

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 16th April, 2008**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:  
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**County of Herefordshire  
District Council**



# AGENDA

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

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

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

	Pages
<p><b>1. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b></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><b>3. MINUTES</b></p> <p>To approve and sign the Minutes of the last meeting.</p>	1 - 22
<p><b>4. ITEM FOR INFORMATION - APPEALS</b></p> <p>To note the Council's current position in respect of planning appeals for the central area.</p>	23 - 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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|--|---------|
| <b>5. [A] DCCE2008/0112/F AND [B] DCCE2008/0114/L - HEREFORD CONSERVATIVE CLUB, 102 EAST STREET, HEREFORD, HR1 2LW</b>             | 27 - 36 |
| Conversion of parts of building to eight flats, relocation of manager's flat and secretary's office.                               |         |
| <b>6. DCCW2008/0235/F - LAND ADJOINING 9 &amp; 11 PIXLEY WALK, HEREFORD, HR2 7TA</b>   | 37 - 42 |
| Erection of 2 no. two bedroom three persons flats and associated parking.  |         |
| <b>7. DCCW2008/0578/F - LAND TO THE REAR OF 140-142 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0SD</b>                          | 43 - 50 |
| Proposed dwelling.   |         |
| <b>8. DCCE2008/0256/F - LAND ADJACENT TO 53 BARRS COURT ROAD, HEREFORD, HR1 1EQ</b>  | 51 - 60 |
| Proposed residential development of 6 flats.   |         |
| <b>9. DCCE2008/0442/F - 16 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HS</b>  | 61 - 68 |
| Conversion of ground, first and second levels of townhouse into six self contained flats with single storey extension and parking. |         |
| <b>10. DATE OF NEXT MEETING</b>  |         |
| 14th May, 2008.  |         |

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 19th March, 2008 at 2.00 p.m.**

**Present:** Councillor GA Powell Vice-Chairman (in the Chair)

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

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

**132. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors AJM Blackshaw, SPA Daniels, MD Lloyd-Hayes, RI Matthews and JE Pemberton.

**133. DECLARATIONS OF INTEREST**

The Legal Practice Manager, drawing attention to agenda item 8, advised that he had made brief enquiries into the status of the Hereford Conservative Club and it appeared that the name of the club was historical and it was not politically affiliated. Therefore, Conservative Councillors did not need to declare an interest on this specific issue, unless they had direct links with, or were members of, the club itself.

The following declarations of interest were made:

Councillor	Item	Interest
ACR Chappell, H Davies, AT Oliver and GA Powell	Minute 137, Agenda Item 6 DCCE2007/3860/RM <b>Land Off Bullingham Lane, Hereford, Herefordshire, HR2 7RY</b>	ACR Chappell and GA Powell declared personal interests. H Davies and AT Oliver declared prejudicial interests and left the meeting for the duration of the item.
WU Attfield and AM Toon	Minute 138, Agenda Item 7 DCCW2008/0235/F <b>Land Adjoining 9 and 11 Pixley Walk, Hereford, HR2 7TA</b>	Both Councillors declared personal interests.
DW Greenow	Minute 139, Agenda Item 8 [A] DCCE2008/0112/F and [B] DCCE2008/0114/L <b>Hereford Conservative Club, 102 East Street, Hereford, HR1 2LW</b>	Declared a prejudicial interest and left the meeting for the duration of the item.

**134. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 20th February, 2008 be approved as a correct record and signed by the Chairman.

**135. 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.

**136. DCCW2007/3940/F - MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS [AGENDA ITEM 5]**

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

Councillor PA Andrews, a Local Ward Member, made the following comments:

- The value of the site inspection that had been undertaken was noted.
- There were difficulties associated with industrial uses close to residential properties.
- Councillor Andrews felt that Building 1 (in the northwest corner of the site) was acceptable but Building 2 (in the southeast corner of the site) was not, due to the detrimental impact of the development on the privacy and residential amenity of adjoining properties. Therefore, she proposed a split decision on this basis, to approve Building 1 but refuse Building 2.
- Although Building 1 was considered acceptable, she asked for additional conditions to ensure that any hedges damaged during construction were replaced and for suitable treatments at the site to prevent gulls and other birds from using the buildings as roosting sites.

Councillor AM Toon, also a Local Ward Member, supported Councillor Andrews and felt that Building 2 would exacerbate the noise disturbance experienced by occupiers of adjacent properties and the proximity of the building would have a significant impact on residential amenity.

Councillor PJ Edwards acknowledged the concerns of the Local Ward Members, especially the proximity of Building 2 to the boundary with adjoining properties, but was concerned that a split decision might not be sustainable on appeal. He suggested that additional conditions might make the development more acceptable to the immediate neighbours and noted that there were a number of ways to prevent birds from roosting on the buildings.

Councillor DB Wilcox drew attention to the comments of the Environmental Health & Trading Standards Manager and noted the need for the recommended conditions to be adhered to. However, he also felt it imperative that noise limits were established in order to protect the amenity of nearby residents. He questioned whether a split decision could be reached and suggested that consideration of the application be deferred to enable discussions with the applicant, specifically to ascertain whether they would be prepared to amend the application to omit Building 2.

The Development Control Manager responded to a number of issues raised by members as follows:

- The site lay within a designated area safeguarded for B1, B2 and B8

employment purposes with the Herefordshire Unitary Development Plan 2007.

- The proposed uses were considered compatible with residential areas; B1 related to offices or light industry appropriate to a residential area and B8 related to storage or distribution.
- The main source of noise from such development tended to be from the parking and circulation area. As the building was close to the boundary and doorways had been relocated, the building itself would act as a buffer to noise generated from this area.
- He considered that the approval of one unit and the refusal of the other could be difficult to sustain on appeal.
- The conditions could be reviewed to ensure that the noise attenuation measures and bird proofing were sufficient.

Councillor Andrews outlined the impact of the trading estate on local residents and their concerns about this development, particularly in respect of the height of the buildings and potential for noise disturbance.

Councillor PJ Edwards felt that, subject to additional emphasis on noise mitigation measures built into the rear framework of both buildings, the application was acceptable.

Councillor MAF Hubbard commented that the scale of the development surprised him initially but, given the established use of the land for employment purposes and the proposed conditions, he also supported the officer's recommendation.

Councillor Wilcox noted that industrial and residential uses in close proximity did not sit happily with each other but the impact could be mitigated through conditions. The Legal Practice Manager briefly outlined the differences between public and private nuisances. Councillor Wilcox noted the statutory nuisance provisions.

Councillor Toon maintained that the scale of the buildings would have a detrimental impact on adjoining residential properties. Given the difficulties of controlling noise nuisance once businesses were established, she noted the need for robust conditions on any planning permission granted; reference was made to the example of Gelpack.

Councillor AT Oliver felt that the site was cramped and the development should be refused as it would have a detrimental impact on health and safety considerations.

In response to questions, the Senior Planning Officer advised that:

- The building ridge height would be 5.47 metres and the eaves height would be 4 metres.
- There was sufficient room for vehicles to pass each other.
- It might be difficult to establish relevant background noise levels given the levels of noise generated by Sun Valley and by Gelpack.

#### **RESOLVED:**

**That**

- (i) **The Central Area Planning Sub-Committee is minded to approve Building 1 (northwest corner of the site), subject to the conditions detailed in the report and additional conditions in respect of boundary treatments, noise**

attenuation measures and bird proofing (and any further conditions felt to be necessary by the Head of Planning Services);

- (ii) The Central Area Planning Sub-Committee is minded to refuse Building 2 (southeast corner of the site) subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:
- The building in the southeast corner of the site would have an unacceptable impact on the amenity of neighbouring residential properties due to its siting and scale and therefore is contrary to policies DR1 and E8 of the Unitary Development Plan 2007.
- (iii) If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to approve Building 1 and refuse Building 2, subject to such conditions and reasons for refusal referred to above.

[Note:

*Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation and the Sub-Committee's view might not be defensible if challenged, he was minded to refer the matter to the Head of Planning Services.]*

**137. DCCE2007/3860/RM - LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY [AGENDA ITEM 6]**

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

The Team Leader – Central provided the following updates:

- The concerns of the Traffic Manager had now been addressed with the amended plans and, therefore, the objection had been removed.
- The only outstanding matter was the submission of landscaping details.
- Therefore, the wording of the recommendation was amended to omit reference to the objection of the Traffic Manager and replaced with reference to the submission of landscaping details and any other matters considered necessary by officers.

In response to comments made at the last meeting, the Team Leader – Central:

- Explained how the footpaths and cycleways had been designed to be as permeable as possible throughout the development.
- Advised that this final phase would be designed and constructed to a standard of Eco Homes 'Very Good'.
- Explained how the discount on the low cost market housing would remain in perpetuity.

Councillor ACR Chappell, a Local Ward Member, made a number of comments, including:

- Attention was drawn to the existing and proposed education contributions in the locality and Councillor Chappell proposed that £100,000 of this be allocated to

the LEA pool at Hollybush Walk for repairs and maintenance of the facility.

- He commented on the need for adequate security for footpaths and cycleways, including measures to prevent motorbikes from using them and appropriate lighting.
- He noted that a bus route would serve the development but the report did not provide bus shelter details, he felt that any bus shelters should be designed into the site from the outset.
- He commented on frequent flooding problems caused by rainwater accumulating under the railway bridge on Bullingham Lane; he added that a motorist had been trapped by rising floodwater in the past. Given that the development would significantly increase the number of vehicle movements in the locality, he felt that every effort should be made to resolve the problem.
- He noted that complaints were already being received about parking in the area and asked that appropriate levels of off street parking be provided.

The Team Leader – Central responded as follows:

- The Section 106 Agreement would require contributions towards community infrastructure under various headings, including education. The issue of the LEA pool could be factored into the detail of the agreement.
- The safety and security of the footpaths and cycleways were key considerations; the layout had been designed to maximise passive overlooking, additional lighting may be required in order to reach adoptable standards, and measures to restrict motorbikes could be explored further.
- The Section 106 Agreement required a contribution towards bus stops and the Local Ward Members could be consulted on the specific design once further details became available.
- The approach to the railway bridge on Bullingham Lane would be straightened as part of the plans and would provide a minor highway benefit in this location.
- The parking ratio was two spaces per unit, above that required in the Unitary Development Plan but considered appropriate given the edge of the city location and type of housing proposed.

