

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 4 February 2009**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Herefordshire 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
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS	
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.	
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.	
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.	
3. MINUTES	1 - 14
To approve and sign the minutes of the last meeting.	
4. ITEM FOR INFORMATION - APPEALS	15 - 16
To be noted.	

5. PLANNING APPLICATIONS

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 and Transportation 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.

6. DCCW2008/1681/F - 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF 17 - 26

Conversion of existing retirement residential home and self contained basement flat into eight self contained flats / apartments.

7. DCCE2008/1533/F - PRICKETTS PLACE, BOLSTONE, HEREFORD, HEREFORDSHIRE, HR2 6LZ 27 - 32

Alterations and two storey extension to existing house.

8. DCCW2008/2035/F - BRITISH TELECOM BUILDING, BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JT 33 - 38

Change of use from B1 offices to Police offices (Retrospective).

9. DCCW2008/2608/O - ATTWOOD FARM, ATTWOOD LANE, HOLMER, HEREFORDSHIRE, HR1 1LJ 39 - 48

Proposed redevelopment to erect four dwellings.

10. DCCW2008/2887/F - 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF 49 - 54

Change of use from bakery to chip shop.

11. DCCE2008/3069/O - LAND ON NORTH SIDE OF WITHIES ROAD ADJACENT TO TRACK TO WEST LYDIATT, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3PX 55 - 62

Proposed residential development.

12. [A] DCCE2008/2898/F AND [B] DCCE2008/2902/C - CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY 63 - 68

Demolition of existing two storey dwelling and ancillary buildings and replacement with new two storey oak framed dwelling.

13. DATES OF FUTURE MEETINGS

4 March 2009
1 April 2009
29 April 2009

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 7 January 2009 at 2.00 p.m.

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

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

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

87. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors SPA Daniels and MD Lloyd-Hayes.

88. DECLARATIONS OF INTEREST

93. DCCW2008/2035/F - British Telecom Building, Barton Road, Hereford, Herefordshire, HR4 0JT [Agenda Item 7]

Councillor AP Taylor; Personal.

96. DCCW2008/1681/F - 9-11 Tower Road, Hereford, Herefordshire, HR4 0LF [Agenda Item 10]

Councillor PA Andrews; Prejudicial; Left the meeting for the duration of item.

M Willmont, Central Team Leader; Prejudicial; Left the meeting for the duration of the item.

98. DCCE2008/2816/F - 10 Kyrle Street, Hereford, Herefordshire, HR1 2ET [Agenda Item 12]

Councillor MAF Hubbard; Prejudicial; Declared the interest at the start of the item, spoke in accordance with the Constitution and then withdrew from the remainder of the meeting.

Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item.

Councillor DB Wilcox; Personal.

89. MINUTES

Referring to Minute 79 [DCCW2008/1832/N - Upper House Farm, Moreton-on-Lugg, Hereford, Herefordshire, HR4 8AH], Councillor SJ Robertson said that her comments and the reasons for refusal should include reference to Herefordshire Unitary Development Plan 2007 (UDP) Policy ARCH5 (Sites of Lesser Regional or Local Importance).

RESOLVED:

That, subject to the above amendment, the minutes of the meeting held on 3 December 2008 be approved as a correct record.

90. ITEM FOR INFORMATION - APPEALS

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

91. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS

The Sub-Committee received an information report about the Council's position in relation to the Section 106 Agreements for the central area.

A number of members welcomed this new report. It was suggested that more detail might be required on occasion and where appropriate. It was also suggested that the overall position could be reviewed annually.

92. DCCE2008/1758/F - 129 AYLESTONE HILL, HEREFORD, HR1 1JJ [AGENDA ITEM 6]

Construction of three detached dwellings.

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda and are summarised below:

- A further letter had been received from Burcott House Management Ltd requesting further information regarding the proposed drainage.
- A further letter had been received from Mrs. Watkins of 125 Aylestone Hill reiterating previous objections regarding impact on the Conservation Area, highway safety, amenity, the Section 106 contributions and the principle of residential development on the site.
- A further e-mail from the applicant's agent had been received stating that the parking/turning area was proposed to be rolled scalplings as opposed to loose gravel and a highway mirror could be installed on the applicant's land to improve intervisibility of the access to the site.

The Principal Planning Officer advised that:

- Rolled scalplings would provide a permeable hard surface but would minimise noise arising from vehicles and the mirror would address the concerns of the nearest neighbour regarding the safety of accessing/exiting their driveway.
- The recommendation had been amended to include additional conditions requiring the mirror to be installed and the completion of the Section 106 Agreement prior to the commencement of the development, rather than prior to issuing the planning permission.

In response to questions from Councillor DB Wilcox, a Local Ward Member, the Principal Planning Officer highlighted the location of the Aylestone Park viewing point and explained the surface water drainage arrangements; including rainwater harvesting with overflow to a balancing pond with the likely run-off rate reduced below existing green field run-off rates from the site. The Principal Planning Officer advised that there had not been any specific consultations required regarding the

drainage arrangements but recommended condition 14 would require technical details to be submitted and approved prior to the commencement of the development.

Councillor Wilcox noted the environmental credentials of the design, that mains drainage connection was necessary, and that as 'white land' in the UDP the site had not been specifically identified for residential development. He commented on the value of the site inspection that had been undertaken, particularly given the elevated position of the application site and its proximity to Aylestone Park. Councillor Wilcox said that the designs were innovative and exciting but he felt that scheme was not in keeping with the character of this area. Therefore, he proposed that the application be refused on the grounds that it would be detrimental to the amenity of the area, would detract from the character and appearance of the Conservation Area and would have an unacceptable impact on Aylestone Park, particularly on the outlook from the viewing point.

Councillor NL Vaughan, the other Local Ward Member, felt that relevant agencies should be consulted on the drainage arrangements given that existing dwellings in the area suffered from flooding and that this scheme could exacerbate the problems. He also felt that it was unacceptable that, despite the widening of the access track, the access would still not be to full adoptable standards and he noted the difficulties experienced when egressing onto Aylestone Hill at peak traffic periods. He welcomed the sustainable design elements but noted that this was not an overriding reason to support the scheme, particularly if the development would have a detrimental impact on the landscape.

