is 3.4m at its narrowest for the short section immediately south of the small grass area close to the north porch. Elsewhere it is 3.6m wide for the stretch from Castle Street to the area in front of the Mason's Yard. Moreover, the rationalised parking arrangement at the Castle Street entrance will aid pedestrian permeability. Two obvious pinch points are to the front of Nos.1 & 2 Cathedral Close, although the rationale for introducing the formal landscaping to the front of these listed buildings is considered sufficiently robust to justify this. In conclusion, it is considered that the narrowed path widths would not prove detrimental to the free flow of pedestrian and cycle traffic.
- 6.18 Objectors acknowledge that cycling may not be permitted formally within the Close. However, there is anecdotal evidence to suggest that rigid enforcement of a non-

cycling regime is not undertaken. The proposals do not introduce a physically demarked cycle route through the Close on the basis that this would prove detrimental to the visual quality of the scheme. However, there are components of the scheme that improve the interaction between cyclist and pedestrian. Specifically the realigned path in front of the north porch offers improved visibility, whereas the railings to the front of No. 2 give the pedestrian leaving Church Street the opportunity to detect if a cyclist is approaching from the St John's Road direction. To conclude, it would appear that the status quo regarding cycling in the Close would remain, albeit with improved sight lines as discussed above.

- 6.19 The scheme has the benefit of providing a more usable surfacing material, suitable for pedestrian traffic, cycles, wheelchairs, pushchairs and the ambulant disabled. At present the tarmacadam surface is degraded and potholed. Sections are also prone to becoming waterlogged. The introduction of a tar spray and chip gravel dressing is considered an improvement. It is understood that the proposed surface is also easier to maintain.
- 6.20 Whilst careful consideration has been given to the various minor components that contribute to the scheme, it is considered that prior approval of these items via planning conditions will be necessary. In particular, formal agreement of the furniture, lighting, bins, signage and artistic work is recommended prior to the commencement of development. This requirement coincides largely with the conditions imposed by the Cathedrals Fabric Commission and is thus not onerous.

Summary and Conclusions

- 6.21 The scheme is considered to enhance the character and appearance of the area surrounding the Cathedral in a manner that accords with the objectives of policies HBA1, HBA4 and HBA6. Whilst there are reservations concerning the archaeological evaluation of the site the Archaeological Advisor considers it likely that sufficient information can be provided so that any adverse impact upon archaeological remains can be adequately managed.
- 6.22 Subject to the imposition of appropriate conditions the applications for planning permission and listed building consent are recommended for approval. It will be necessary to refer the listed building application to the Secretary of State for formal determination so in effect the recommendation is expressed in terms that the local planning authority is 'minded to approve.'

RECOMMENDATION

DCCE2008/0004/F

That subject to the satisfactory resolution of outstanding archaeological issues, officers named in the Scheme of Delegation to officers be authorised to approved the application subject to the conditions below and any further conditions as 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. **D01 (Site investigation - archaeology).**

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

3. **D02 (Archaeological survey and recording).**

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

4. **D04 (Submission of foundation design).**

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

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

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

6. **Development shall not commence until amended plans demonstrating revised bollard widths have been submitted to and approved in writing by the local planning authority. Development to be carried out in accordance with the approved details.**

Reason: To accord with Department for Transport Inclusive Mobility guidance and Policy DR3 of the Herefordshire Unitary Development Plan 2007.

7. **Notwithstanding the approved plan, prior to installation on site, the final detail for of all cast iron railings details throughout the development shall be submitted to and approved in writing by the local planning authority. Submitted detail shall include reference to detailed design, colour, finishes and fixings. Development shall be carried out in accordance with the approved details.**

Reason: In order to safeguard the character and visual amenities of the Close and adjacent listed buildings in accordance with Policies HBA4 and HBA6.

8. **G04 (Landscaping scheme (general)).**

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

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

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

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

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

11. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

12. H27 (Parking for site operatives).

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

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. The scheme shall include:

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

b) The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.

c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

d) 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 in 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. Prior to the commencement of development samples of all surfacing materials to be employed throughout the application scheme including the path colour, stone edging, setts and flagstones, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter as such.

Reason: In order to safeguard the character and visual amenities of the Close and adjacent listed building in accordance with Policies HBA4 and HBA6.

16. Prior to the commencement of development the final details for the artistic commissions integral to the development (for the northern Close, the west end paved space and the Lady Arbour garden shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and visual amenities of the Close and adjacent listed buildings in accordance with Policies HBA4 and HBA6.

17. The timing of the various phases of development shall be submitted to and approved in writing by the local planning authority. Phases shall include the following:

- The introduction of the railings, gates and piers throughout the scheme;
- The renovation of the Lady Arbour garden;
- The formation and laying out of the new paths and other hardstandings throughout the Close;
- The redevelopment of the Mason's Yard;
- The introduction of furniture, lighting, signage, bins and CCTV;
- The introduction of the artistic commissions;
- The renovation of Cathedral Barn

Insofar as is reasonably practical development shall proceed in accordance with the agreed timetable unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the character and visual amenities of the Close and adjacent listed buildings in accordance with Policies HBA4 and HBA6.

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

Reason: In the interests of pollution prevention and waste minimisation and management, in accordance with the Waste Hierarchy and Herefordshire Unitary Development Plan Policies S10, W11 and DR4.

Informatives:

1. ND02 - Area of Archaeological Importance
2. HN04 - Private apparatus within highway
3. HN05 - Works within the highway
4. N15 - Reason(s) for the Grant of PP/LBC/CAC
5. N19 - Avoidance of doubt

DCCE2008/0011/L

That officers named in the Scheme of Delegation to Officers be authorised to refer the application to the Secretary of State with a recommendation for approval, subject to the conditions below and any further conditions as considered necessary by officers:

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

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

2. C02 (Approval of details).

- (a) Sample panel of the proposed wattle and daub infill panels for the Cathedral Barn;
- (b) Roofing materials to be used on the Cathedral Barn;
- (c) Rainwater goods to be used on the Cathedral Barn;
- (d) The detail, colour, finishes and fixings to all iron railings

Reason: To safeguard the character and appearance of the Grade II* listed building and the setting of all affected listed buildings.

3. Prior to the commencement of work a full schedule of work for the repair and renovation of the Cathedral Barn shall be submitted to and approved in writing by the local planning authority in consultation with English Heritage. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the Grade II* listed building.

- 4. A detailed photographic record of the Cathedral Barn prior, during and post restoration shall be submitted to the local planning authority. A nominated representative of the local planning authority shall also be afforded reasonable access to the Cathedral Barn to enable recording as necessary.