Councillor WU Attfield, also a Local Ward Member, commented on the need to maximise the community infrastructure benefits for the local community and welcomed the affordable housing element and improved Eco Homes standard. Although she supported the application on balance, given the contributions and conditions proposed, Councillor Attfield felt that the development would exacerbate the existing traffic flow problems on the A49 and increase congestion on Bullingham Lane.

Councillor PJ Edwards supported the views of the Local Ward Members and made the following comments: waste management had to be considered throughout the development, particularly street bins in order to minimise litter and associated costs to the authority; low level street lighting had worked well in other parts of Hereford, such as Luard Walk in Belmont; and officers were asked to ensure that the improved Eco Homes standard and other matters raised by the Sub-Committee were included in any planning permission granted. In response to the latter point, the Team Leader – Central drew attention to recommended condition 3 which would ensure that the 'Very Good' standard was achieved.

Councillor SJ Robertson supported the allocation of funds to the LEA pool, particularly as the facility served 38 local schools and its recent closure had placed

significant pressure on the Leisure Pool, thereby having an impact on public swimming also. She added that a contribution could provide an ideal opportunity to re-open the LEA pool and perhaps involve the local community in the future operation of the facility.

Councillor PA Andrews advised that Councillor AT Oliver, if he had been present for this item, would have supported the allocation of funds to the LEA pool and would have asked for an additional contribution towards the community building.

Councillor DW Greenow noted that the original plan for Bradbury Lines was for 500 residential units but this application would bring the total number to 608 units, representing an increase of over 20%. He felt that this would have a significant impact on the local community, particularly resulting from additional traffic on the approach roads to the development, and on future development considerations.

In response to a question from Councillor AP Taylor, the Team Leader – Central advised that the outline planning permission required the modification of the existing Bullingham Lane junction to a signalised junction. He also added that a roundabout in this location had been considered, in consultation with the Highways Agency, but it transpired that a signalised junction would be more effective in this instance.

Councillor AM Toon made a number of points, including: concerns were expressed about the density of development; attention was drawn to comments of the Head of Children's & Adult Services about school capacities; affordable housing provision should not just consist of small units; the authority needed to ensure that large scale development was controlled properly to ensure that house numbers and densities were not increased through later applications; and clarification was sought about road widths.

The Team Leader – Central advised the Sub-Committee that all roads had been designed in accordance with the highway design guide and incorporated elements of shared surfaces and traffic calming. He also advised that the affordable housing included a diverse mix of property types and sizes and was well distributed around the site.

Councillor DB Wilcox commented on the concerns raised at the last meeting about the management of the low cost discount market housing and felt it essential that there was a robust system to monitor and ensure that the discount was maintained in perpetuity, perhaps with the involvement of the District Valuer. The Team Leader – Central outlined the arrangements which involved allocation through the affordable waiting register and restrictive covenants requiring that each sale in perpetuity must be at 30% below the market value at that time; the market value would be established from the mean of two independent valuations.

#### **RESOLVED:**

- 1) Subject to the submission of satisfactory landscaping details and any other matters considered necessary by officers:**
- 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.

**138. DCCW2008/0235/F - LAND ADJOINING 9 AND 11 PIXLEY WALK, HEREFORD, HR2 7TA [AGENDA ITEM 7]**

*Erection of 2 no. two bedroom three persons flats and associated parking.*

Councillor H Davies, a Local Ward Member, noted the concerns raised in the letters of objection about the potential impact on local amenity and felt that members would benefit from a site inspection.

Councillor PJ Edwards, also a Local Ward Member, commented that this proposal had come forward in response to concerns about anti-social behaviour arising from people gathering at this site. He felt that many people in the locality would support the erection of two affordable residential units and he supported the officer's report.

A vote on the matter of a site inspection received an equal number of votes and the Chairman used a casting vote in favour of a site inspection.

**RESOLVED:**

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

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

**139. [A] DCCE2008/0112/F AND [B] DCCE2008/0114/L - HEREFORD CONSERVATIVE CLUB, 102 EAST STREET, HEREFORD, HR1 2LW [AGENDA ITEM 8]**

*[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.*

The Senior Planning Officer provided the following updates:

- The draft Heads of Terms should also include the requirement for the payment to be index linked.
- As the listed building consent had to be referred to the Secretary of State, delegated authority was sought to enable the decision to be issued subject to receipt of no objection from the Secretary of State.

In accordance with the criteria for public speaking, Dr. Channon spoke in support of the application.

Councillor AM Toon asked for further clarification regarding members' personal and prejudicial interests. In response, the Legal Practice Manager advised that, although he had not been able to verify the information provided in good faith, he had made reasonable enquiries which implied that the club was not politically affiliated.

Councillor MAF Hubbard, the Local Ward Member, commented on the intrinsic beauty and historical value of the Grade II\* Listed Building. In response to a question, the Senior Planning Officer advised that the key differences between this proposal and previous schemes (one withdrawn and one rejected) related to the impact on the integrity of the late medieval hall and later plaster ceiling, and the retention of room proportions.

Councillor NL Vaughan noted that a car-free approach was being taken but, as occupiers would probably want access to vehicles, this could have a consequential impact on car parks in the city centre. Nevertheless, subject to all conditions considered necessary, he supported the application.

Councillor DB Wilcox also supported the application but, noting that people with disabilities preferred city centre locations, suggested an additional condition to require a parking area for a powered mobility vehicle. Councillor Wilcox noted that the Traffic Manager had requested a contribution of £11,720 and the Parks and Countryside Manager had requested £5,040, and he questioned why a contribution of only £5,000 was being sought from the developer.

In response to these points, the Senior Planning Officer advised that:

- A parking area would be difficult to achieve given the confines of the site but this could be discussed with the applicant.
- Negotiations on the level of contribution had been ongoing for some time and, as the Supplementary Planning Document on Planning Obligations [SPD] would not be active until 1st April 2008, it was not considered reasonable to require



further contributions at this stage. The Development Control Manager advised that officers considered the contribution to be reasonable given the relative costs involved in undertaking the sensitive conversion of a Grade II\* Listed Building.

Councillor Wilcox felt that further discussions should be held with the applicant on both the mobility parking and contribution issues. Other members expressed similar views.

The Team Leader - Central advised that there were certain exclusions in the SPD in respect of conversions in the central shopping area. Some members questioned the fairness of this aspect of the SPD, particularly if rural areas were treated differently.

Councillor AT Oliver felt that the unique qualities and context of the site had to be considered and felt that the Sub-Committee would benefit from a site inspection. This was supported by a number of members.

**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.**

**140. [A] DCCE2008/0004/F AND [B] DCCE2008/0011/L - THE CATHEDRAL CLOSE, HEREFORD, HR1 2NG [AGENDA ITEM 9]**

*[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.*

The Senior Planning Officer provided the following updates:

- The Archaeological Advisor had confirmed that he had received acceptable details relating to the ground works methodology, his comments were summarised and standard conditions were recommended.
- Consequently, the wording of the recommendation was amended to omit reference to outstanding archaeological issues.

In accordance with the criteria for public speaking, the Very Reverend Michael Tavinor, Dean of Hereford, spoke in support of the application.

Councillor MAF Hubbard, the Local Ward Member, commented on a number of matters, including:

- The proposals had taken a long time to formulate but now addressed many of the concerns raised by local people initially.
- Anti-social behaviour had been a problem in the Close and the introduction of railings would help to re-establish the space as a sacred place and change

attitudes towards it.

- He noted that the close was a crucial cycle link in the city and felt that this should be retained. He noted that the realigned paths would improve visibility and help to reduce conflicts between pedestrians and cyclists.
- Whilst he was supportive of the scheme, he felt that it was very sad that the porch areas would be gated and closed at night, particularly given the tradition of cathedrals acting as places of refuge.

Councillor DW Greenow supported the views of the Local Ward Member and felt that the high quality proposals would complement the character of the historic environment.

Councillor ACR Chappell noted the importance of tourism to the area and felt that the proposals were exciting and would result in a major enhancement of the site. He supported the comments of the Local Ward Member about cycling and sympathised with his views on the porch gates but noted the need to keep the areas in good order; he added that there should be access to more appropriate forms of shelter elsewhere. He fully supported the scheme and hoped that it could be progressed as soon as possible.

Councillor PA Andrews supported the proposals but noted that many pedestrians were unhappy about inconsiderate cyclists using the Close and felt that the risks needed to be addressed.

The Legal Practice Manager advised that an agreement between the Cathedral Chapter and Herefordshire Council regarding the future maintenance of the Close had been agreed the previous week.

Councillor NL Vaughan said that inconsiderate cyclists had been a problem for Cathedral School pupils crossing the Close for a long time. He sympathised with the views expressed about the porch gates but noted the problems being experienced with anti-social behaviour and drug abuse.

Councillor PJ Edwards noted that the area was in poor condition and felt that the proposals would significantly enhance the Close and the setting of the Cathedral.

Councillor DB Wilcox welcomed the measures in respect of cycling and felt that the scheme would improve the visual qualities of the space.

In response to a question from Councillor KS Guthrie, the Senior Planning Officer reported that the height of the typical railing was 2.7m, with the main piers at the west front would be 3.4m and would reflect the proportions of the Cathedral.

Councillor WJ Walling commented on the hazard posed by cyclists and felt that they should be prohibited from using the path nearest to the Cathedral. He also commented on the need for measures to protect the Elgar statue from vandalism in its relocated position; he added that the plinth should also be retained.

Councillor GFM Dawe felt that the Close provided a crucial cycle link and that most cyclists used it in a responsible manner. He did not feel that there was any reason for the removal of the mature Lime tree to the north of the masons' yard and noted that this was contrary to Policy LA5 (Protection of trees, woodlands and hedgerows).

Councillor AT Oliver commented on the quality of the proposals, the cohesive design approach and the improvements to the parking arrangements; although he would

have preferred the removal of the parking.

Councillor SJ Robertson said that many local people would welcome the return of railings to the Close.

In response to a question from Councillor MAF Hubbard, the Senior Planning Officer confirmed that automatic retractable bollards would control the Castle Street entrance, thereby preventing non-permit holders from entering the Close.

**RESOLVED:**

***DCCE2008/0004/F***

**That 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.

141. [A] DCCE2008/0220/F AND [B] DCCE2008/0225/C - 84 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ [AGENDA ITEM 10]

*[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.*

The Team Leader – Central provided the following updates:

- A letter had been received from the applicants advising that they were prepared to contribute towards the cost of investigating and, if the criteria was met, implementing a Traffic Regulation Order to provide double yellow lines along the

widened section of Walney Lane.