In response to a question from Councillor AJM Blackshaw, the Principal Planning Officer advised that this site was not included in the design of Aylestone Park and that a proposed orchard area (relating to a Section 106 Agreement as part of a recent Royal National College for the Blind scheme) was on the other side of the park.

The Principal Planning Officer also advised that: designation as 'white land' in the UDP meant that no specific land use had been identified but it did not preclude residential development and the site was within the Hereford City settlement boundary; the Conservation Manager – Building Conservation had commented that *'Although the designs are not in keeping with the character of the area they are of interest and would add to the architectural canon of the area being a good example of 21st Century design'*; whilst the development would be visible, it was not considered that the proposal would obstruct or detract from the outlook from the viewing point; and the access and access track would be constructed to an adoptable standard but could not be adopted as no service strip could be accommodated. He added that the access could support up to 25 dwellings, with no limit on size, according to current design standards.

Councillor PJ Edwards supported the design approach but, noting the concerns of the Local Ward Members, questioned whether a condition could be imposed to ensure that no ancillary structures were visible above ground level. In response, the Principal Planning Officer advised that the dwellings would be predominantly subterranean and recommended condition 5 would remove permitted development rights, so that ancillary structures could be controlled; he added that the dwellings could be lowered into the ground level further but this would require substantial excavation.

Councillor AM Toon questioned whether an Environmental Impact Assessment should be required and, given the concerns about flooding in the locality, suggested

that measures to mitigate surface water run-off rates should not only account for the development but also contribute to reducing the overflow from the surrounding land. Councillor Toon also drew attention to the response of the Children and Young People Directorate and felt that contributions towards educational infrastructure should be more specific. She felt that consideration of the application should be deferred pending the resolution of the above issues.

In response, the Legal Practice Manager explained that there were precise regulations in respect of Environmental Impact Assessments and the Principal Planning Officer confirmed that this scheme had not reached the relevant thresholds. The Principal Planning Officer advised that the drainage arrangements could be expanded to allow for an element of run-off from surrounding land, representing betterment from the development. He also advised that the consultation response regarding educational facilities was in a standard format and it was understood that monies from planning obligations were pooled until they reached a satisfactory level to provide useful infrastructure improvements. Subject to the betterment of the existing surface water run-off situation, Councillor Toon withdrew the motion to defer.

The Chairman, drawing attention to paragraph 6.9 of the report, noted that the undeveloped land around the dwellings would be managed for nature conservation and controlled, through the Section 106 Agreement, to prevent it from being used as private garden by any of the dwellings.

Councillor GFM Dawe welcomed the scheme and noted that natural grass roofing, rainwater harvesting and permeable drive surfaces would significantly reduce run-off rates when compared to conventional developments.

Councillor AT Oliver felt that the design approach could act as a beacon for future developments, particularly the aim of achieving Level 4 of the Code for Sustainable Homes. Given that the development would be set into the rising ground level, he did not consider that the dwellings would have an unacceptable visual impact and noted that views were more likely to be obstructed by mature landscaping.

In response to a question from Councillor SJ Robertson, the Principal Planning Officer advised that each dwelling would have an enclosed courtyard, utility and garden area commensurate with the size of the property.

Councillor MAF Hubbard noted that views towards the site would be in the context of existing built development and natural grass roofing would mitigate visual impact.

Councillor RI Matthews acknowledged that this was a sensitive site but noted that efforts had been made to integrate the development into the local environment and questioned whether refusal of planning permission could be sustained on appeal.

A motion to refuse the application failed and a motion to approve the application was then carried.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. C01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. D02 (Approval of details).

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the site as one which is in a conservation area, or of local interest and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan

4. F05 (Restriction on hours of construction).

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

5. F14 (Removal of permitted development rights).

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

6. F15 (No windows in side elevation of extension).

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

7. G01 (Earthworks).

Reason: (Special Reason but to include - in order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).

8. G09 (Details of Boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

9. G10 (Landscaping scheme).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

10. G14 (Landscape management plan).

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

11. The alterations to the vehicular access and access road as identified in drawing no. 5706-02 Revision B shall be completed in accordance with the specification to be submitted and approved in writing by the local

planning authority prior to any other work commencing on the construction of the dwellings hereby permitted.

Reason: In the interest of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of the Herefordshire Unitary Development Plan 2007.

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

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

13. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

14. I18 (Scheme of mains foul and surface water drainage disposal prior to commencement to include surface water betterment above the existing greenfield runoff rate).

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

15. I32 (Details of external lighting).

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

16. I42 (Scheme of refuse storage (residential)).

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

17. B07 – Section 106 Agreement

Reason: In order to provide enhanced sustainable transport, educational, play and sport and library infrastructure and to enhance the biodiversity interest of the site in accordance with policies DR5 and NC7 and NC8 of the Herefordshire Unitary Development Plan 2007.

18. Provision of a 'highway mirror' along the access road

Reason: In the interest of highway and pedestrian safety and to comply with policy DR3 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1. N02 - Section 106 Obligation.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.
3. N19 - Avoidance of doubt - Approved Plans.

93. DCCW2008/2035/F - BRITISH TELECOM BUILDING, BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JT [AGENDA ITEM 7]

Change of use from B1 offices to Police offices (Retrospective).

The Central Team Leader noted that, at the meeting held on 1 October 2008, the Sub-Committee had resolved that consideration of the application 'be deferred for further discussions with the applicant, in consultation with the Local Ward Members and the Chairman' [Minute 61 of 2008/09 refers]. He advised that the applicant had now submitted a Travel Plan but officers had not yet taken the opportunity to discuss the matter with the members. Therefore, it was recommended that the application be deferred again. The Local Ward Members supported this.

RESOLVED: That consideration of the application be deferred.

94. DCCW2008/2578/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS [AGENDA ITEM 8]

Removal / variation of condition 10 of planning application DCCW2001/1848/F.

The Central Team Leader explained the planning history of the site, the purpose of the application and reported that the Council's Environmental Health Officer had assessed the noise report submitted with the application which confirmed that there will be no discernible increase in noise levels to the detriment of adjoining residential properties.