Reason: To enable a record to be made of this building of historic and architectural interest.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10A DCCE2008/0220/F - ERECTION OF 6 NO APARTMENTS IN TWO STOREY FORM TOGETHER WITH ASSOCIATED CAR PARKING. 84 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

For: Arena Estates Ltd, per Mr SRB Bell, Stephen R. Bell Design, 173 Lower High Street, Stourbridge, West Midlands, DY8 1TG

10B DCCE2008/0225/C - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 6 NO APARTMENTS IN TWO STOREY FORM TOGETHER WITH ASSOCIATED CAR PARKING. 84 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

For: Arena Estates Ltd, per Mr SRB Bell, Stephen R. Bell Design, 173 Lower High Street, Stourbridge, West Midlands, DY8 1TG

Date Received: 31st January, 2008 Ward: Aylestone Grid Ref: 52305, 41072

Expiry Date: 27th March, 2008

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

1.1 The site lies on the eastern side of Aylestone Hill, north and adjacent to the junction with Walney Lane. No 84 Aylestone Hill is a detached two storey three bedroom dwelling with rendered elevations under a hipped slated roof and is located in the north eastern corner of the site. Vehicular access is gained via Walney Lane with a further pedestrian access directly off Aylestone Hill to the west. The site is bounded to the north east and west by a mixture of hedgerow, stone wall and mature trees, one of which is a large mature Cedar. Ground levels generally fall northward away from Walney Lane into the site and eastwards away from Aylestone Hill.

1.2 Conservation Area Consent is sought for the demolition of the existing dwelling. Alongside this, planning permission is also sought for the construction of a replacement development comprising of four two bedroom and two one bedroom apartments located within a single detached building arranged on two floors. The design of the building is to follow a classical Georgian appearance with symetrically positioned sash windows on each floor under a hipped slate roof. The existing access off Walney Lane is to be closed off and a new vehicular access created again off Walney Lane serving a parking area for eight vehicles. The remainder of the site will be appropriately landscaped to retain its existing appearance.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

| | | |
|------|---|--|
| S2 | - | Development requirements |
| S3 | - | Housing |
| S7 | - | Natural and historic heritage |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| H1 | - | Hereford and the market towns: settlement boundaries and established residential areas |
| H13 | - | Sustainable residential design |
| H14 | - | Re-using previously developed land and buildings |
| H15 | - | Density |
| H16 | - | Car parking |
| T7 | - | Cycling |
| HBA4 | - | Setting of listed buildings |
| HBA6 | - | New development within conservation areas |
| HBA7 | - | Demolition of unlisted building within conservation areas |
| CF2 | - | Foul drainage |

3. Planning History

- 3.1 CE2007/3011/F - Demolish existing property and replace with 6 apartments in two storey form together with associated car parking. Application withdrawn 30th October, 2007.
- 3.2 CE2007/3012/C - Demolish existing property and replace with 6 apartments. Application withdrawn 30th October, 2007.

4. Consultation Summary

The comments apply to both applications unless otherwise stated.

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions regarding foul and surface water drainage including a note to advise the developers there are no foul or surface water sewers in the immediate vicinity and therefore an off-site sewer connection will be required.

Internal Council Advice

- 4.2 Traffic Manager: Recommend that nine car parking spaces are provided to give an average of 1.5 per unit. Cycle parking should also be provided in accordance with the Highway Design Guide and clarification that the visibility splays can be achieved alongside the existing hedgerows and trees.
- 4.3 Conservation Manager – Conservation Areas and Historic Buildings:

CE2008/0225/C

The existing house is a common building of its type. It would appear to have been constructed on the site of the original stable block of the adjacent listed house, which was demolished. Whilst not particularly in keeping with the character of the conservation area it does not particularly detract from the area and therefore can be viewed as a relatively neutral feature. We would therefore not object to its demolition provided that a building that would be in keeping with the character of the area is constructed.

CE2008/0220/F

The proposal is an improvement over the previously withdrawn scheme being a Classical style house of symmetrical form typical to Aylestone Hill. Minor improvements to the design could be undertaken such as the removal of the projecting wing to the south(right) elevation. Although this would result in a minor reduction in space it would result in a building that would be appropriate to the proposed style. If this option were undertaken it would be recommended that a parapet be added to reduce the impact of the roof and break up its mass. The door case needs to be added to and enhanced, as it is to subdued for a building of this quality. It may be preferable to construct a porch of an appropriate scale to reflect the buildings status. We would also recommend that as a minor alteration to the landscaping that a footpath is constructed down to Aylestone Hill and an appropriate gate is erected. This is so that the buildings focus is clearly seen to be from Aylestone Hill, as currently the side access drive would conflict with this proposal.

4.4 Conservation Manager – Trees

No objection in principle. The Beech Tree is young and should adapt to any change in its environment. I recommend that this can and should be retained. No objection to the loss of the other Leylandii trees but recommend compensatory planting.

5. Representations

5.1 Hereford City Council: The applications should be refused as the loss of this building would have an adverse impact on the Conservation Area.

5.2 Conservtaion Advisry Panel – Important landscape location, design rejected as lost opportunity on design grounds, should be a contemporary design, landscape proposal and trees not indicated and should be considered

5.3 Thirteen letters of objection have been received, the main points raised are:

1. The development will result in a significant increase in traffic on Walney Lane which is a highly unsuitable highway for any increased traffic.
2. The Aylestone Hill/Walney Lane junction is dangerous particularly during peak school periods and the proposed access is too near this junction.
3. Inadequate parking is provided.
4. The existing dwelling is a traditional style cottage worthy of retention.
5. The removal of further trees within the site is unacceptable.
6. The creation of additional hard surface where there previously was garden would increase surface water run-off.
7. The development constitutes an over development of the site.
8. The demolition of the existing building can not be considered sustainable development.

9. The development of flats will be out of character with the area which is predominantly single dwellings.
 10. Walney Lane is a green lane and should remain as such
 11. If approved access should be directly off Aylestone Hill rather than Walney Lane.
 12. The proposed development will be incongruous.
 13. The development will not maintain the character of the Conservation Area being three times larger than the existing cottage.
 14. The development will lead to increased noise from additional traffic to the detriment of local amenity.
 15. The development will set a precedent for other similar developments in the area.
 16. The development exceeds the building line in Walney Lane.
 17. Any trees proposed to be removed should be replaced with trees of a similar size.
 18. There will be considerable disruption during the construction phase particularly if it coincides with the construction of the two dwellings approved at 17 Walney Lane.
 19. If permission is approved the developer should be required to connect to the new mains foul drainage when completed as the existing foul drainage is inadequate and causes localised pollution.
 20. The development will have a detrimental impact on the setting of the adjacent Listed Building.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The first issue to consider is the principle of demolishing the existing dwelling. The dwelling is of 20th Century origin, is not listed but falls within a Conservation Area. The existing dwelling undoubtedly maintains the character and appearance of the Conservation Area and is generally in good condition. The Conservation Officers view, however, is that the existing dwelling is of minimal merit and its demolition can be considered acceptable subject to the quality of the replacement development.
- 6.2 The proposed replacement building will be a two storey detached building comprising four 2-bedroom and two 1-bedroom flats, three flats on each floor. The building is sited broadly in the same position as the existing dwelling following the notional building line of properties fronting Aylestone Hill to ensure it reads as part of the historic street scene.
- 6.3 Whilst the proposed building is significantly larger in footprint and scale than the existing dwelling, the building to plot ratio is still generous by modern development standards. Furthermore, the development will be of a comparable scale to other large properties in the locality including the neighbouring property - 88 Aylestone Hill. The development does encroach nearer Walney Lane than other properties in the locality. To ensure the impact of this is minimised the slab level is to be excavated into the rising ground level. The result of which is there a difference of around 1.5 metres between the slab level of the proposed development and the level of Walney Lane. There is scope to further reduce the impact by lowering the slab level of the dwelling by an additional 300 mm. This matter can be dealt with by condition. Overall, whilst the scale of the replacement building is substantially larger than the existing, it is not considered that the development will appear unacceptably large within the site or out of proportion with other properties in the locality. As such the principle of the siting and scale of the development is considered acceptable.