- Therefore, delegated authority was requested to either prepare and complete a planning obligation under Section 106 of the Town and Country Planning Act or if deemed appropriate, insert an extra condition requiring the submission of a planning obligation prior to the commencement of the development. This obligation would require the developer to pay Herefordshire Council, upon the commencement of the development, the sum of £6,000 for the investigation and implementation of the Traffic Regulation Order.

Councillor NL Vaughan, a Local Ward Member, noted that the widening of Walney Lane had resulted in indiscriminate parking and he felt that this application would exacerbate the situation and should be refused.

Councillor DB Wilcox, the other Local Ward Member, thanked the officer for his work on this application and for the negotiations with the applicant. Nevertheless, he considered that the proposal would represent an overdevelopment of the site, particularly given that the area was characterised by large detached properties set back from the road. He felt that the proposal would have a detrimental impact on the Conservation Area, on the adjacent listed building and on the character of Walney Lane. If any planning permission was granted, however, he felt that the number of parking spaces should be increased to at least nine; with the use of Grasscrete or similar to minimise visual impact.

Councillor PJ Edwards acknowledged the concerns of the Local Ward Members and the difficulties associated with balancing Conservation Area considerations with modern demands. Drawing attention to the comments of the Conservation Manager and to the recommended conditions, he felt that the application was acceptable on balance. He felt that any approval should include: additional car parking; cycle parking; parking for motorised mobility vehicles; and a scheme of refuse storage.

Councillor PA Andrews said that the Conservation Area should be protected and commented on the impact of the loss of older properties and the erection of flats on other roads in the locality, especially in Folly Lane.

Councillor MAF Hubbard noted that there were other apartment buildings in the area and did not feel that there were any reasons to warrant refusal of this proposal.

In response to comments made by members, the Team Leader – Central advised that:

- The introduction of double yellow lines had been discussed before Walney Lane was widened but, in order to protect the rural nature of the lane, was not pursued at that time. However, indiscriminate parking had become an issue and parking restrictions were now considered necessary.
- It was not considered that the building would be out of proportion with other properties in the locality, particularly as the slab levels would be excavated into the rising ground level. Also, given the position of windows in the existing property, it was not considered that there would be any material increase in overlooking.
- Car parking spaces could be increased from eight to nine, it was noted that the Traffic Manager had recommended that nine be provided.
- Attention was drawn to the comments of the Conservation Manager, particularly that there was no objection to the demolition of the existing building provided that the replacement 'would be in keeping with the character of the area'. Officers considered that the design now proposed would harmonise with the



character and appearance of other properties in the Conservation Area.

- Conditions could be added in respect of cycle parking and refuse storage.

Councillor Vaughan noted that the existing building was in a state of disrepair but he did not consider that this warranted the demolition of the property.

**RESOLVED:**

**That**

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
  - **The proposed development will adversely affect the character and appearance of the Conservation Area contrary to policies DR1, HBA6 and HBA7 of the Unitary Development Plan 2007.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

*Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation and the Sub-Committee's view might not be defensible if challenged, he was minded to refer the matter to the Head of Planning Services.*

*Councillor DB Wilcox asked that the additional conditions suggested by members be reported to the Planning Committee, should the applications be referred to it. Councillor AM Toon noted problems with flooding in the locality and suggested that consideration be given to the impact of the proposed development upon this.]*

**142. DCCW2008/0354/F - 14 WILLOW RISE, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3DH [AGENDA ITEM 11]**

*Proposed single storey side/rear extension and new detached garage.*

The Team Leader – Central provided the following update:

- The consultation period had expired and, therefore, the recommendation was amended to omit reference to the consultation period.

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

Councillor KS Guthrie, the Local Ward Member, noted that Sutton Parish Council had raised an objection to the detached garage element of the scheme and she drew attention to the concerns of the occupiers of the neighbouring property, particularly with regard to visual impact, loss of light and noise disturbance.

Councillor AM Toon felt that the proposal would be in keeping with the surroundings

and did not feel that there were any reasons to warrant refusal of planning permission in this instance.

In response to a question from Councillor WJ Walling, the Legal Practice Manager explained the purpose of restrictive covenants but noted that they were not material planning considerations.

**RESOLVED:**

**That 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.**

**143. DCCW2008/0390/F - LAND ADJACENT 2 WINDSOR STREET, HEREFORD, HEREFORDSHIRE, HR4 0HW [AGENDA ITEM 12]**

*Proposed three bedroom detached dwelling with parking for one vehicle.*

The Team Leader – Central provided the following updates:

- An amended parking plan had been received from the applicant's agent.
- The Traffic Manager had confirmed no objection to the amended plan. Therefore, the recommendation was amended to omit reference to the Traffic

Manager's concerns.

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

Councillor DJ Benjamin, a Local Ward Member, noted the narrowness of the site but, given the outline planning permission and the inclusion of an off street parking space, supported the officer's report.

Councillor JD Woodward, the other Local Ward Member, felt that the loss of on street parking space was unfortunate but supported the proposed development.

In response to a question from Councillor PJ Edwards, the Team Leader – Central explained that the footprint of the development had been amended to enable safe vehicular egress from the site.

In response to a question from Councillor AT Oliver, the Team Leader – Central advised that, as the Supplementary Planning Document on Planning Obligations would not be active until 1st April 2008, it would be unreasonable to require contributions from this development.

#### **RESOLVED:**

**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. **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.**

**144. DCCE2008/0098/F - SHIPLEY, HOLME LACY, HEREFORD, HEREFORDSHIRE, HR2 6LS [AGENDA ITEM 13]**

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

In accordance with the criteria for public speaking, Major Allin spoke in objection to the application.

Councillor GFM Dawe, the Local Ward Member, noted that this retrospective development was quite controversial in the locality and he expressed concerns about traffic impact and the diminution of the Area of Outstanding Natural Beauty [AONB].

Councillor PJ Edwards noted that the use of the land for the siting of up to five touring caravans enjoyed permitted development rights, subject to obtaining an exemption certificate from the Caravanning and Camping Club. However, given the potential impact on the AONB, Councillor Edwards questioned whether a condition could restrict the maximum number of caravans to five.

The Development Control Manager emphasised that the development applied for was the retention of hardstanding and other infrastructure and, as these elements were not pre-requisite to obtaining a five-caravan exemption certificate, refusal of planning permission would not prevent caravans from using the site. However, he advised that this application provided the opportunity to control the development and drew attention to the recommended conditions; including E35 (Caravan Numbers Limitation).

Councillor Edwards asked that a letter be sent to applicant to highlight the Sub-Committee's concerns. Councillor Dawe supported this suggestion.

**RESOLVED:**

**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.

**145. DATES OF FORTHCOMING MEETINGS**

16th April, 2008

14th May, 2008

The meeting ended at 5.44 p.m.

**CHAIRMAN**



**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCW2007/2037/F**

- The appeal was received on 5th March, 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. B. Lane.
- The site is located at Rose Cottage, 304 Kings Acre Road, Hereford, Herefordshire, HR4 0SD.
- The development proposed is Proposed detached house with double garage.
- The appeal is to be heard by Written Representations.

**Case Officer: Kevin Bishop on 01432 261946**

**Application No. DCCW2007/2806/F**

- The appeal was received on 12th March, 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 S.A. Davies.
- The site is located at Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET.
- The development proposed is Continued use of land as a caravan site and retention of accommodation block for seasonal agricultural workers.
- The appeal is to be heard by Hearing.

**Case Officer: Kevin Bishop on 01432 261946**

**Application No. DCCW2007/2834/F**

- The appeal was received on 20th March, 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 Persimmon Homes South Midlands.
- The site is located at Land to the rear of Mulberry Close, Belmont, Hereford.
- The development proposed is Proposed erection of 69 dwellings and delivery of Haywood Country Park.
- The appeal is to be heard by Inquiry.

**Case Officer: Russell Pryce on 01432 260756**

**Application No. DCCE2007/2612/F**

- The appeal was received on 25th March, 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. D. Holmes.
- The site is located at Land at Wyeseide, Outfall Works Road, Hereford, Herefordshire, HR1 2RQ.
- The development proposed is Retrospective application for change of use of land to commercial storage and siting of shipping container.
- The appeal is to be heard by Written Representations.

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

## APPEALS DETERMINED

### Enforcement Notice EN2005/0020/ZZ

- The appeal was received on 14th May, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. I.C. Joseph.
- The site is located at Lower Lyde (Parcel 7209), Herefordshire, HR1 3AS.
- The breach of planning control alleged in this notice is:  
*Without planning permission, change of use of the land from agriculture to a mixed use for agriculture and the siting of one static caravan for residential purpose and the storage of another caravan on the land.*
- The requirements of the notice are:
  - i) *Remove the caravans from the land.*
  - ii) *Remove all materials that arise from the removal of the caravans.*
- The main issue is whether there are any compelling exceptional reasons to allow development in the countryside.

**Decision:** The appeal was DISMISSED on 7th March, 2008.

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

### Enforcement Notice EN2007/0082/ZZ

- The appeal was received on 21st June, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. S.K Williams.
- The site is located at Wyeside, Outfall Works Road, Hereford, HR1 1XY.
- The breach of planning control alleged in this notice is:  
*Without planning permission, the change of use of the land to a use for general industrial and ancillary storage purposes.*
- The requirements of the notice are:
  - i) *Cease the unauthorized general industrial use of the land.*
  - ii) *Remove all associated materials, plant and machinery from the land.*
- The main issue is whether the existing use of the land had been in operation for a period of ten years or more prior to the service of this Enforcement Notice.

**Decision:** The appeal was UPHELD on 19th March, 2008.

The Enforcement Notice is quashed.

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

### Application No. DCCE2007/0267/U

- The appeal was received on 27th June, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. S.K. Williams.
- The site is located at Urban Steel Works, Outfall Works Road, Hereford, HR1 1XY.
- The application, dated 29th January, 2007, was refused on 23rd March, 2007.
- The development proposed was Certificate of lawfulness for an existing change of use of land.
- The main issue is whether the development for which the Certificate of Lawful Use is in application for has existed for more than ten years since the date of the application (29th January, 2007).