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

Councillor H Davies, a Local Ward Member, did not consider that the business case for the extension of hours had been proven and said that she had not witnessed any shortages of fuel at the filling station. Therefore, Councillor Davies did not feel that there was any reason to alter the existing delivery times.

Councillor GA Powell, also a Local Ward Member, concurred and commented that the noise and fumes from the filling station had significant impacts on residential amenity.

Councillor PJ Edwards considered that there was a case for refusing the application as being contrary to UDP Policies DR1 (Design), DR2 (Land Use and Activity), DR9 (Air Quality) and DR12 (Hazardous Substances). He felt that the proposed extension of hours was excessive and unjustified; he added that, despite long periods of discounted prices, he had not witnessed any periods when the filling station had run out of fuel and the only deficiencies occurred during a strike by tanker drivers. He also outlined problems with general management issues, such as litter, and commented on vapours and noise from the site; particularly with extractor fans operating throughout the night. However, if the Sub-Committee was minded to approve the application, Councillor Edwards felt that any extension should be limited to increased hours on Saturday afternoons only to address the concern about potential shortages at weekends and Bank Holidays.

A number of members supported the views of the Local Ward Members, commented on the disruption to local residents and questioned the need to extend the hours to the level proposed. In response to a question, the Central Team Leader advised that the application sought more flexibility in delivery times and it was not anticipated that it would result in more fuel tanker traffic to the filling station. The Central Team

Leader also reminded the Sub-Committee that the noise report identified that the noise associated with delivery events did not exceed background noise levels.

Councillor AM Toon questioned whether refusal of planning permission could be sustained on appeal and suggested that a modest increase in hours could be granted to meet operational requirements, with the same 1000 - 1600 hours provision on Saturdays as was permitted on Sundays. Councillor Toon noted the concerns about air quality, particularly for residents with children, and felt that an extension of hours into the evening was unacceptable.

Councillor MAF Hubbard questioned the times when the noise assessments had been undertaken and felt that the impact on residential amenity should not be underestimated.

Councillor Edwards noted that an extension on Saturdays might be a reasonable way forward and commented on the difficulties associated with proving noise nuisance.

Councillor DB Wilcox noted that the current condition allowed deliveries at 08.00 on Saturdays and suggested, to meet the identified business needs, that the revised condition should be 0800 - 1600 hours on Saturdays, with one delivery permitted between 1000 - 1600 hours on Sundays and to cover Bank Holidays.

Consequently, the Central Team Leader advised that the revised delivery times would be:

0800 - 1800 hours Monday - Friday

0800 - 1600 hours Saturdays

1000 - 1600 hours, one fuel tanker delivery on Sundays and Bank Holidays.

RESOLVED:

That planning permission be granted subject to the following condition:

- 1. The permission hereby granted is an amendment to planning permission CW2001/1848/F dated 8 September 2003 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 2. The loading and unloading of service and delivery vehicles to the petrol filling station together with their arrival and departure from the site shall not take place outside the hours of 0800 to 1800 hours Mondays to Fridays; 0800 to 1600 hours on Saturdays; and one fuel tanker delivery between the hours of 1000 to 1600 hours Sundays and Bank Holidays.**

Reason: To safeguard the amenities of the locality and comply with the requirements of Policies DR1, DR2 and DR13 of the Herefordshire Unitary Development Plan.

Informatives:

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

95. DCCW2008/2775/F - 29 WHITEFRIARS ROAD, HEREFORD, HR2 7XE [AGENDA ITEM 9]

Demolish existing garage and replace with single storey extension and minor alterations to off road parking area.

It was recommended that the application be deferred pending clarification about matters of land ownership.

RESOLVED: That consideration of the application be deferred.

96. DCCW2008/1681/F - 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF [AGENDA ITEM 10]

Conversion of existing retirement residential home and self contained basement flat into nine self contained flats / apartments.

The Principal Planning Officer reported that correspondence had been received from the applicant's agent confirming agreement to the Section 106 Heads of Terms (as amended to net off the existing basement flat). The Sub-Committee was advised that:

- A further section of the existing rear single storey extension would have to be removed to accommodate two of the parking spaces and therefore an amended ground floor plan was required identifying this change.
- The recommendation had been amended to include additional conditions requiring a Section 106 Agreement to be completed prior to the commencement of the development, an amendment to the Heads of Terms to take off one two bedroom flat, and an amended ground floor plan. Therefore, delegated authority was requested to issue the permission subject to the points above.

The Principal Planning Officer also outlined the parking and access arrangements.

Councillors JD Woodward and DJ Benjamin, the Local Ward Members, noted the concerns of local residents, particularly the lack of amenity space, and considered that the Sub-Committee would benefit from 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.**

97. DCCE2008/1533/F - PRICKETTS PLACE, BOLSTONE, HEREFORD, HEREFORDSHIRE, HR2 6LZ [AGENDA ITEM 11]

Alterations and two storey extension to existing house.

The Central Team Leader explained the policy considerations and recommended reason for refusal of planning permission.

In accordance with the criteria for public speaking, Mrs. Litherland had registered to speak in support of the application but felt unable to present her views and, therefore, the Legal Practice Manager read out a statement on her behalf.

Councillor GFM Dawe, the Local Ward Member, commented on the attractive nature of the cottage and surrounding countryside which was opposite the Wye Valley Area of Outstanding Natural Beauty and adjoined a special wildlife site. He drew attention to the comment in the officer's appraisal that '*The proposal does not comply with Policy H18. The extension would more than double the size of the existing building...*'. Councillor Dawe said that he was sympathetic to the personal circumstances of the applicant but recognised the policy constraints and felt that the proposed extension was too excessive; he added that a more modest extension might be appropriate. He noted the concerns expressed by Holme Lacy Parish Council about an earlier proposal and he commented on the need to retain smaller dwellings in rural areas.

Councillor PJ Edwards concurred with the views of the Local Ward Member and questioned whether the applicant could submit a revised scheme without charge should the application be refused. The Central Team Leader advised that the regulations governing application fees permitted an additional submission within twelve months but this was the second submission in this particular case.