- 6.4 The design has evolved since the withdrawal of the previous applications in October 2007 to create a more classical appearance. The proposal now follows a typical Georgian design incorporating features such as symmetrically positioned sash windows at ground and first floor, hipped roof, large chimney stacks and a strong centrally located entrance feature. The amended design will now harmonise with the character and appearance of other properties in the Conservation Area including the property immediately north, which is Grade II Listed. The amendments also address the concerns of the Conservation Officer.
- 6.5 Three windows are proposed at first floor overlooking the neighbouring property and their garden. However, there are already windows at first floor within the existing dwelling overlooking the neighbouring property and their garden and therefore it is not considered that there will be any material increase in overlooking. In retaining the slab level of the dwelling as low as possible and the fact that the majority of the property is a reasonable distance from the neighbouring boundary to the east, the development will not appear overbearing or result in an unacceptable loss of sunlight. The neighbouring property's amenity can be further safeguarded through the retention of the existing mature boundary hedge along the eastern boundary.
- 6.6 A tree survey has been provided to evaluate the quality and health of existing trees on site and identify the impact of the development on trees to be retained. The development has been specifically sited to ensure there is no impact on the mature Cedar and its root protection zone. Elsewhere, a cluster of Leylandii trees are located near the junction with Aylestone Hill which the tree report recommends can be removed. The development also necessitates the removal of a further semi-mature Leylandii in the south east corner of the site and may have an adverse impact on the semi-mature Beech tree in a similar location although there is sufficient space for this to be retained in the short term. Other boundary vegetation and hedges are to be retained to safeguard the character of the site.
- 6.7 Eight parking spaces are proposed which equates to one space per flat with two visitor spaces. This is considered adequate particularly given the characteristics of the site. Space for additional parking is available but it is considered that the extent of hardstanding should be minimised within the frontage of the development to maintain the landscaped garden area. The Traffic Manager confirms that the access is safe in terms of its proximity to the Aylestone Hill junction and adequate turning and manoeuvring space will be available within the site to enable a vehicle to enter and leave the site in a forward gear. The proposals also include the closure of the existing vehicular access adjoining the neighbouring property.
- 6.8 A condition is recommended requiring that the development connects to the new mains foul drain when available in line with other recent permissions in the locality. Negotiations on the development have been on-going for approximately 8 months therefore given this situation and the fact that the Supplementary Planning Document on Planning Obligations does not come into force until 1st April, it is not considered that any Section 106 contributions can be justified.
- 6.9 The demolition of the existing dwelling is only justified on the basis of a high quality replacement development. It is now considered that this requirement has been achieved with the proposed development, which will assimilate into its environment and enhance the character and appearance of the Conservation Area. The development is therefore acceptable in accordance with the relevant Unitary Development Plan Policies.

RECOMMENDATION

That planning permission and Conservation Area consent be granted subject to the following conditions:

CE2008/0220/F

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

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

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

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

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

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

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

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

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

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

- 6. G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

- 7. G18 (Protection of trees).**

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

- 8. 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.

- 9. Notwithstanding the submitted details, the finished floor level of the development hereby permitted shall be constructed at 76.400**

Reason: in order to define the permission and to ensure the development is of a scale and height appropriate to the site and its surroundings.

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

Reason: To protect the amenity of local residents.

11. H27 (Parking for site operatives).

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

12. The development hereby permitted shall not be occupied until evidence documenting the foul drainage connection to the mains sewer has been submitted to and approved in writing by the local planning authority.

Reason: To ensure satisfactory drainage arrangements are provided.

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

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

14. 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.

15. 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.

Informatives:

1. There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

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

3. N19 - Avoidance of doubt.

DCCE2008/0225/C

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

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

2. G18 (Protection of trees).

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

3. C14 (Signing of contract before demolition).

Reason: Pursuant to the provisions of Section 71(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives:

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

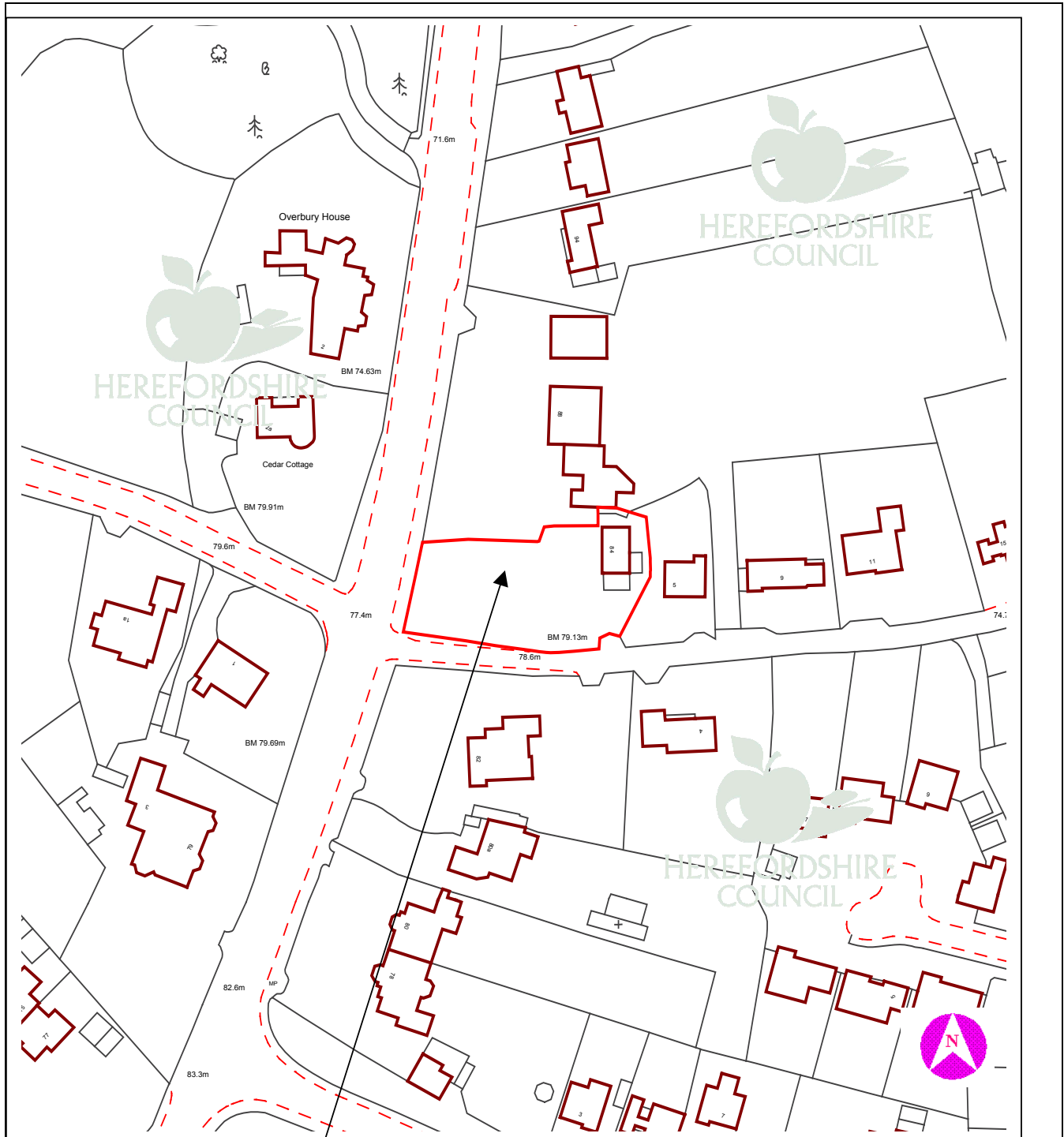
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/0220/F