**Decision:** The appeal was UPHeld on 19th March, 2008.

*The Certificate of Lawful Use for the development within the land outlined "Red" on the plan is granted.*

*The Certificate of Lawful Use for the development within the land outlined "Brown" on the plan is dismissed.*

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

**Enforcement Application No. EN2006/0173/ZZ**

- The appeal was received on 22nd June, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. J.L.N. Williams.
- The site is located at Land Near Radway Bridge, Whitestone, Hereford HR1 3NE.
- The breach of planning control alleged in this notice is:  
*Without planning permission, the unauthorised change of use of the land from agriculture to land used for the recreational keeping of horses and associated erection of buildings, including stables and a pigeon loft.*
- The requirements of the notice are:
  1. *Permanently cease the unauthorised use of the land for the recreational keeping of horses.*
  2. *Demolish the unauthorised stables and pigeon loft buildings and remove the resultant materials from the land.*
  3. *Restore the land to its condition prior to the unauthorised building operations taking place.*
- The main issues are whether the alleged change of use of the land occurred more than 10 years before the Enforcement Notice was issued and whether the unauthorised erection of the building took place more than 4 years before the Enforcement Notice was issued.

**Decision:** The appeal was DISMISSED on 2nd April, 2008.

**Case Officer:** Russell Pryce on 01432 260756

**Enforcement Notice EN2007/0003/ZZ**

- The appeal was received on 14th May, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by S. & A. Davies.
- The site is located at Brook Farm, Marden, Herefordshire.
- The breach of planning control alleged in this notice is:  
*The growing of a soft fruit crop or other agricultural produce under polythene or similarly covered tunnels by the "table top" method without the benefit of planning permission.*
- The requirements of the notice are:
  - i) *Remove all framework including all equipment and material associated with growing of soft fruit by the tabletop method as referred to in paragraph 3 above.*
  - ii) *Return the land to its condition prior to the unauthorised development.*
- The main issues are:
  - i) *The effect of the development on the landscape, including the village of Marden.*
  - ii) *The effect of the development on residential amenity*
  - iii) *The support for the appellants business within the rural community*

**Decision:** The appeal was DISMISSED on 3rd April, 2008.

**Case Officer:** Kevin Bishop on 01432 261946

**Application No. DCCW2006/2534/F**

- The appeal was received on 5th April, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by S. & A. Davies.
- The site is located at Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET.
- The application, dated 28th July, 2006, was refused on 24th October, 2006.
- The development proposed was Retention of polytunnels in connection with raised-bed strawberry production.
- The main issues are:
  - i) *The effect of the development on the landscape, including the village of Marden.*
  - ii) *The effect of the development on residential amenity.*
  - iii) *The support for the appellants business within the rural community.*

**Decision:** The appeal was DISMISSED on 3rd April, 2008.

**Case Officer:** Kevin Bishop on 01432 261946

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

**5A 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**

**5B 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 M.A.F. Hubbard

### **Introduction**

The applications were deferred at the meeting of the Central Area Planning Sub-Committee on the 19th March, 2008 to enable Members to conduct a site visit.

Negotiations concerning the S.106 contributions are ongoing and a verbal update will be provided at the meeting. Otherwise the report is unchanged.

### **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 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.**

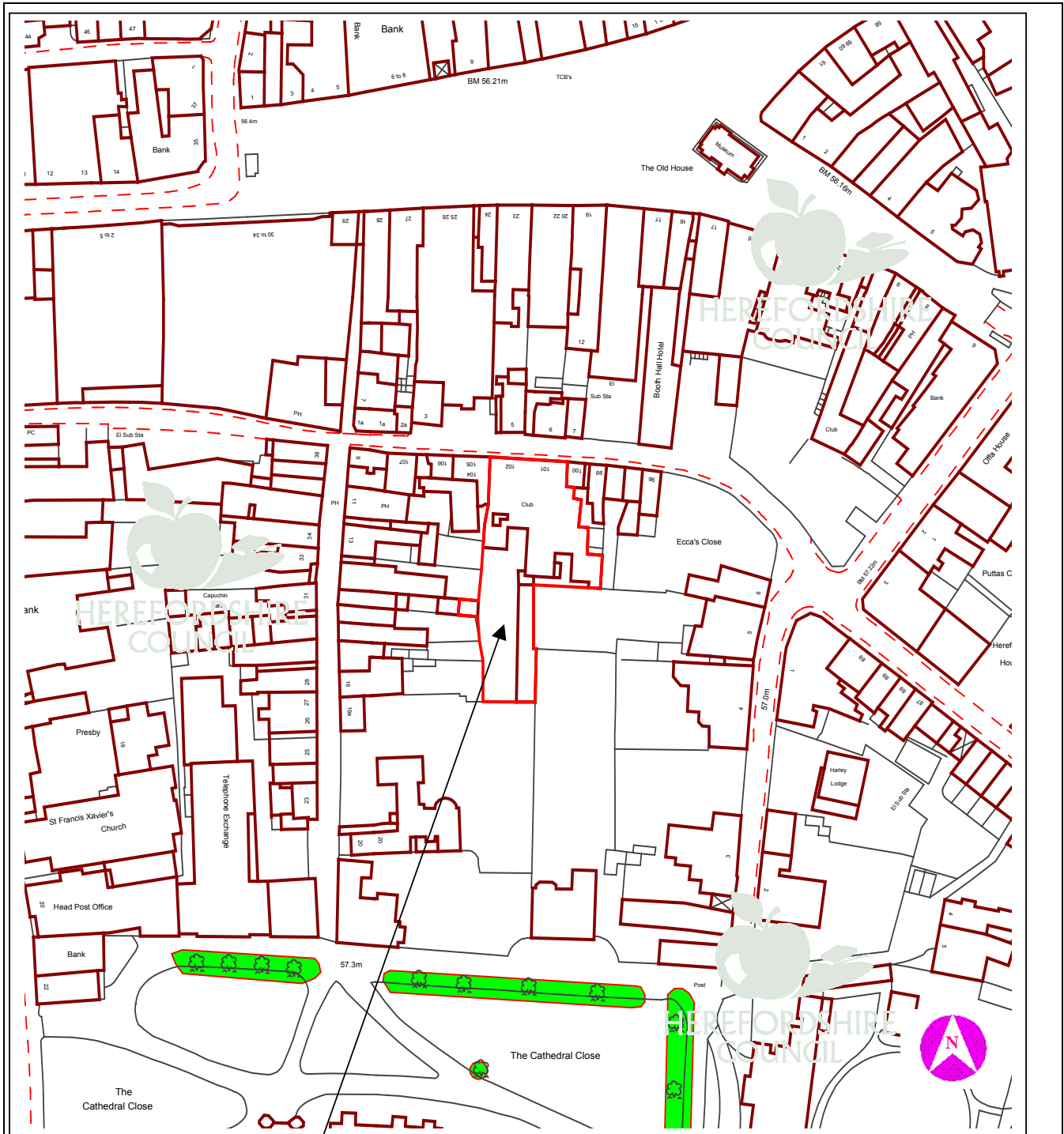
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**Background Papers**

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.



**6 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, WR1 1HZ**

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

**Expiry Date: 27th March, 2008**

Local Members: Councillors H. Davies, P.J. Edwards and G.A. Powell

### **Introduction**

This application was deferred at a meeting of the Central Area Planning Sub-Committee on the 19th March, 2008 in order to carry out a Members' site visit.

### **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.**

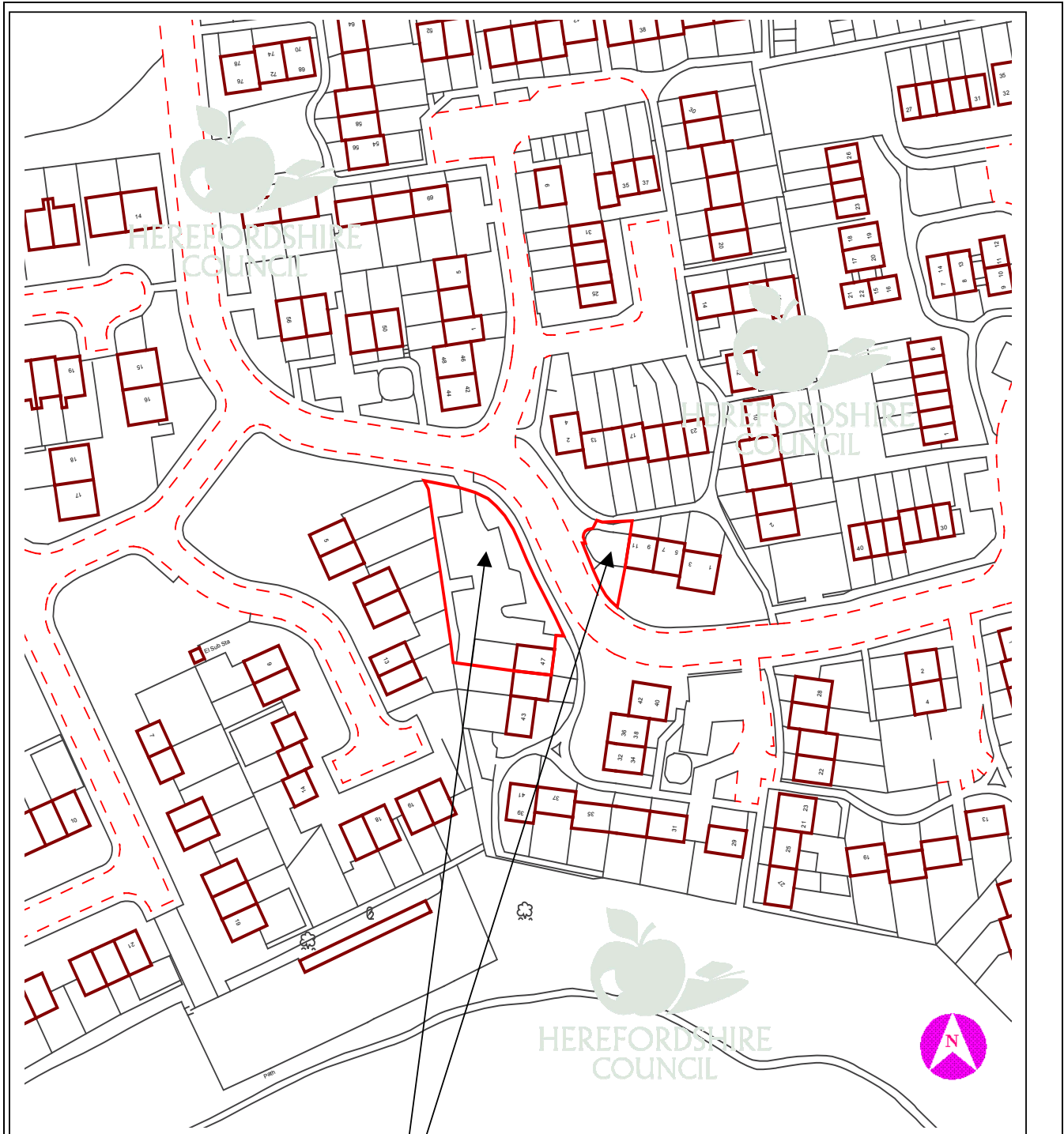
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**Background Papers**