The Chairman commented on the limited size of the cottage and noted that it would be difficult to achieve a suitable level of accommodation without some form of extension.

Councillor RI Matthews drew attention to the seven letters that had been received in support of the proposal and noted that Holme Lacy Parish Council and Bolstone Parish Council had not raised any objections to the revised scheme.

Councillor H Davies outlined the difficulties experienced by disabled people and carers in regular sized accommodation and she felt that the cottage needed to be extended in some way to address the issues.

In response to comments by members, the Chairman clarified that a number of revisions had been made to the scheme and, therefore, a number of responses had been received from local parish councils.

Councillor AM Toon noted that there was a need for a decent level of habitable accommodation and proposed that a site inspection be undertaken in order for members to get a better perspective about the dimensions and setting of the cottage.

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.**

98. DCCE2008/2816/F - 10 KYRLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2ET [AGENDA ITEM 12]

Continuation of use of yard at 10 Kyrle Street for the storage, movement and operation of 4 mobile coffee carts, 1 freezer cart, 1 fridge cart and 4 non HGV associated support vehicles.

The Principal Planning Officer outlined the planning history of the site and advised that this application sought permanent permission following a two-year 'trial period' [application DCCE2006/3614/F refers].

Councillor MAF Hubbard, the Local Ward Member, declared a prejudicial interest at the start of the item but, in accordance with the Constitution [Appendix 12, Members Code of Conduct, Part 2, paragraph 12 (2)], wished to exercise the opportunity to speak for up to three minutes before withdrawing from the meeting. Councillor Hubbard commented that there was an established mixture of residential and business uses in this area, that there was already significant background noise in the locality, and that the two-year trial period had only resulted in two complaints from one neighbouring property; with no statutory nuisance established in either instance.

In accordance with the criteria for public speaking, Mr. Watkins spoke in objection to the application on behalf of the occupants of 12 Kyrle Street and Mr. Rawlings spoke in support of the application.

Councillor ACR Chappell said that the temporary permission had not revealed any justifiable reasons for refusal of permanent planning permission. He commented on the mixed characteristics of the surrounding area and noted there were numerous noise generating businesses in the locality. He also noted that the terms of the licence from Herefordshire Council, to operate a coffee cart in Hereford High Town, necessitated a departure of one cart from the site at 06.00. Therefore, he supported the application.

Councilor AM Toon noted that, although no statutory nuisance had been identified during the temporary permission, early morning operations inconvenienced local residents. She considered that, with this application, a limit had been reached in the potential of this site to accommodate the business and suggested that the applicant might need to consider moving it to an industrial estate if further expansion was contemplated.

Councillor PJ Edwards questioned whether Permitted Development Rights could be removed to prevent any further intensification of use and, noting that there had been a complaint about noise from trailers scraping the pavement, suggested that the applicant be required to consider options for the escarpment of the access. The Principal Planning Officer advised that the detailed description of the application meant that any proposed future development would require another planning application and, to reinforce this position, the numbers of carts and associated support vehicles permitted could be specified in the conditions. He also said that an informative note could be added to the decision notice to highlight the need to address the escarpment of the access.

In response to questions from Councillor AP Taylor, the Principal Planning Officer advised that the application site was clearly defined and any possible changes of use associated with other premises or parking areas would need to be investigated separately.

Councillor DB Wilcox noted the problems often associated with having a mixture of residential and business uses in close proximity and also the difficulties of establishing statutory nuisance. Therefore, he suggested an additional condition to require the applicant to undertake practical measures to limit noise. Other members supported this.

Councillor AT Oliver considered that, in the interests of residential amenity, no carts and associated support vehicles should be permitted to operate or move before 0700 or after 2100. Councillor DJ Benjamin considered that the business had started as a cottage industry but had now outgrown the site and supported the suggested amendment on hours of operation.

Councillor Chappell re-iterated the constraints of the licence granted to operate in High Town. The Principal Planning Officer confirmed that the suggested amendment on hours of operation would prevent the applicant from complying with the licence requirements.

The Principal Planning Officer said that the wording of the suggested noise condition needed to be more precise, to enable it to be enforced. Councillor Wilcox commented that the condition should require the applicant undertake the best practicable means of minimising noise disturbance.

An amendment to restrict hours further failed and a motion to approve the application was then carried.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **F02 (Restriction on hours of delivery).**

Reason: To safeguard the amenities of the locality.

2. **Notwithstanding the connections of the freezer and fridge carts to a mains power supply, the coffee carts and support vehicles described in the description of development shall not be moved or operated in the yard or moved into or out of the yard before 7am or after 9pm on any day except in the case of emergency with the exception of one cart and its associated support vehicle which shall be permitted to be moved into and out of the yard between 6am and 10pm.**

Reason: To safeguard the amenities of the locality.

3. **The permission hereby granted is for the use of land for the parking, storage and movement of four mobile coffee carts, one freezer cart, one fridge cart and four non HGV associated support vehicles only.**

Reason: In order to define the terms of the permission in the interests of local amenity and to comply with Policies DR2 and E9 of the Herefordshire Unitary Development Plan.

4. **Best practicable means shall be implemented in the operation of the use hereby permitted so as to minimise noise disturbance for residential and other properties in the locality.**

Reason: In order to safeguard the amenity of occupiers of nearby properties and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

Informatives:

1. **N01 - Access for all.**
2. **N03 - Adjoining property rights.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
4. **N19 - Avoidance of doubt - Approved Plans.**

5. The applicant shall undertake measures to ensure that vehicles and the attached carts can enter and exit the site without scraping/grounding on the driveway and/or adjoining pavement.

99. DATES OF FUTURE MEETINGS

4 February 2009
4 March 2009
1 April 2009

The meeting ended at 4.48 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2008/2589/A**

- The appeal was received on 16 December 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. R. Hill.
- The site is located at Travelodge Hotel, Ross Road, Grafton, Hereford, Herefordshire, HR2 8ED.
- The development proposed is One internally illuminated post sign. One internally illuminated logo and lettering signage.
- The appeal is to be heard by Written Representations.