SCALE : 1 : 1250

SITE ADDRESS : 84 Aylestone Hill, Hereford, Herefordshire, HR1 1JJ

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Further information on the subject of this report is available from Mr. R. Pryce on 01432 260756

11 DCCW2008/0354/F - PROPOSED SINGLE STOREY SIDE/REAR EXTENSION AND NEW DETACHED GARAGE AT 14 WILLOW RISE, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3DH

For: Mr. Fletcher per Total Design, 2 Court Lane, Newent, Gloucestershire, GL18 1AR

Date Received: 13th February, 2008 Ward: Sutton Walls Grid Ref: 53467, 45349

Expiry Date: 9th April, 2008

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The application site, No. 14 Willow Rise, is a modern two storey dwelling with integral garage, located within a small housing estate and served by a narrow private drive off the main cul de sac. The house itself is a fairly orthodox design incorporating some traditional detailing with secondary dormer gables to front and rear and bracketed porch. Facing materials are reconstituted stone and tiles.
- 1.2 The site is on the south east corner of the junction with the C1126. The rear of the house faces the C1126 and the gable end faces The Rhea. The highway boundaries are formed by stone walling supplemented by trees and shrubs at the rear. Adjoining the site to the south east is another detached house, No. 15 Willow Rise, the position of which is slightly skewed in relation to the application site so that its northern corner is approximately 3.50 metres from the boundary.
- 1.3 The site is within the Sutton St. Nicholas Conservation Area and there are several listed buildings in the vicinity including the Grade II * Sutton St. Nicholas Church to the west.
- 1.4 It is proposed to absorb the integral garage into habitable space within the house and replace the garage doors with a window. A new detached, pitched roof, single storey garage is proposed at the front of the house. The garage would have a width of 4.460 metres, length of 6.10 metres with eaves and ridge heights of 2.30 metres and 4.000 metres respectively. Facing materials would be reconstituted stone and tiles to match the existing house.
- 1.5 It is also proposed to erect a single storey, lean-to style extension alongside the full width of the south eastern gable side wall of the house and having a width of 1.80 metres occupying most of the space to the boundary with No. 15 Willow Rise.
- 1.6 As a continuation of the side extension and projecting 3.30 metres from the rear wall of the existing house it is also proposed to erect a conservatory having a hipped roof with eaves and apex heights of 2.40 metre and 3.80 metres respectively. The side close to the boundary with No. 15 Willow Close and the rear elevation would be glazed above a plinth wall and the roof would be tiled with materials to match existing.

2. Policies

2.1 Planning Policy Guidance:

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

2.2 Herefordshire Unitary Development Plan 2007:

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy H16 - Car Parking
- Policy H18 - Alterations and Extensions
- Policy HBA4 - Setting of Listed Buildings
- Policy HBA6 - New Development Within Conservation Areas

3. Planning History

3.1 None on site.

4. Consultation SummaryStatutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: Recommends that parking and turning space is provided for 2 cars.

4.3 Conservation Manager: The proposed extension should blend well with the existing house and will be largely screened by trees. Although the site is within the Conservation Area and adjacent to several listed buildings the relatively modest scale of the extension and continuation of materials used in the existing house mean that it should not have a detrimental impact.

Recommendation: No objections.

4.4 Public Rights of Way Manager – Comments awaited.

5. Representations

5.1 Sutton Parish Council: “It occurs to us that the new garage building proposed under this application may breach the conditions set out by the then County Council for the Willow Rise development.

We believe that this new structure would be in a Conservation Area. As such we oppose the garage part of this application.”

5.2 One letter of objection has been received to date from Mr. A.W. Scott and Mrs. S.A. Scott the owners of 15 Willow Rise, Sutton St. Nicholas. The main points raised are summarised as follows:-

- 1) The plan for a new detached garage in front of the existing building would be in breach of restrictive covenants attached to each property in Willow Rise development.
- 2) The building of this structure (garage) would clearly obstruct the visual outlook to and from St. Nicholas Church, a listed building within a Conservation Area.
- 3) The proposed building would form a solid brick structure with roof extending right up to our boundary. It would protrude well beyond the current house length of the applicant forming an intrusive and unreasonable barrier which is currently open space. Visually this is unacceptable and inappropriate.
- 4) The extension would obstruct and restrict light to No. 15 Willow Rise.
- 5) The extension would affect value of No. 15 Willow Rise.
- 6) Noise intrusion from the kitchen being on the property boundary adjacent to the rear patio area of No. 15 Willow Rise.
- 7) The property lies within a Conservation Area and any further development that does not add to the natural beauty of the village should be opposed.

The full text of this letter can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting. Any further representation received between the time of writing this report and the closure of the consultation period will be reported to Members at Committee.