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

**7 DCCW2008/0578/F - PROPOSED DWELLING AT LAND TO THE REAR OF 140-142 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0SD**

**For: Mr. & Mrs. G. Fairbrother per JBD Architects, Mortimer House, Holmer Road, Hereford, Herefordshire, HR4 9TA**

**Date Received: 4th March, 2008**

**Ward: Three Elms**

**Grid Ref: 48425, 41110**

**Expiry Date: 29th April, 2008**

Local Members: Councillors P.A. Andrews, S.P.A. Daniels and A.M. Toon

**1. Site Description and Proposal**

- 1.1 The application site is comprised of a parcel of amenity land which in total extends to approximately 0.07 hectares located to the rear of properties known as 140/142 Kings Acre Road, situated on the northeastern corner of the junction of Kings Acre Road and Huntingdon Lane.
- 1.2 The application seeks permission to erect a detached 3 bedroom dwelling with a single integral garage, set within its own curtilage. The design of the dwelling is relatively contemporary comprising a brick and timber clad elevations under a slate roof, which will be orientated fronting onto Huntingdon Lane with private amenity space to the rear.

**2. Policies**

2.1 Planning Policy Statement 3 – Housing

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S10	-	Waste
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy T11	-	Parking Provision
Policy CF2	-	Foul Drainage

**3. Planning History**

- 3.1 CW2002/3602/O Site for a 4 bedroom dwelling. Refused 21/01/2003.

3.2 DCCW2004/0217/O Site for a 2 bedroom bungalow. Refused 05/03/2004. Appeal dismissed 15/12/2004.

3.3 Adjoining Site:

DCCW2006/3156/F Two storey extension to provide ground floor self contained annexe with two bedrooms at first floor. Application Withdrawn 20/03/2006.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 Welsh Water: No objection, there are no foul/surface water sewers in the immediate vicinity, therefore it is likely that off-site sewers will be required to connect to the public sewerage. Standard drainage conditions are recommended.

##### Internal Council Advice

4.2 Traffic Manager: No objection subject to the use of standard highway conditions.

#### 5. Representations

5.1 Hereford City Council: This application should be refused as there would be an encroachment into open countryside.

5.2 Breinton Parish Council (Adjoining Parish): Objection, summarised, proposed development is contrary to Policy S2. The Parish Council have irrefutable evidence that the existing properties (140/142) are causing problems with the sewerage system, further development would exacerbate this situation. The proposed development will provide no positive environmental benefits. The proposed dwelling will harm the residential amenity and outlook of neighbouring dwellings. Additional traffic movement close to junction would harm highway safety.

5.3 Five letters of objection have been received from Mr. Cullen, 13 Pennine Close; Mr. Terry, 2 Cheviot Close; Mr. Barton, 8 Cheviot Close; Mr. Davies, 10 Cheviot Close and Mr. Pritchard, 11 Pennine Close which are summarised as follow:

- Loss of privacy/overlooking.
- Loss of light.
- Density of development is too high.
- Increase traffic movements would be a danger to highway safety.
- No agreement has been sought for connection into the length of private sewer pipe, which runs along the length of Cheviot Close.
- We will hold Hereford Council responsible for any costs incurred maintaining the private length of sewer pipe, if this development is allowed to connect to it.
- Existing property prices will be devalued.
- Noise and dust during the construction phase.
- Inappropriate materials.

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
- The Previously Dismissed Appeal
- Visual and Residential Amenity
- Water and Sewerage
- Access and Highways Issues

### Principle of Development

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

6.3 The concerns of Hereford City Council are noted but in view of the fact that the site lies within a designated settlement boundary, it cannot be argued in policy terms that the proposed development encroaches into the open countryside.

### The Previously Dismissed Appeal

6.4 Members will note from section 3 of this report that planning permission was refused and an appeal dismissed in December 2004 for a single dwelling on the site. The reasons for dismissal of the appeal were the impact of the development on the character and appearance of the area and the amenity of adjoining residents. There are several notable differences between the current proposal and that dismissed on appeal, which as a result warrant a different recommendation.

6.5 Firstly, the adopted development plan was the Hereford City Local Plan and the development was assessed against the policies contained in this plan. This now being superseded by the Unitary Development Plan and Planning Policy Statement 3 on Housing. Both documents place greater emphasis on the sustainable re-use of brownfield sites for residential development.

6.6 Secondly, the previous appeal site was only half the size area the subject of this application, which led the Inspector to conclude the resultant proposal, would appear unacceptable cramped. The Inspector also considered the bungalow to appear out of place in the context of nearby development. Although the proposal would to some extent remove the open transition to the open countryside, it is not considered that this issue could be sustained as a reason for refusal under the current policy framework.

6.7 Finally, the siting of the dwelling now maintains the privacy and outlook for existing dwellings south of the site (140 and 142 Kings Acre Road) whereas the appeal decision proposed a new dwelling directly to the rear of number 140 Kings Acre Road with the resultant unacceptable impact on their amenity. Minor concerns existed regarding the size of the remaining gardens and amended plans have now been provided to increase the depth of the rear gardens associated with the existing dwellings.

Visual and Residential Amenity

- 6.8 Having regard to character of the wider locality, the siting, design, scale, massing and orientation of the proposed dwelling are considered to be acceptable.
- 6.9 More specifically, although the concerns about overlooking and loss of light are noted, having regard to the separation distances involved it is not considered that the proposed development will materially alter the level of residential amenity presently enjoyed, to a degree, which would give rise to any sustainable ground for refusal.
- 6.10 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 construction phase.

Water and Sewerage

- 6.11 In the absence of any objection from Welsh Water, it is not considered that the concerns raised in the letters of representation can be substantiated as grounds for refusal, however an appropriate condition is recommended requiring the prior approval of a scheme of drainage to serve the development.
- 6.12 For the information of Members, the properties in Cheviot Close east of the site connect to the public sewer which runs along Cotswold Drive, therefore they are not on a private system but rather they are responsible for the maintenance of the pipes between their property and its intersection with the public system.

Access and Highways

- 6.13 In principle, the Traffic Manager has no objection to the proposed access and parking arrangements but comments that two parking spaces should be provided, as well as stating that the access should meet minimum design standards. These comments are considered reasonable and the appropriate conditions are recommended.
- 6.14 In the absence of any objection from the Traffic Manager, it is not considered that the concerns raised by objectors or the Parish Council can be substantiated as grounds for refusal on highway safety grounds.

Conclusion

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

**RECOMMENDATION**

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

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

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

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

4. **E17 (No windows in side elevation of dwelling).**

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

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

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

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

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

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

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

8. **H03 (Visibility splays).**

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

9. **H05 (Access gates) (5 metres).**

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

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

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

11. **H10 (Parking - single house) (2 cars).**

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

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

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

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

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

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

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

- 15. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00 am - 6.00 pm, Saturday 8.00 am - 1 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason:** To safeguard residential amenity.

- 16. **The development shall be designed and constructed to meet level three of the Code for Sustainable Homes: A Step change in Sustainable Home Building Practice Design dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard and prior to the occupation of the last dwelling, further certification shall be provided confirming that the development has been constructed in accordance 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. **N01 - Access for all.**
- 2. **N03 - Adjoining property rights.**
- 3. **N14 - Party Wall Act 1996.**
- 4. **HN05 - Works within the highway.**
- 5. **HN10 - No drainage to discharge to highway.**
- 6. **All machinery and plant shall be operated and maintained in accordance with BS5228: 1987 'Noise Control of Construction and Open Sites'.**
- 7. **N19 - Avoidance of doubt**
- 8. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision: .....

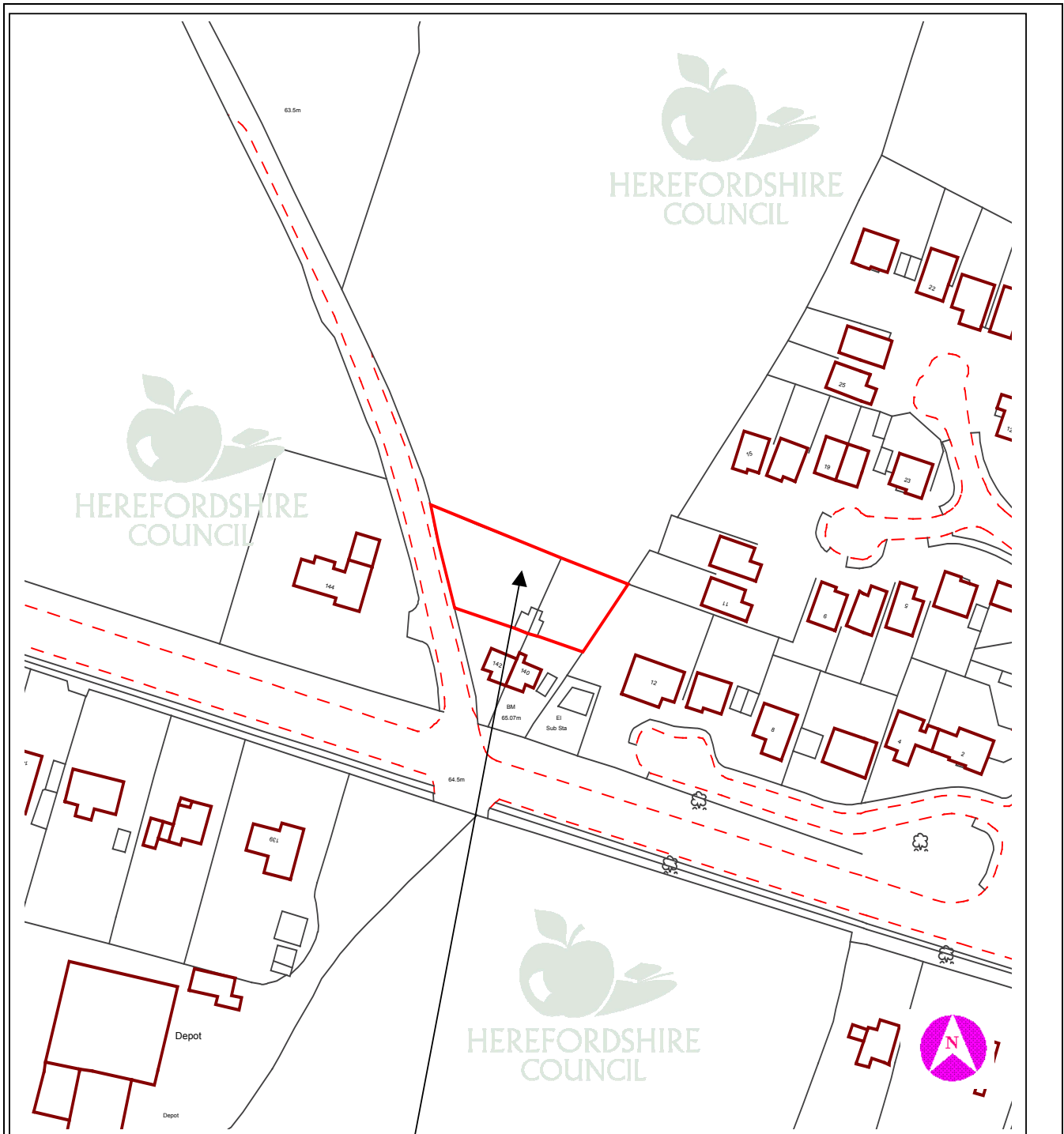
Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/0578/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land to the rear of 140-142 Kings Acre Road, Hereford, Herefordshire, HR4 0SD