Case Officer: Ben Lin on 01432 261949

APPEALS DETERMINED**Application No. DCCE2007/3542/F**

- The appeal was received on 10 June 2008.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. M.J. Mohan & Mr. N.A. Beament.
- The site is located at 16 Aylestone Hill, Hereford, Herefordshire, HR1 1HS
- The application, dated 14 November 2007, was refused on 23 January 2008.
- The development proposed was Change of use from two flats (residential) to House in Multiple Occupation.
- The main issues are (a) the character and appearance of the surrounding area, with particular regard to the Aylestone Hill Conservation Area; (b) the living conditions of neighbouring occupiers; (c) the fear of crime and personal safety.

Decision: The application was refused by Committee, contrary to Officer Recommendation on 23 January 2008.

The appeal was **ALLOWED** on 5 January 2009.

Case Officer: Russell Pryce on 014321 261957

/p.t.o

Application No. DCCE2008/1063/F

- The appeal was received on 18 September 2008.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Ms. L. Powell.
- The site is located at Land at junction of Sedgefield Road and Hampton Park Road, Hereford, HR1 2RR.
- The application, dated 27 March 2008, was refused on 28 May 2008.
- The development proposed was Proposed construction of a low energy single storey earth shelter dwelling.
- The main issues are (a) the impact of the proposed development upon the character and appearance of the surrounding area, with particular regard to its ecology, and upon the character and appearance of the Hampton Park Conservation Area; (b) the impact the proposed development upon highway safety in the surrounding area; (c) whether the proposed development would satisfactorily address flood risk.

Decision: The application was refused under Delegated Powers on 28 May 2008.

The appeal was **DISMISSED** on 6 January 2009.

Case Officer: Rebecca Jenman on 01432 261961

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

6 DCCW2008/1681/F - CONVERSION OF EXISTING RETIREMENT RESIDENTIAL HOME AND SELF CONTAINED BASEMENT FLAT INTO EIGHT SELF CONTAINED FLATS / APARTMENTS AT 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF

**For: Mrs. H. Price per Colin Goldsworthy, MCIAT
MaPS, 85 St. Owens Street, Hereford, HR1 2JW**

Date Received: 25 June 2008

Ward: St. Nicholas

Grid Ref: 49925, 39683

Expiry Date: 20 August 2008

Local Members: Councillors DJ Benjamin and JD Woodward

Introduction

This application was deferred to allow members to inspect the site. The report has been updated in light of amendments to the proposal. These are

- The number of flats is reduced from nine to eight,
- The existing rear single storey extension is to be removed in its entirety,
- The steps serving the eastern pedestrian access are to be contained within the building

1. Site Description and Proposal

- 1.1 Numbers 9 and 11 are located on the southern side of Tower Road, around 70 metres southwest of the junction with Breinton Road and Westfaling Street. The properties were occupied as a residential care home until approximately two years ago and have subsequently been occupied as a small scale house in multiple occupation. The care home when occupied was licensed for 18 occupants. The site is largely surrounded by detached two storey properties and directly opposite (north) is Broomy Hill Nursing Home. An existing vehicular access runs along the western boundary of the curtilage serving a tarmacked area to the rear of No. 11 with parking for around 4 vehicles. The rear of No. 9 is a larger area set out to garden. Ground levels fall generally from west to east with the immediately neighbouring detached dwelling being approximately one metre lower than the application site level.
- 1.2 The site falls within an established residential area as identified in the Herefordshire Unitary Development Plan. The southern boundary of the garden to No. 9 adjoins Broomy Hill Conservation Area, beyond which there are a number of listed buildings.
- 1.3 Planning permission is sought for the conversion of the former residential care home to create two one bedroom and six two bedrooms flats. More specifically, two one bedroom flats will be provided within the basement, two two bedroom flats at ground floor, two two bedroom flats at first floor and two two bedroom flats at second floor. The basement flats would be accessed via two new access points on the front elevation, the remainder of the flats being accessed by existing doorways on the eastern and western gables.

- 1.4 An amended parking plan has been provided identifying off-street parking for eight vehicles along with a manoeuvring area to enable vehicles to enter and leave the site in a forward gear and conversion of an outbuilding to secure cycle storage.
- 1.5 Externally, the alterations amount to the removal of the more modern lift shaft associated with the previous care home use, removal of the rear extension and introduction of additional roof lights on the front and rear elevation and minor alterations to the fenestration.

2. Policies

2.1 Planning Policy Guidance:

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy DR13	-	Noise
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H17	-	Sub-division of Existing Housing
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy

2.3 Supplementary Planning Document – Planning Obligations

3. Planning History

- 3.1 HC/870972/PF Change of use to residential home for the elderly (No. 11). Approved 4 January 1988.
- 3.2 HC/890320/PF Change of use to residential home for the elderly (No. 9). Approved 8 August 1989.
- 3.3 HC/890547/PF Proposed lift shaft, head extension on roof, passageway from No. 9 to No. 11, increase residents from 7 to 11 at No. 9. Approved 13 November 1989.
- 3.4 HC/94/0504/PF Proposed rear extension to nursing home to form staff utility room, office and store. Approved 11 January 1995.

- 3.5 CW2006/4011/F Sub-division of existing nursing home to form three dwellings. Approved 7 February 2007.
- 3.6 CW2007/ 3538/F Change of use of residential home for the elderly to house in multiple occupation. Refused 27 December 2007. Appeal dismissed 5 November 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager:
Based upon the amended parking plan, I am satisfied that eight parking spaces individually accessible can be provided as identified. This is significantly less than our maximum standards for nine apartments which would require fourteen spaces based on an average of 1.5 spaces per dwelling. However, although I would not wish to see displacement of parking onto the street, these are maximum figures and may not substantiate a refusal on grounds of lack of parking alone, bearing in mind that the site is within walking distance of the city centre and cycle storage is also provided. I therefore do not object on parking grounds to the proposal.
- 4.3 Private Sector Housing:
No comments received.
- 4.4 Parks and Countryside Manager:
No objection subject to contributions in line with the supplementary planning document on Planning Obligations towards off site open space, sport and recreational facilities.
- 4.5 Children and Young Services Manager:
No objection subject to a financial contribution to be used towards the provision of new and enhancement of existing educational infrastructure at north Hereford City Early Years, Lord Scudamore Primary School, Whitecross Sports College and Hereford City Youth Service.
- 4.6 Cultural Services Manager:
No objection subject to a contribution towards library services within Hereford City.
- 4.7 Conservation Manager:
No response.