6. Officer's Appraisal

- 6.1 The proposed garage would be sited forward of the existing dwelling close to the stone boundary wall. Whilst this will be a new element in the small open area, it is considered that the modest scale, detailed design and use of matching facing materials will enable it to relate appropriately to the existing dwelling. As such it would not appear out of character in the surrounding residential development and would not have a negative impact on the visual amenity of the area.
- 6.2 Due consideration has been given to the character of the Conservation Area, within which the site is located, and the setting of nearby listed buildings in particular St. Nicholas Church. Given the modest scale and design of the garage and the juxtaposition of the stone boundary wall which contains the immediate residential context of the application site, it is considered that it will not harm the character of this part of the Conservation Area nor will it harmfully intrude into the setting of the church on the other side of The Rhea or other listed buildings. Moreover, the Conservation Manager raises no objection to the application.
- 6.3 Turning to the proposed extension, it is considered that the narrow single storey side extension linked to a sympathetically designed conservatory, which would project only 3.30 metres beyond the rear wall, will be compatible with the character of the host dwelling in terms of its scale, mass, siting, detailed design and materials. Taking account also, its spatial relationship with neighbouring dwellings, it is considered that the extension will be in keeping with its surroundings and will not harm the character of the Conservation Area or the setting of any nearby listed buildings.

- 6.4 The neighbouring dwelling, No. 15 Willow Rise if positioned slightly forward of the application site, with its side wall at a slight angle projecting away from the boundary. Whilst the proposed extension would be adjacent to the boundary and the conservatory would extend 3.30 metres beyond the plane of the rear wall, it is considered that it would not result in an unacceptable loss of light or produce an over dominant impact on the outlook and amenity of neighbouring property. It is also considered that there is unlikely to be any noise intrusion from inside the kitchen extension, which would have a blank side wall.
- 6.5 With reference to the Parish Council's comments, apart from the covenants referred to by the objector, no specific planning restrictions have come to light. On the matter of the Conservation Area, this appraisal has taken account of designation and relevant policies.
- 6.6 Other matters raised in the letter of objection specifically relating to restrictive covenants, loss of view and property value are not material planning considerations.
- 6.7 Having regard to the nature of the proposed development, the policy context, material considerations and representations received, it is considered that the proposal is acceptable. The consultation period is yet to expire at the time of writing this report and therefore delegated authority is required to enable any further representations to be considered.

RECOMMENDATION

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

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

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

- 2. B06 (Matching stonework/brickwork).**

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

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

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

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

Informatives:

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

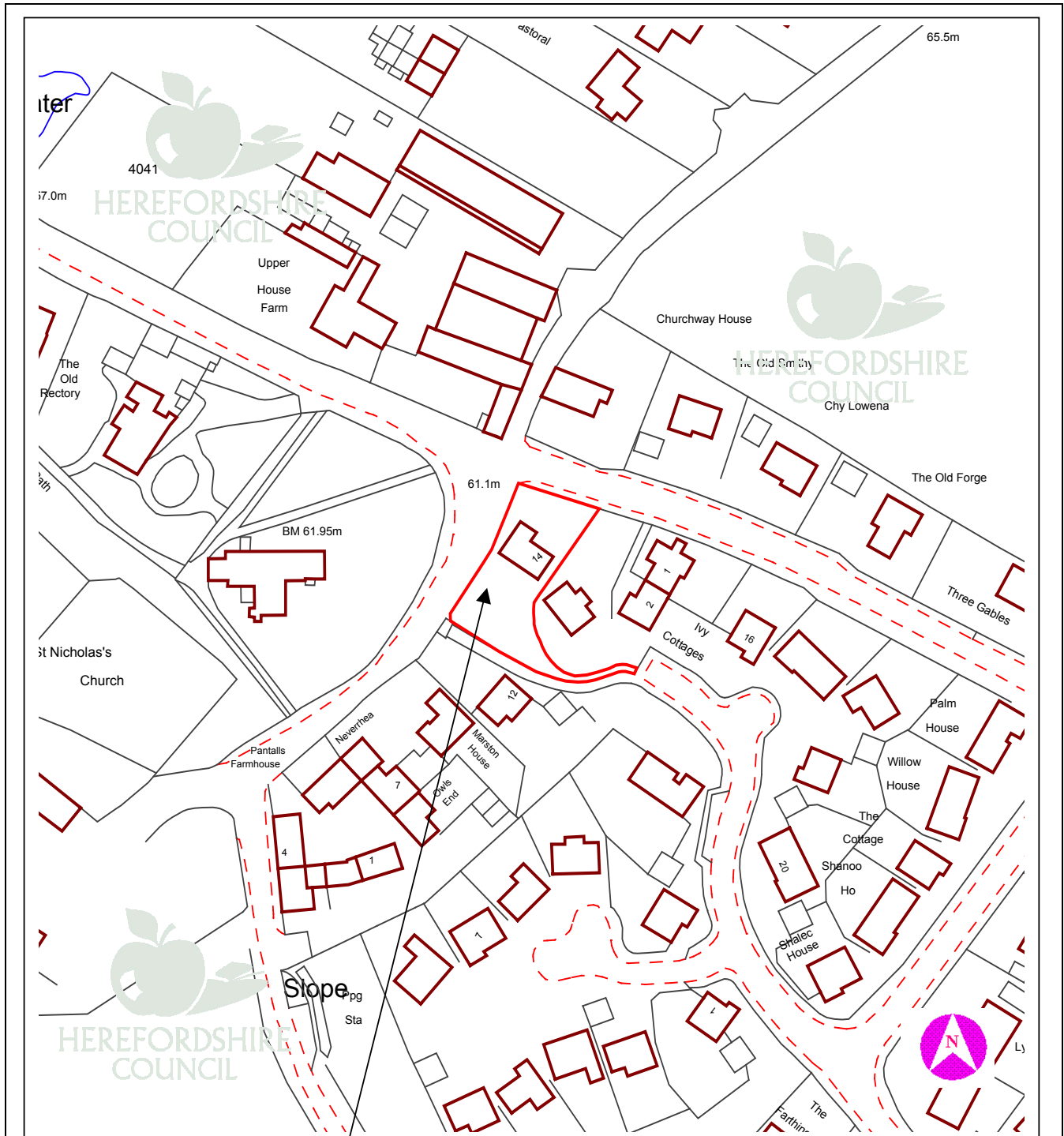
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/0354/F

SCALE : 1 : 1250

SITE ADDRESS : 14 Willow Rise, Sutton St. Nicholas, Hereford, Herefordshire, HR1 3DH

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12 DCCW2008/0390/F - PROPOSED THREE BEDROOM DETACHED DWELLING WITH PARKING FOR ONE VEHICLE AT LAND ADJACENT 2 WINDSOR STREET, HEREFORD, HEREFORDSHIRE, HR4 0HW

For: Mr. J. Issacs per Mr. R. Pritchard, The Mill, Kenchester, Hereford, Herefordshire, HR4 7QJ

Date Received: 14th February, 2008 Ward: St. Nicholas Grid Ref: 49710, 40296

Expiry Date: 10th April, 2008

Local Members: Councillors DJ Benjamin and JD Woodward

1. Site Description and Proposal

- 1.1 This site is located between No. 2 and 6 Windsor Street, Whitecross, Hereford. The site forms part of the garden associated with 2 Windsor Street and has the benefit of outline planning granted last year for a single dwelling.
- 1.2 The proposal is to develop the site with one 3 bedroom dwelling comprising kitchen and lounge on the ground floor together with a w.c., two bedrooms and bathroom on the first floor and an attic bedroom in the roof. The dwelling will be sited in line with the adjoining properties and the fenestration detail will match that of adjoining dwellings. One off-road parking space is proposed.
- 1.3 The dwelling will be 4.3 metres wide with a depth of 13 metres. Its height will be level with No. 2 Windsor Street but slightly higher than No. 6. External materials proposed are brick and tile details to be agreed.