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**8 DCCE2008/0256/F - PROPOSED RESIDENTIAL DEVELOPMENT OF 6 FLATS AT LAND ADJ. TO 53 BARRS COURT ROAD, HEREFORD, HR1 1EQ**

**For: Sherrat Will Trust per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 4th February, 2008**

**Ward: Aylestone**

**Grid Ref: 51732, 40490**

**Expiry Date: 31st March, 2008**

Local Member: Councillor N.L. Vaughan and D.B. Wilcox

**1. Site Description and Proposal**

- 1.1 The application site comprises a parcel of land between Barrs Court and Pengrove Road, close to the respective junctions with Aylestone Hill. Permission is sought for the erection of a detached building comprising 6 one-bedroom self-contained apartments arranged on three floors. It is proposed to construct the building across the Barrs Court Road frontage. In this position the building would be read as an extension to the existing road-fronting development. Although the site has existing vehicular accesses from both Barrs Court and Pengrove Road the application has been amended and is now put forward as a car-free proposal in recognition of the inadequacies of the existing access arrangements.
- 1.2 It is understood that the site was used historically as a builders yard, but also that it has not been used for this purpose for over 20 years. It is therefore likely that the builders yard use has been abandoned. The site is now largely vacant with a concrete hardstanding to the Barrs Court frontage. The site is bound by neighbouring residential property, including the rear gardens of properties on Aylestone Hill and Hopton Road. The rear boundary of the Aylestone Hill properties doubles as the edge of the Aylestone Hill Conservation Area.
- 1.3 In the absence of vehicle parking the development would be accessible to pedestrians from the Barrs Court Road approach. It is proposed to extend the existing attractive brick wall along the frontage and introduce wrought iron pedestrian gates, beyond which access to the building would be granted via a central lobby. There would be two apartments per floor each with a hallway, lounge, kitchen, bedroom and bathroom.
- 1.4 To the rear of the building a communal area is provided. Paths around each flank of the building provide access to this area. Here provision would be made for refuse and cycle storage together with a useable communal outdoor amenity space.
- 1.5 The building design has been amended throughout the course of the application to better reflect the architectural character of the area. By virtue of its proximity to the neighbouring villas on Barrs Court Road the building reads as an extension to the Barrs Court frontage. To this effect the building exhibits projecting gables with appropriately proportioned fenestration. A balcony is provided for the two apartments at second floor. This provides an additional feature of architectural interest and a further private amenity area for prospective inhabitants.

- 1.6 In terms of scale, the building is approximately 500mm taller than the neighbouring semi-detached dwellings, although a gradual increment in the height of buildings is apparent as one moves along Barrs Court Road to the junction with Aylestone Hill.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy T8	-	Road Hierarchy

## 3. Planning History

- 3.1 DCCE2007/1077/F: Residential development providing eight apartments. Refused 30th May, 2007 owing to the inadequacy of the proposed vehicular access and the impact upon residential and visual amenity and the setting of the adjacent conservation area.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: No objection but recommend the imposition of conditions to ensure that foul and surface water is drained separately from the site and that no surface water or land drainage run-off should be allowed to drain into the public sewerage system.
- 4.2 Network Rail: No objection

### Internal Council Advice

- 4.3 Traffic Manager: The response of the Traffic Manager is based upon the amended proposal to remove vehicular access and parking from the scheme.

"I consider that in view of the small scale of development (number and single bed units) at this sustainable location that subject to a s.106 agreement regarding non-availability of parking permits to owners/tenants, car free would be an acceptable option for the development proposed."

- 4.4 Conservation Manager (Conservation Areas): The response of the Conservation Manager is based upon the amended design.

"The proposed development would be in keeping with the character of the conservation area. It respects the form, mass and elements found in the surrounding buildings and architectural styles of the late 19th Century. We therefore believe that the current

proposal is a significant improvement on the previous design and is now acceptable. Bricks, slates, joinery details and rainwater goods should be subject to prior approval."

## 5. Representations

5.1 Hereford City Council: Recommend that the application be refused as an over-development of the site and that there is no evidence of need for single-bed accommodation in the area.

5.2 Five letters of objection have been received from local residents. The content can be summarised as follows, but regard should be made to the fact that vehicular access is no longer sought from Penn Grove Road and parking has also been removed from the scheme:

- The (originally) proposed vehicular access from Penn Grove Road is narrow and visibility sub-standard.
- The number of cars generated by the development would be unacceptable having regard to the nature of the access.
- Parking provision within the site should be capable of meeting likely demand.
- The presence of local residents parking schemes can displace vehicles onto the nearest streets that do not have such schemes, placing undue burden upon already overcrowded streets.

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

## 6. Officer's Appraisal

6.1 The key issues in determining this application are considered to be:

- The Principle of Development.
- The Design of the Proposal.
- Highway and Parking Issues – the appropriateness of the car free approach.
- The Impact Upon Residential Amenity.
- S.106 Matters.

### The Principle of Development

6.2 The application site lies within the settlement boundary for the City of Hereford and is also within an established residential area. Policy H1 of the Unitary Development Plan (UDP) recognises that residential development should be directed to these areas provided that proposals do not conflict with other Development Plan policies. Policy H14 permits the redevelopment of previously developed land for residential purposes where consistent with housing provision and other policies within the plan.

6.3 Planning policy is consistent in its support for the residential development of sites such as this subject to the satisfactory resolution of other issues. The principle of residential development at this location is thus established.

### Design

6.4 The design of the proposed building has been substantially amended over the course of the application. Careful consideration has been given to the resolution of the design

issues given the prominent nature of the site. Long distance views into the site are available from Commercial Road and the site is also prominent when viewed from the railway station. In addition the site adjoins the Aylestone Hill Conservation Area.

- 6.5 The architectural styling of the building is now more reminiscent of the neighbouring late 19th century properties. This approach has been decided as more appropriate than an overtly modern design in this context. The proposal includes efforts to enhance the street frontage by continuing the existing high quality brick wall and introducing wrought iron pedestrian gates to afford access. The projecting bays have been detailed with relatively large fenestration to better reflect the character of the adjoining dwellings, whereas the central balcony also has the potential to create an interesting and high quality architectural feature. The general scale and proportions will also ensure the development blends successfully with its surroundings.
- 6.6 In this respect the development is considered an improvement over the contemporary design proposed under reference DCCE2007/1077/F, which was deemed inappropriate in this context. Moreover, the previous submission was also reliant upon vehicular access from Penn Grove Road and would have resulted in overlooking of adjoining residential properties and a poor standard of residential amenity for prospective inhabitants. All of these issues were satisfactorily resolved by the correct submission. Furthermore, the Conservation Manager is now satisfied that the design is appropriate subject to the prior written agreement of all external materials.

#### Highway and Parking Issues

- 6.7 The application was made originally on the basis that vehicular access and egress would be achieved via the Penn Grove Road access. However, the Traffic Manager objected to this on the basis that the access is substandard in terms of visibility and use would be of detriment to highway safety.
- 6.8 As a consequence, the application has been amended to remove parking and vehicular access and the scheme is now effectively car free. The Traffic Manager has given his confirmation that a car free approach is acceptable in this location given the scale of the scheme – both in terms of unit numbers and size – and the willingness of the developer to enter into a S.106 agreement preventing future occupants of the development from becoming eligible for residents' parking permits. This approach would make it less convenient for future occupants of the scheme to simply own a car and park locally and has been adopted elsewhere.
- 6.9 It should also be acknowledged that the site is within easy walking distance of the city centre and the bus and railway station. Within such proximity to a full range of amenities, and with good access to alternative modes of transport, it is considered plausible that occupants will not be reliant upon access to private cars.
- 6.10 The proposal does not include the stopping up of the Penn Grove Road access point, although a 1.8 metre close-boarded fence is proposed across the site to prevent people parking on the disused land and accessing the development from the rear. It is recommended that further consideration be given to ensuring that these measures are not circumvented.
- 6.11 The scheme provides for cycle parking in a secure and convenient position and it is envisaged that this structure could be modified to house mobility scooters if necessary.

Residential Amenity

- 6.12 The proposed building is located towards the roadside in line with the neighbouring semi-detached property. In this location there is no conflict with adjoining dwellings in terms of overlooking arising from the rear. In any event the flats are arranged so that the bedrooms and bathrooms are found to the rear and overlooking would be less likely as a consequence.
- 6.13 There is also adequate distance from the rear of properties in Aylestone Hill to guard against loss of privacy in rear gardens. The flank elevations are devoid of windows and a condition is imposed to ensure that this remains the case. The proposal is thus considered acceptable in terms of its relationship with neighbouring dwellings and potential impact upon existing levels of residential amenity.