5. Representations

- 5.1 Hereford City Council: No objections to the application subject to clarification that there are separate bathrooms for flats 8 and 9.
- 5.2 Seven letters of objection have been received, the main points raised are:
1. The creation of nine flats is out of keeping with the character of the area.

2. Inadequate parking would be provided and there is no capacity for on street parking.
3. Increased noise pollution.
4. Increased disturbance (the police have already been called to the property associated with the existing HMO use).
5. Development would devalue property prices.
6. Additional parking will obstruct the highway preventing access by emergency vehicles.
7. Inadequate garden and amenity space for the number of occupants.
8. Conversion to a smaller number of quality apartments would be more appropriate.
9. The proposed location of parking and cycle storage to the rear of the property would adversely impact upon amenity of neighbouring properties.
10. Concerned with the stability of the proposed driveway and impact it would have on neighbouring property.
11. The existing frontage is already used for hanging out washing and as a smoking area detracting from the character of the area. Therefore, no parking should be permitted on the frontage which will further deteriorate the character of the area.

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

6. Officer's Appraisal

- 6.1 The site falls within an established residential area and settlement boundary of Hereford City where the principle of new residential development is acceptable. Policy H17 of the Herefordshire Unitary Development Plan sets out the main criteria for the assessment of applications relating to the conversion of properties to flats. The three criteria being:
1. Car parking
 2. Standard of accommodation
 3. Impact on the character and amenity of the area

Car Parking

- 6.2 The applicants have provided an amended plan, which now identifies eight parking spaces to serve eight flats. The parking bays would be accessed via a one-way system entering the site along the eastern boundary and exiting along the western boundary. This will enable all vehicles to enter and leave the site in a forward gear and reduce the amount of manoeuvring movements and consequential impact of the parking area on the amenity of the neighbouring dwellings. Whilst the number of spaces proposed is below the maximum standard of 1.5 spaces per unit set by Policy H16, this policy sets no minimum standard and the Traffic Manager is satisfied that the parking provision is acceptable given the sustainable location of the site and accessibility to public transport. As such Criteria 1 of Policy H17 is satisfied.

Standard of Accommodation

- 6.3 The properties were historically two semi-detached properties and are typical of properties of their era. The proposed layouts on ground, first and second floors will achieve relatively spacious self-contained flats of both one and two bedroom in size. The flats will be either accessed from the eastern or western gables to two central stairwells resulting in each flat effectively having their own front door.

- 6.4 Minor concerns exist with regard to the basement flats which although spacious will have reduced amounts of natural daylight. However, planning permission was approved on the 7 February 2007 for the conversion of the basement to a two bedroom flat and this permission remains extant and therefore it is not considered that a refusal could be justified on these grounds in light of this planning permission.
- 6.5 Externally, an area of garden to the rear of No. 9 will be retained for communal use, barbeques, drying of clothes etc. along with a separate area for refuse storage and conversion of an outbuilding for cycle storage. Although modest, this area is considered adequate given the location of the site and accessibility to other public open space. Therefore the requirements of Criteria 2 of Policy H17 are satisfied.

Impact on the Character and Amenity of the Area

- 6.6 With the exception of the existing residential care home directly opposite the site, the area is predominantly characterised by detached and semi-detached family housing. Whilst the introduction of flats would therefore result in a different type of accommodation than presently exists in the area, this in itself is not sufficient grounds to warrant withholding planning permission.
- 6.7 Firstly, the proposal will have no adverse impact on the setting of the Conservation Area or listed buildings. The sub-division into eight flats will inevitably generate additional activity and vehicle movements over and above that is likely to have existed with the residential care home use. The alternative that presently exists is the extant planning permission from 2007. This effectively would subdivide the property into two dwellings, each of up to eight bedrooms in size and a two bedroom basement flat. The likely activity associated with dwellings of this size including the number of occupants could be similar to that associated with this proposal.
- 6.8 With regard to the property itself, the proposed removal of the lift tower, alterations to the fenestration and the introduction of traditional railings along the roadside frontage will generally enhance the appearance of the site and property. The creation of the parking spaces to the frontage will have an impact on the appearance of the site when viewed from the road but the new boundary treatment will partially screen the parked cars.
- 6.9 Therefore considering the fallback position and notwithstanding the number of flats proposed, it is not considered the format of the accommodation, the scale of the proposal or physical alterations/works will individually or cumulatively result in a harmful impact on the character of the area justifying refusal of planning permission.
- 6.10 Whilst the occupation of the property over the last 12 months as a house in multiple occupation has generated complaints regarding noise, there is no evidence to indicate that the occupation of the dwelling as private flats would cause such disturbance. The impact on the amenity of the area is also therefore considered acceptable. Other concerns expressed by objectors such as the structural integrity of the boundary wall and associated driveway construction, refuse and cycle storage can be addressed through conditions.

A Section 106 Heads of Terms is appended to this report in accordance with the adopted Supplementary Planning Document on Planning Obligations which the applicants have agreed to. This proposes financial contributions for off site community infrastructure to mitigate the direct impact of the development including contributions

towards transportation, sustainable transport, education and public open space, sport and recreational facilities. In light of the reduction in the number of units, the contributions will change slightly from that identified in the Heads of Terms.

- 6.11 The proposal with the revised parking layout and removal of one unit now satisfies the requirements of Policy H17 of the Herefordshire Unitary Development Plan in particular and is considered acceptable.