2. Policies

2.1 Planning Policy Guidance:

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007:

Policy S2 - Development Requirements
 Policy DR1 - Design
 Policy H1 - Hereford and the Market Towns: settlement Boundaries and Established Residential Areas
 Policy H13 - Sustainable Residential Design
 Policy H14 - Re-using Previously Developed Land and Buildings

3. Planning History

- 3.1 DCCW2007/0042/O Proposed building plot. Approved 7/2/07.
- 3.2 DCCW2008/0186/F Proposed detached three bedroom dwelling. Withdrawn 13/02/2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions to ensure foul and surface water are drained separately.

Internal Council Advice

- 4.2 Traffic Manager: Unable to see how the parking works in relation to access to property and into house. Drawing required to show dimensions of the parking space. In addition, 2 metre x 2 metre vision splays over footway do not appear to be achievable. Further information required.

5. Representations

- 5.1 Hereford City Council: Observations awaited.
- 5.2 Three letters of objection received from Mr. A. Weaver, 75 Cotterell Street, Hereford, Mr. J. Duggan, 77 Cotterell Street, Hereford and Mr. I. Peberdy, 13 Holmer Road, Hereford.
- 5.3 The main points raised are:-
1. The development will block daylight into property in Cotterell Street.
 2. A three bed house would overlook adjoining premises and impact on privacy.
 3. Loss of on-street parking space.
 4. Victorian drainage system will not cope with increase.
 5. Lack of soakaway area for dwelling.
 6. A fire escape existing at the rear of 13 Holmer Street which backs onto this site and needs to be retained.

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 Outline planning permission was granted last year to allow the development of this site with a three bedroom dwelling with one parking space. It is therefore from this position that the planning application has been assessed.
- 6.2 The site is relatively narrow, therefore the dwelling has been designed with the frontage continuing the notional building line at first floor but partly stepped back at ground floor to achieve one off street parking space. This also retains the street scene and prevents the need to set the dwelling 5 metres back from the pavement edge. This ensures that the dwelling does not protrude further back into the plot than No. 2 Windsor Street and therefore overcomes the concerns of neighbours in Cotterell Street.

- 6.3 The impact on neighbours (2 and 6 Windsor Street) is limited due to the design of the property. Windows on the side elevations are limited to ground floor stairs window and bathroom window on first floor, all to be obscure glazed. The attic bedroom has two side windows and two Velux windows to the front. The scale is also generally comparable to neighbouring properties in terms of footprint and height.
- 6.4 The height of the side windows in relation to the adjoining property prevents any loss of privacy. The applicant has also been informed of the Traffic Manager's concerns and will submit enhanced parking plans.
- 6.5 Welsh Water have confirmed no objections subject to conditions providing separation of foul and surface water.
- 6.6 The fire escape issue is a private matter and therefore not for consideration in this planning application.
- 6.7 In conclusion the proposal is considered to accord with the outline planning permission granted last year and not to detrimentally impact upon adjoining dwellings subject to clarification of the parking.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period and resolution of the Traffic Manager's concerns, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:

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

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

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

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

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

Reason: To enable the local planning authority to control any future development within the curtilage of the property in order to safeguard the amenity of neighbouring 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. **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. H13 (Access, turning area and parking).

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

Informatives:

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

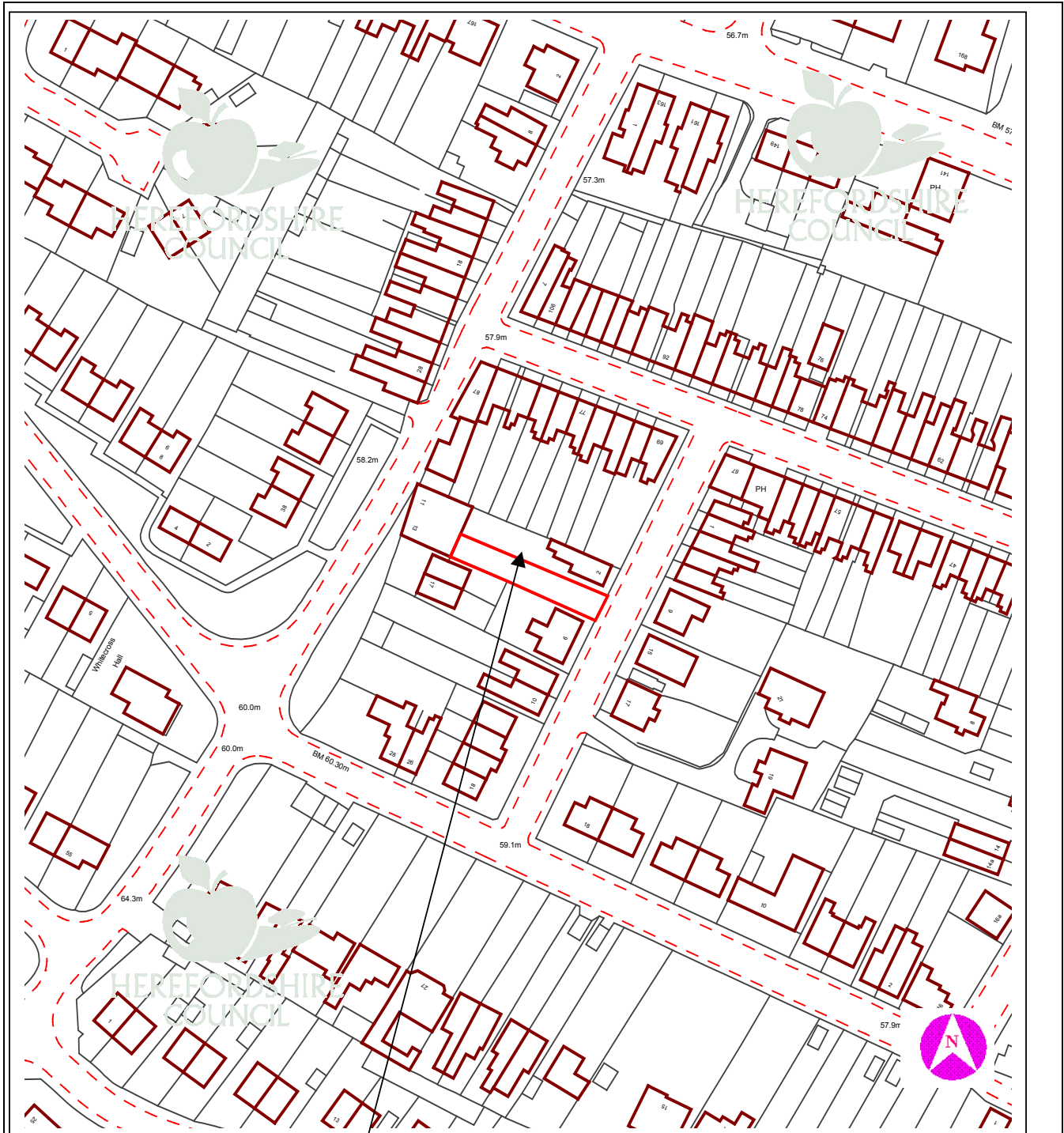
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/0390/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent 2 Windsor Street, Hereford, Herefordshire, HR4 0HW