S.106 Matters

- 6.14 The application will be subject to a S.106 agreement concerning the ineligibility of future occupants for residents' parking permits.
- 6.15 The Traffic Manager has sought a contribution towards sustainable transport initiatives. The applicant's agent has thus far declined to enter into an agreement on the basis that the application was submitted and registered on 4th February 2008, some way in advance of the formal application of the Supplementary Planning Document "Planning Obligations." It is considered that a contribution to enable the enhancement of sustainable transport measures including walking and cycling facilities in the locality is reasonable particularly given the development is car free and further negotiations on this matter are still ongoing. An update to members will be provided at the Sub-Committee.
- 6.16 Notwithstanding this, the application is recommended for approval subject to the conditions set out below and the completion of the S.106 in respect of residents' parking permits and the possibility of a sustainable transport contribution.

**RECOMMENDATION**

**That 1) The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**

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

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

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

- 2. A09 (Amended plans).**

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

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

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

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

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

5. **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.**

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

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

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

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

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

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

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

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

10. **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.**

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

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

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

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

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

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

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



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

**15. H32 (Sustainable Home).**

**Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan 2007 and PPS1 Supplement 'Planning and Climate Change'.**

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

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

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

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

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

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

**Informative(s):**

- 1. N19 - Avoidance of doubt.**
- 2. N15 - Reason(s) for the Grant of Planning Permission.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

## **DRAFT HEADS OF TERMS**

### **Section 106 Agreement**

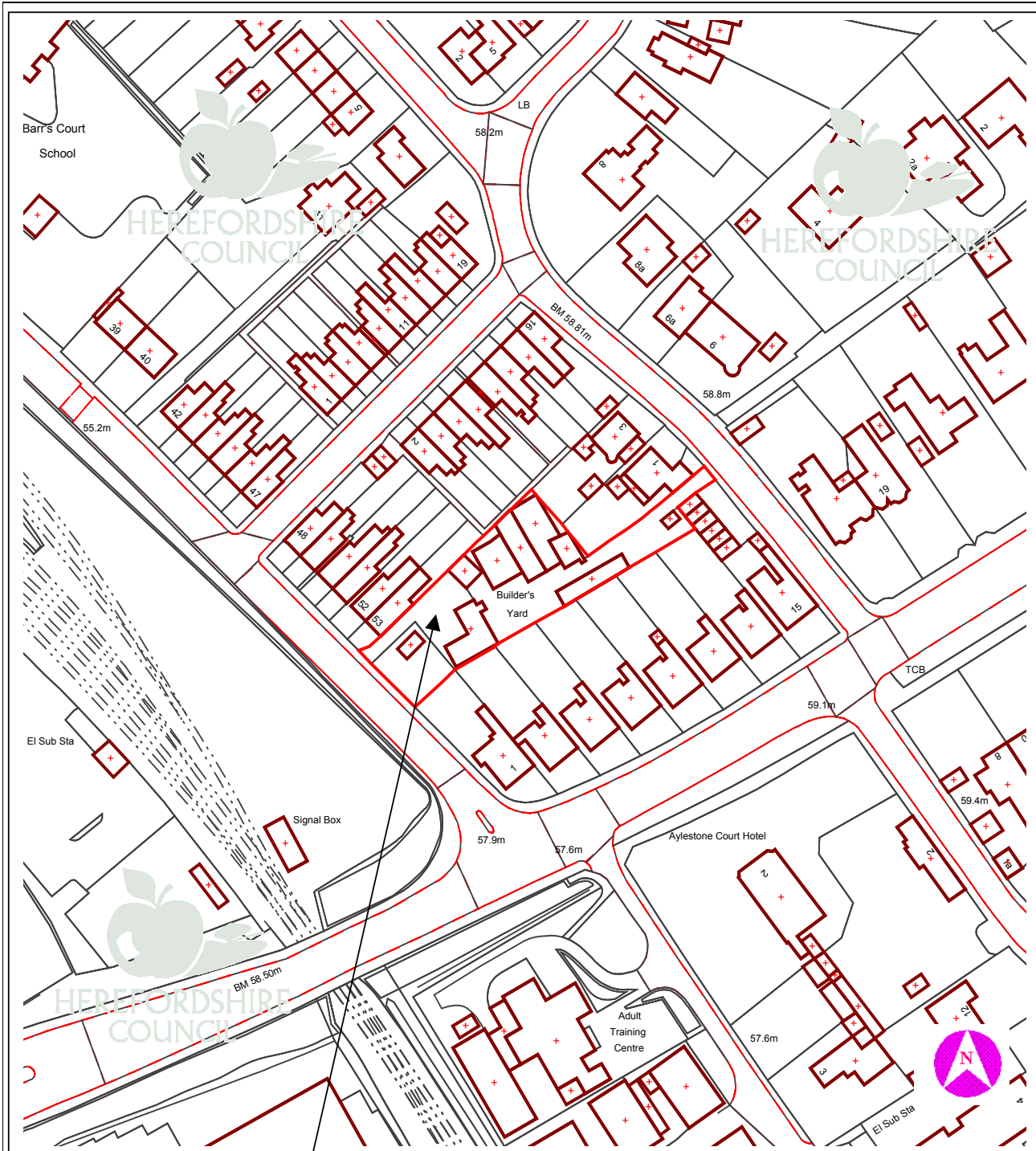
#### **Planning Application DCCE2008/0256/F**

#### **Proposed residential development of 6 flats on land adjacent to No. 53 Barrs Court Road, Hereford, HR1 1EQ**

1. The developer covenants with Herefordshire Council to enter into an agreement under Section 106 of The Town and Country Planning Act 1990 (as amended) to the effect that future occupants of the developer are restricted in perpetuity from applying for residents' parking permits within the vicinity of the application site.
2. The developer covenants with Herefordshire Council to enter into an agreement with Herefordshire Council under Section 106 of The Town and Country Planning Act 1990 (as amended) to pay £8,790 per unit towards sustainable transport initiatives within the locality – NB yet to be agreed with the developer.
3. The financial contributions shall be index linked and paid in full prior to the first occupation of the development.

Ed Thomas, Senior Planning Officer  
Peter Yates, Development Control manager

April 2008



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**APPLICATION NO:** DCCE2008/0256/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adj to 53 Barrs Court Road, Hereford, Herefordshire, HR1 1EQ

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**9 DCCE2008/0442/F - CONVERSION OF GROUND, FIRST AND SECOND LEVELS OF TOWNHOUSE INTO SIX SELF CONTAINED FLATS WITH SINGLE STOREY EXTENSION AND PARKING AT 16 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HS**

**For: Aylestone Hill Developments Limited per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, Herefordshire, HR1 2JW**

**Date Received: 20th February, 2008      Ward: Aylestone      Grid Ref: 51900, 40477**

**Expiry Date: 16th April, 2008**

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

**1. Site Description and Proposal**

- 1.1 No. 16 is a three storey red brick and pitched slate roofed property located on the southern side of Aylestone Hill approximately 70 metres northeast of the junction with Southbank Road. The property forms half of a pair of semi-detached properties with accommodation on three floors with a large garden to the rear and hardstanding to the frontage used for the parking of 6 to 7 vehicles. Immediately to the southwest is a further detached property which is Grade II listed and three detached properties opposite the site are also listed, the area being characterised by a mixture of large detached and semi-detached properties.
- 1.2 Planning permission is sought for the change of use of the property including the construction of a single storey extension to the rear to create six self contained one bedroomed flats - two on each floor. No external alterations are proposed to the front and side elevations. Internally, new partitions are proposed to create a bathroom to serve each flat and sub-divide the shared stair access on each floor to meet the necessary Building Regulations and fire safety requirements. Three rooflights are also proposed on the rear elevation to provide additional light to the second floor flat.
- 1.3 Also proposed to the rear is the demolition of existing single storey rear extension and attached outbuilding and construction of a new single storey flat roofed rear extension measuring 9.5 metres in length by 8 metres in width by 4 metres in height to the highest point. Part of the roof of the extension is to be used as an outside amenity space associated with a first floor flat. To the front, parking for up to seven cars is proposed along with associated secure enclosed cycle and bin store to the side.

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport

Policy S7	-	Natural Land and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H17	-	Sub-division of Existing Housing
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas

### 3. Planning History

- 3.1 DCCE2007/1450/F Basement conversion to self-contained flat. Approved 6th July, 2007.
- 3.2 DCCE2007/1452/C Basement conversion to self-contained flat. Application not required 6th July, 2007.
- 3.3 DCCE2007/3542/F Change of use from two flats (residential) to house in multiple occupation. Refused 23rd January, 2008.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: No objection subject to restrictions on foul and water drainage discharge.

#### Internal Council Advice

- 4.2 Traffic Manager:  
The proposal to create seven spaces is accepted but tandem parking may not be appropriate with separate flats. A sustainable transport contribution should also be sought.
- 4.3 Conservation Manager:  
This is a fine 19th century town house. The extension to the rear probably dates to the late 19th C. The proposals would have a relatively minimal impact to the character and appearance of the conservation area. However it would be recommended that the fence be removed and a more appropriate boundary treatment be introduced as part of the scheme. The proposal is however acceptable.
- 4.4 Strategic Housing:  
Private Sector Housing has no objections in principle but has concerns with the extent of natural light for the ground floor bedroom serving flat 2. The requirements of the Housing Act 2004 Part 1 - Housing Conditions should also be satisfied. These are measures largely covered by Building Regulations including noise insulation between flats, ventilation to the kitchen and bathroom areas, fire safety regulations and the height and size of rooms.

## 5. Representations

- 5.1 Hereford City Council: No objections to the application but there are concerns about parking and access.
- 5.2 Conservation Advisory Panel: Recommend refusal as the design does not enhance the Conservation Area. Roadside fencing is ugly, car parking is tight, rear extension is out of proportion and design is out of keeping with a Victorian building.
- 5.3 Four letters of objection have been received, two from 14 Aylestone Hill, one from The Coach House, Aylestone Hill and one from a neighbouring property at 18 Aylestone Hill. The main points raised are:
1. The current proposal does not address the reasons for the refusal of recent application to convert the property to a house in multiple occupation.
  2. The property, its curtilage and the area does not lend itself to high density development.
  3. The proposed tandem parking is unsatisfactory with cars undoubtedly being blocked in.
  4. The proposal is out of keeping with current residential environment of the area.
  5. Additional traffic entering and leaving the site could cause a danger to pedestrians.
  6. The layout is unsatisfactory and provides no reasonable secondary means of evacuation from upper floor.
  7. The first floor terrace will increase overlooking of neighbouring property.
  8. The rear extension to accommodate a further flat is unnecessary development.
  9. Increased traffic and general noise will cause disturbance to adjacent occupiers.