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13 DCCE2008/0098/F – RETENTION OF AND CHANGE OF USE OF HARD STANDING FOR CARAVANS WITH ASSOCIATED DRAINAGE WORKS. (RETROSPECTIVE). SHIPLEY, HOLME LACY, HEREFORD, HEREFORDSHIRE, HR2 6LS

For: Mr. R. Macadie, Shipley, Holme Lacy, Hereford, HR2 6LS

Date Received: 15th January, 2008 Ward: Hollington Grid Ref: 55855, 35857

Expiry Date: 11th March, 2008

Local Member: Councillor GFM Dawe

1. Site Description and Proposal

- 1.1 The site is located on the south eastern side of the B4299 on the eastern edge of Holme Lacy and falls within the open countryside as identified in the Herefordshire Unitary Development Plan 2007. The site occupies a corner position bordering the main road and an unmade track to the south west leading to a property known as Shipley. To the north is a farm and west and south west are residential properties. Levels within the site fall away from the main road in a south easterly direction with dropping away steeply beyond. The north west and south west boundaries of the site are enclosed by mature landscaping comprising a mixture of trees and shrubs, the remaining boundaries remain open to agricultural land beyond.
- 1.2 Retrospective planning permission is sought for the retention of an area of hardstanding used for the siting five touring caravans along with a vehicular access track. In addition, drainage works have been undertaken including the provision of a septic tank for foul drainage and electric hook-ups.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

| | | |
|-------|---|--|
| S2 | - | Development requirements |
| S7 | - | Natural and historic heritage |
| S8 | - | Recreation, sport and tourism |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| LA1 | - | Areas of Outstanding Natural Beauty |
| LA2 | - | Landscape character and areas least resilient to change |
| LA3 | - | Setting of settlements |
| LA6 | - | Landscaping schemes |
| RST1 | - | Criteria for recreation, sport and tourism development |
| RST2 | - | Recreation, sport and tourism development within Areas of Outstanding Natural Beauty |
| RST14 | - | Static caravans, chalets, camping and touring caravan sites |

3. Planning History

- 3.1 CE2002/0005/F - Change of use of agricultural land and buildings to rural visitor attraction, with alterations to vehicular access. (including gardens and woodland walks, sale of plants, trees and garden bric-a-brac). Approved 22nd February, 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objections subject to improvements to the visibility, width and surfacing of the principal access off the B4399.

- 4.3 Conservation Manager (Landscape):

The site is within the Wye Valley AONB and whilst small in scale, will introduce not only a number of large touring caravans, but bring about a change in the character and use of the land that could be considered as detrimental to the 'intrinsic natural beauty' of the area. I do not consider the application to make a positive contribution to the quality of the landscape or enhance the biodiversity of the area. Although the provision of touring caravan sites may contribute to tourism activities in the area, conducive to economic well-being, this should be balanced against any reduction in the quality of experience. Immediate views of the site are limited by the presence of existing vegetation, but wider views primarily from and in the vicinity of the B4224 will be detrimentally effected. The test in policy LA1 of the UDP are not met.

The change in use of land from agricultural to amenity establishes a permanent change in the character of the landscape. Small scale changes are often symptomatic of a general direction in change and quality and whilst no specific studies into the changing quality and character of this part of the county have been undertaken, a precautionary approach would be recommended considering the national designation of AONB.

The site is located in a landscape type defined as 'Principal Settled Farmland' in the Herefordshire Landscape Character Assessment. Whilst the combination of elements in this type of landscape and the historic development of land use is generally considered to have resulted in a robust landscape, the predominant characteristics are of mixed agricultural use defined by a strong pattern of hedgerows. This landscape character type has been seriously degraded in the last quarter of the twentieth century and into the twenty first. Subtle changes in lands use can result in significant changes in the overall character of the landscape and, again, a precautionary approach should be taken to any development that requires a change in land use and the introduction of incongruous elements. It should be noted that whilst not necessarily intervisible the proposed site is in close proximity to the existing Lucksall static caravan site.

Whilst the proposed landscaping of the site would go some way to mitigating the impact of the proposal, details have not been provided and the topography and visibility of the site would require detailed assessment of the location and scale of landscaping required to mitigate any impact.

If this application is approved I would recommend the attachment of a condition requiring a detailed scheme of landscaping to be submitted and approved by the LPA.

5. Representations

5.1 Holme Lacy Parish Council:

1. There is already a lorry trailer being used as living accommodation on site which is very noisy as a generator runs all night and is also unsightly. This appears to be used for permanent living accommodation. No planning permission has been seen by the Parish Council for this.
2. The site was used by caravan and tents in 2007.
3. Concerns regarding the safety of the access to and from the site by caravans. No visibility for traffic coming up the hill from the causeway makes it dangerous for long, slow-moving vehicles turning into and out of the entrance.
4. The site is very visible in an Area of Outstanding Natural Beauty.

5.2 Six letters of objection have been received from Summit View, Holme Lacy; Longmead House, Shucknall Hill; Red Bank, Holme Lacy; Berringtons Chartered Surveyors, The Sheiling, Holme Lacy; and Hillcrest, Holme Lacy the main points raised are:

1. The site is very prominent and exposed especially from an easterly direction.
2. More appropriate sites nearer the applicants existing dwelling are available.
3. The access is unsafe and there have been a number of accidents in recent times in the locality.
4. There is already considerable noise from the site as a result of generators running continuously.
5. Works have already been undertaken therefore the application is retrospective.
6. There is already a permanent caravan on site which is being lived in.
7. There is an existing established caravan and camp site less than a mile away.
8. The development will lead to increased light pollution.

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

6. Officer's Appraisal

- 6.1 The site falls within the open countryside, which is also designated as an Area of Outstanding Natural Beauty. The primary consideration in the assessment of this application is therefore the landscape and visual impact of the development. It should first be clarified that the development applied for is the retention of a hardstanding and other infrastructure such as septic tank, electric hook-ups and water connection points. The use of the land for the siting of up to five touring caravans enjoys permitted development rights under Class A of part 5 of the Town and Country Planning (General Permitted Development) Order 1995. This is subject to obtaining an exemption certificate from the Caravanning and Camping Club. This is being applied for and is likely to shortly be issued.
- 6.2 Policy LA1 sets out criteria for development within an Area of Outstanding Natural Beauty. In this regard it is considered that the hardstanding and other ancillary infrastructure constitutes a small scale development which will inevitably have an impact on the landscape and that the character of the land, it does not adversely affect the intrinsic natural beauty of the landscape in its own right. As such, it is not

considered that the impact of the physical development on the land warrant refusal of the application.