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 Members will see from Section 3 of the report that planning permission was recently refused by the Central Area Planning Sub-Committee for the conversion of the property to a house in multiple occupation. Concerns particularly existed regarding the format of the accommodation and consequential impact upon the character and amenity of the area.
- 6.2 This application proposes the sub-division of the property into six one bedroomed flats. Each flat would have either a separate or open plan living room, kitchen/dining area, double bedroom and bathroom. The rear ground floor flat being accessed via separate entrance with the remainder accessed by a central stairwell. Each flat however will effectively have its own front door.
- 6.3 Policy H17 of the Herefordshire Unitary Development Plan sets out the primary criteria against which this application should be judged. The policy states that sub-division of existing residential buildings will be permitted providing several criteria are met.

Adequate and appropriate car parking and access is available as set out in Policy H16.

- 6.4 Policy H16 sets a maximum parking standard of 1.5 spaces per dwelling with no minimum level of provision. A total of seven parking spaces are proposed which

equates to one space per unit (including the already permitted basement flat). However, the proposed parking layout indicates that some of the parking will be in a tandem format, which is clearly not ideal to serve separate dwellings. Removing the tandem formation would enable the creation of five spaces in total along with the necessary manoeuvring to enable a vehicle to enter and leave the site in a forward gear. Although this is less than one space per unit, given the location of the site in relation to the bus and railway stations and all the necessary amenities within the city centre, it is considered that five spaces is adequate and accords with Policy H16 and Criteria 1 of Policy H17.

A satisfactory standard of accommodation is provided including internal layout and private amenity space.

In terms of the number of flats being created, this is largely dictated by the constraints of the existing building. In this regard alongside the rear extension, the creation of six flats will not result cramped in accommodation or general standards of amenity being sacrificed. As such the principle of six flats along with the permitted basement flat is acceptable on the site.

- 6.5 It is clear from the floor plans that each flat accommodates the necessary facilities required to create a satisfactory standard of accommodation and each flat will have their own front door. Two of the flats will also have their own private garden/terrace area at ground and first floor with the remainder having use of the large communal garden. Therefore, Criteria 2 of policy H17 is satisfied.

The proposal has no undue adverse impact on the character of the property and its curtilage, on the amenity and privacy of neighbouring dwellings and the general character of the area.

- 6.6 No alterations are proposed to the front or side of the property with the exception of the creation of two freestanding structures to accommodate bin and cycle stores. To the rear, an existing extension and outbuilding are to be demolished to accommodate a new extension. The existing extensions are of little merit. The rear extension has a flat roofed design constructed from red brick to match the existing property with timber windows and fully glazed south elevation with solar louvers at the upper level. The flat roofed design, although at odds with the form of the original dwelling ensures the impact is reduced on the neighbouring dwelling.
- 6.7 The footprint does encroach further southwards than the existing outbuilding and will result in a reduction in the amount of light received in the neighbouring properties ground floor windows. To address this, the applicants are amending the design either by reducing the height and/or depth of the extension and amended plans are awaited.
- 6.8 The use of part of the first floor of the extension as an outside amenity space would ordinarily not be acceptable but the neighbouring property uses the flat roof of their extension in a similar manner and therefore the impact on neighbouring amenity is considered acceptable. This is subject to an increase in the height of an obscure screen between the two areas, this is also considered acceptable. The only other alteration on the rear elevation is the insertion of three roof lights, which will be relatively inconspicuous both in terms of their size and position. It is therefore not considered that the proposed use or alterations will have any adverse impact on the character of the property, its curtilage or the amenity or privacy of neighbouring dwellings.



- 6.9 The area generally is not characterised by a predominant land use comprising a mixture of single dwellings, larger houses converted to flats, houses in multiple occupation and other business uses. As such it is not considered that the creation of further flats in the locality would be out of character with the area, if indeed a specific character defined by land use could be identified. The creation of several flats will undoubtedly increase the general activity within the curtilage of the property and consequently may lead to an increase in noise levels. However, noise attenuation measures may be required by Building Regulations approval and controls exist through other legislation if a statutory nuisance occurs. It is not considered that there is any evidence to suggest that the proposal will result in an unacceptable impact on the amenity of neighbouring properties.
- 6.10 The application does not presently encompass any Section 106 contribution although a contribution towards sustainable transport has been sought by the Traffic Manager. As the application is submitted in advance of the adoption of the Supplementary Planning Document on Planning Obligations, it is not considered that any other contributions can be justified from the development. The applicant is yet to agree to the sustainable transport contribution.
- 6.11 The proposal is to create six self contained one bedroomed flats, each with their own front door and essentially addresses the majority of the concerns expressed by Members and third parties in respect of the previously refused application. The development is considered acceptable and in accordance with the relevant Unitary Development Plan policies and policy H17 in particular.

## **RECOMMENDATION**

**Subject to the receipt of suitably amended plans relating to a reduction in the scale/height of the rear extension and (subject to agreement between the Council and the applicants):**

- 1) The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
- 2) Upon completion of the aforementioned planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue a 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. B01 (Samples of external materials).**  
**Reason: To ensure that the materials harmonise with the surroundings.**
  - 3. H13 (Turning area and parking).**

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

**4. 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.

**5. Notwithstanding the submitted details, the proposed privacy screen at first floor along the eastern boundary between No. 16 and No. 18 Aylestone Hill shall be at a minimum height of 1.8 metres above the roof level of the extension and glazed with obscure glass. The details of which shall be submitted for the approval in writing of the local planning authority prior to the commencement of development. The screen shall be maintained in perpetuity in accordance with the approved details thereafter.**

**Reason:** To safeguard the residential amenity of neighbouring property.

**Informatives:**

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

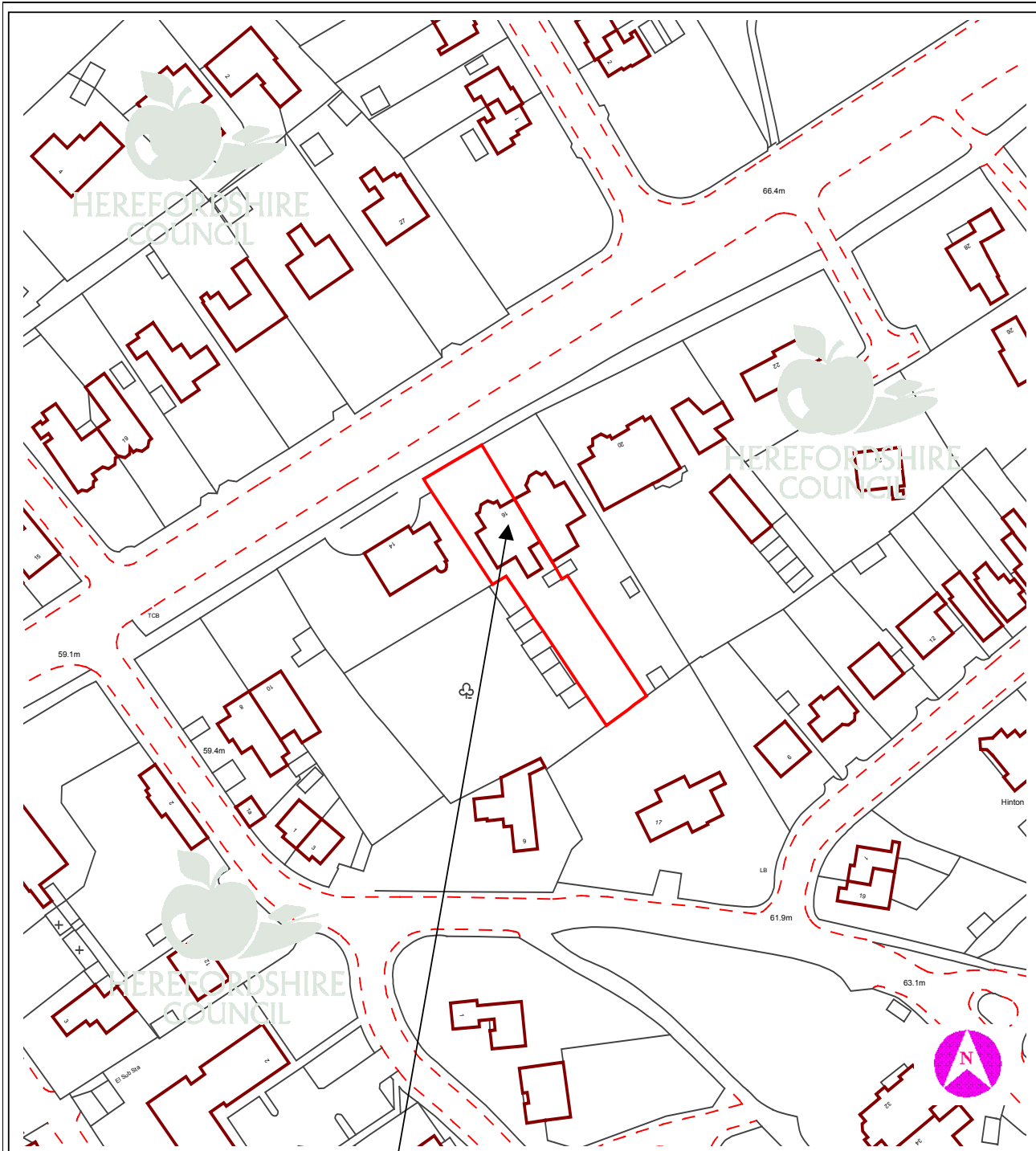
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2008/0442/F

**SCALE :** 1 : 1250

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

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

# **NOT AGREED BY APPLICANTS AT TIME OF WRITING REPORT**

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

Planning Application – DCCE2008/0442/F

Conversion of ground, first and second floor levels of townhouse into six self contained flats with single storey extension and parking

At 16 Aylestone Hill, Hereford.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £7,325 for off site highway works and improved sustainable transportation infrastructure to serve the development which sum shall be paid prior to first occupation of the development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Traffic calming and improved signage
  - b) Localised junction improvements
  - c) Safe Routes for Schools measures
  - d) Improved bus infrastructure in the locality of the application site
  - e) Improve lighting to highway routes leading to the site
  - f) Improved pedestrian and cyclist connectivity with the site
  - g) Improved pedestrian crossing facilities
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement 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. All of the financial contributions shall be Index linked.
5. 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 Team Leader - Central  
04th April, 2008