- 6.3 The greater and undoubtedly more harmful impact arises from the actual use of the land for the siting of touring caravans. The site is elevated and relatively exposed when viewed from an easterly direction. Whilst the retention of the hardstanding enables, and to some extent facilitates the use of the land as a touring caravan site, the land is sufficiently flat that it could be used for the stationing of up to five touring caravans even if the hardstanding was not in place. This fall back position is a material planning consideration. The Caravan and Camping Club also advise that the hardstanding and drainage infrastructure is not a pre-requisite to obtaining a five-caravan exemption certificate and it is likely that subject to the provision of basic facilities such as refuse storage area, water hook-ups, a certificate would be granted on this site.
- 6.4 The Landscape Officer has concerns with the use of the land as a touring caravan site and the gradual degradation of the wider landscape, which has occurred in the last quarter of the 20th Century. He also considers that further landscaping along the eastern boundary of the site would go some way to mitigating the impact of the proposal. The landscape officer, however, considers that it would be difficult to defend an appeal on landscape grounds in relation to that applied for under this application, namely the hardstanding and drainage infrastructure.
- 6.5 The Traffic Manager confirms that subject to the increase in the width of the access to 4.5 metres to enable vehicles to enter and exit the site simultaneously and the provision of a bound surface for the first 50 metres of the access, the access is satisfactorily safe to accommodate the development proposed. The Traffic Manager also confirms that there are no accident records for the last five years up to the end of 2007 for approximately 150 metres either side of the access. Subject to these improvements, which can be achieved by condition, the access is satisfactorily safe.
- 6.6 There is presently a large touring caravan stationed on site which it is understood has been on site for some time and may even be occupied residentially. This matter is currently being investigated by the Enforcement Officer. Other matters such as lighting can be controlled by condition and the applicants are in the process of installing electric hook-ups, which will remove the need for any noisy generators to be running continuously as is presently the case.
- 6.7 It is considered that the use of the land is likely to have a harmful impact on the Area of Outstanding Natural Beauty but the development applied for under this application, in its own right is not contrary to the landscape policies of the Unitary Development Plan. This application provides an opportunity to achieve controls over the use of the land and mitigate the visual impact including enhancement and restoration of landscape that would not otherwise exist, given the fall back position. On balance, therefore, the application is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. F18 (Scheme of foul drainage disposal).**

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

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

Reason: In the interests of amenity.

- 3. **E35 (Caravan Numbers limitation).**

Reason: To clarify the terms of the permission and minimise visual intrusion.

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

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

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

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

- 6. **H05 (Access gates).**

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 8. **E34 (Removal of touring caravans during winter months).**

Reason: To protect the visual amenity of the area during the winter months.

Informatives:

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

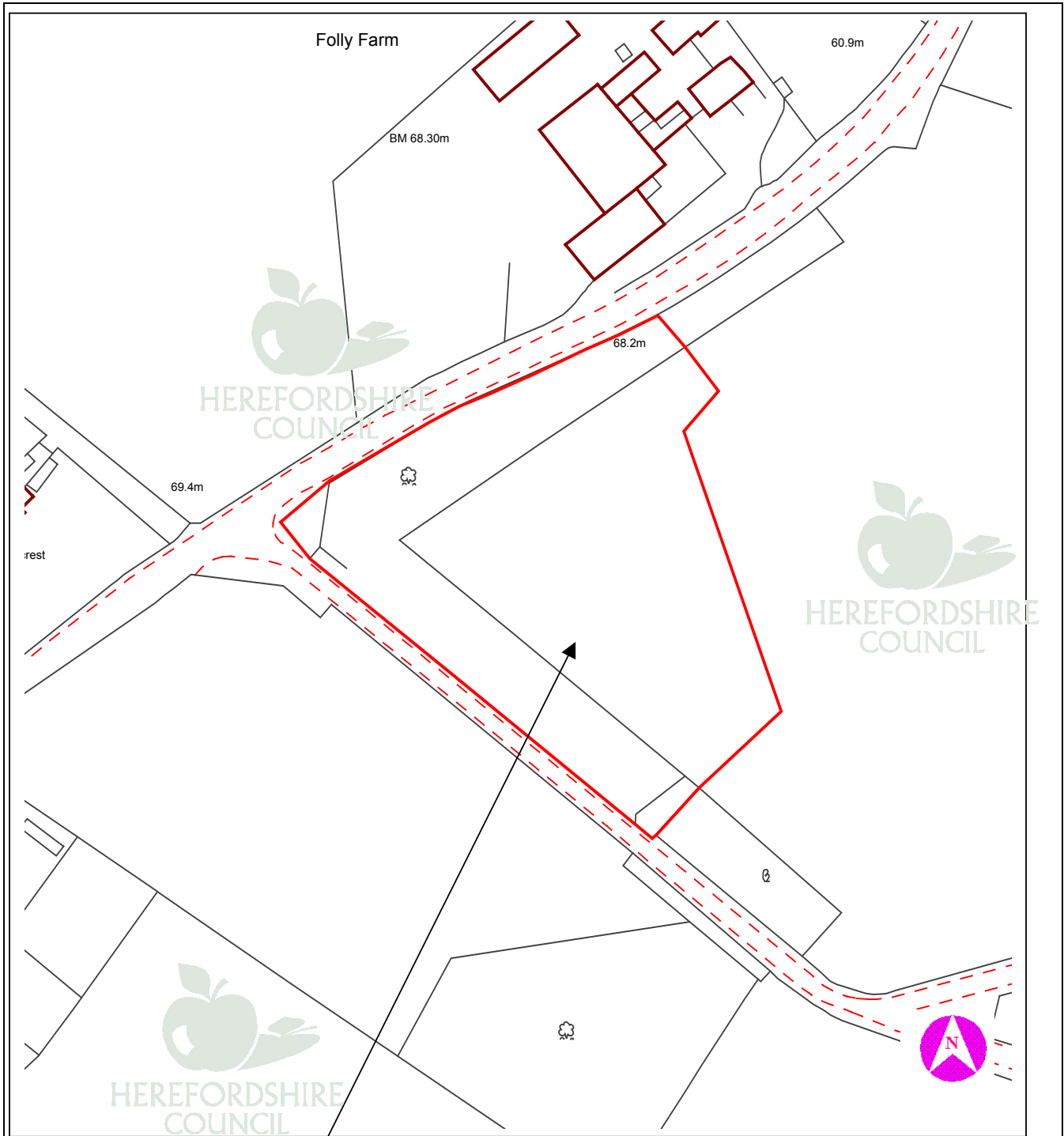
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/0098/F

SCALE : 1 : 1250

SITE ADDRESS : Shipley, Holme Lacy, Hereford, Herefordshire, HR2 6LS

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