RECOMMENDATION

Subject to the receipt of suitably amended plans identifying points 1 –3 below the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1. The reduction in the number of flats from nine to eight,
2. The demolition of the existing rear single storey extension,
3. The construction of the steps serving the eastern pedestrian access within the building

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. **G09 (Details of Boundary treatments).**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

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

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

4. **Before development commences, full details including scaled plans and/or structural details shall be submitted for the approval in writing of the local planning authority in order to maintain and/or enhance the structural integrity of the existing eastern boundary sufficient to support the construction of a new access drive. The access drive and associated works to the boundary wall shall be completed in accordance with the approved details prior to first occupation of the development hereby permitted.**

Reason: To ensure the driveway is constructed to an appropriate standard and safeguard the amenity of neighbouring dwelling and comply with the requirements of Policies DR1 and DR3 of the Herefordshire Unitary Development Plan.

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

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

6. I42 (Scheme of refuse storage (residential)).

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

7. B07 (Section 106 Agreement).

Informatives:

- 1. N02 - Section 106 Obligation.**
- 2. N19 - Avoidance of doubt - Approved Plans.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

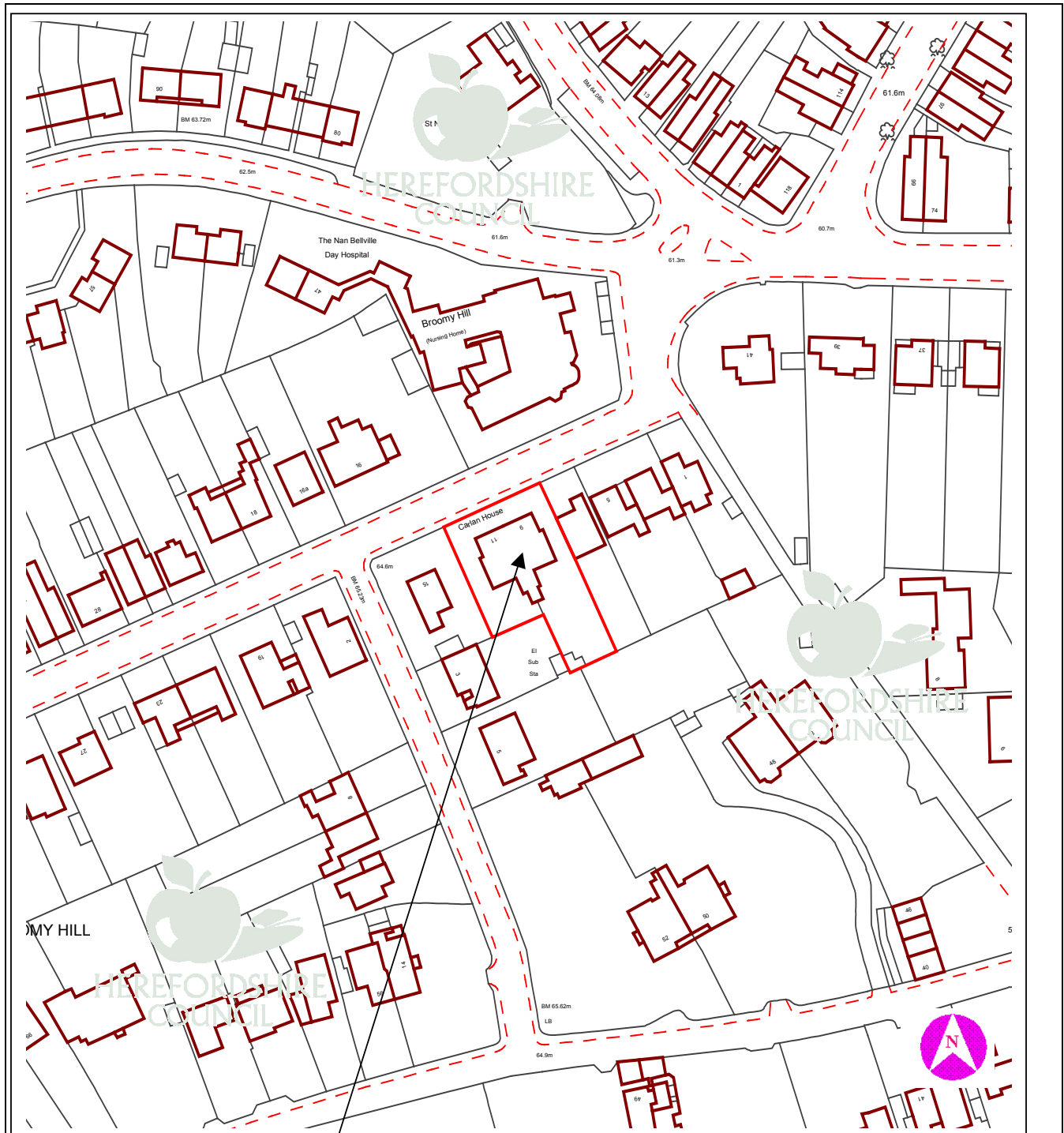
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/1681/F

SCALE : 1 : 1250

SITE ADDRESS : 9-11 Tower Road, Hereford, HR4 0LF

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

Planning Application – DCCW2008/1681/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008

Conversion of retirement home into 9 one and two bedroom self contained flats

9-11 Tower Road, Hereford, HR4 0LF

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities on site to serve the development to pay Herefordshire Council the sum of £5,159 (contribution based around the requirements of policy H19 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for the provision of new play, sport and recreational facilities in the locality. The contribution includes 15 years maintenance costs.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £14,225 to provide enhanced educational infrastructure at North Hereford City Early Years, Lord Scudamore School, Whitecross Sports College and Hereford City Youth Service with 1% allocated for Special Education Needs.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £13,185 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements).
4. 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) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
 - c) Localised junction improvements
 - d) North Hereford Park and Ride
 - e) Contribution to improved bus service
 - f) Contribution to Safe Routes for Schools
 - g) Improved bus shelters/stops in the locality of the application site
 - h) Improve lighting to highway routes leading to the site
 - i) Improved pedestrian and cyclist connectivity with the site
 - j) Improved pedestrian and cyclist crossing facilities
 - k) Initiatives to promote sustainable transport
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1210 towards the enhancement of existing community services (library facilities) in Hereford City.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
7. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 and 5 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
8. All of the financial contributions shall be Index linked and paid on or before commencement of the development.

9. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Russell Pryce - Principal Planning Officer
12 December 2008

7 DCCE2008/1533/F - ALTERATIONS AND TWO STOREY EXTENSION TO EXISTING HOUSE AT PRICKETTS PLACE, BOLSTONE, HEREFORD, HEREFORDSHIRE, HR2 6LZ

For: Mrs. B. Litherland per Humberts, The Estate Office, 106 High Street, Marlborough, Wiltshire, SN8 1LT

Date Received: 10 June 2008 **Ward: Hollington** **Grid Ref: 55372, 33019**
Expiry Date: 5 August 2008
 Local Member: Councillor GFM Dawe

This application was deferred at the last meeting in order for a site inspection to be held. This took place on 20 January 2009.

1. Site Description and Proposal

- 1.1 This site is located on the north side of the Class III road that runs northeast from Little Dewchurch towards Holme Lacy.
- 1.2 Pricketts Place is a detached cottage that is constructed in natural stone with a slate roof. It is a two storey building with to the rear a single storey lean-to in similar materials. The accommodation comprises kitchen, dining, lounge and bathroom to the ground floor with three bedrooms above. In addition there are two sheds attached to the cottage.
- 1.3 This application is for alterations and extensions. The extension would be two storey and to the west side and with a two storey link to the existing cottage. The extension would provide a kitchen and living room on the ground floor with two en-suite bedrooms above, together with halls and stairs. The existing cottage would provide a study, hall and utility with one en-suite bedroom above.

2. Policies

2.1 National Planning Policy:

- | | | |
|------|---|--|
| PPS1 | - | Delivering sustainable development |
| PPG7 | - | Sustainable development in rural areas |

2.2 Herefordshire Unitary Development Plan 2007:

- | | | |
|-----|---|---|
| DR1 | - | Design |
| LA2 | - | Landscape character and areas least resilient to change |
| H7 | - | Housing in the countryside outside settlements |
| H18 | - | Alterations and extensions |

3. Planning History

- 3.1 DCCE2008/0072 - Alteration and extension. Withdrawn 19 February 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Ramblers Association: No objection.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.

- 4.3 Public Rights of Way Manager: No objection.

5. Representations

- 5.1 The applicant's agent has submitted a Design Statement, which can be summarised as follows:

- The cottage is a simple 19th Century two bedroom structure.
- The accommodation is limited and some of the structure is in poor condition.
- The gross floor is 80 sq m, the lean-to is 21 sq m and the annexe 35 sq m.
- The property was purchased in 2007 prior to which enquiries were made to as to the feasibility of a substantial extension.
- The first application took account of this advice but despite this was considered by Officers to be unacceptable.
- There were further discussions prior to the submission of this application but again the proposal was considered unacceptable.
- There have been further discussions which have resulted in the current scheme.
- The scheme has been based around a requirement to provide a family home in a peaceful location. The applicant's husband has suffered a stroke and her father would also need to be accommodated.
- The existing cottage requires substantial extension to meet the needs and is based on retaining the cottage largely unaltered.
- The design solution is the provision of a separate but linked structure positioned so that it does not impose on the exiting. The floor of the cottage is to be lowered to maintain level access and to enable the extension to appear subservient.
- The materials and detailing are to echo those existing.

- 5.2 Holme Lacy Parish Council: The Parish Council's response on the revised scheme is as follows:

“Happy with the plans and especially the use of stone which is more in keeping with the original cottage than the previous application using wood. Pleased to see the care taken to fit in with the surroundings.

For the original proposal they commented that the extension was very large when compared to the original cottage and the style does not appear sympathetic.

- 5.3 Bolstone Parish Council: The Parish Council's response on the revised scheme is awaited. For the original proposal they had no objection.

- 5.4 Seven letters have been received in support of the proposal. All but one pre-date the receipt of the current scheme. They point out that there has been a lengthy delay, the extensions are to make the cottage suitable for use particularly for the disabled and the extension is sympathetic.

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

6. Officer's Appraisal

- 6.1 The site is in a relatively isolated location in an attractive area of countryside. Indeed the boundary of the Wye Valley AONB is on the opposite side of the road and there is a special wildlife site adjoining to the north (Lower Bolstone Wood).
- 6.2 The cottage is two storey with a rear lean-to and is built in stone with a slate roof. It is small and there have been no previous extensions. The original cottage has a floor area of some 102 sq m. The agent refers to an attached annexe. Attached to the rear of the cottage is a further structure of some 35 sq m but on the submitted survey plans this is described as a shed and it does not appear to have formed part of the living accommodation.
- 6.3 The extension proposes a separate wing aligned at a right angle and set back from the existing and with a two storey link. The floor area proposed would be of the order of 160 sq m. It would be constructed in stone with a natural slate roof.
- 6.4 The most relevant policy is H18 which allows for extensions to dwellings so long as the original building remains the dominant feature; the proposal is in keeping with the character of the existing in terms of scale, mass, siting, detailed design and materials; the proposal would not be cramped and would not have an adverse impact on neighbouring property and the level of parking is appropriate.
- 6.5 There has been a lengthy period of discussion with Officers on this proposal ranging from advice prior to submission, and during the consideration of the applications. Most recently these have been on the basis of the current scheme.
- 6.6 The cottage has not previously been extended and it is an attractive structure. However it is small and the accommodation is limited. As Policy H18 makes clear there is no objection in principle to extending the property but the criteria do impose limitations on the size and design. Indeed the preamble to the policy advises that in rural areas extensions to the traditionally smaller dwellings should be modest in scale so as to ensure the provision of this type of accommodation is continued. The recent discussions have concluded with the advice that concern does remain as to the size of the extension. However it is acknowledged that the applicant's requirements are a significant constraint on a further reduction in size.
- 6.7 The proposal does not comply with Policy H18. The extension would more than double the size of the existing building and, despite being set back from the building line, would be the dominant feature particularly as the ridge height exceeds that of the existing. I acknowledge that significant efforts have been made to reduce the size of the extension, by breaking up its apparent bulk, and to integrate its design to reflect that existing. It is also the case that those remaining small cottages in Herefordshire are a particular challenge when designing extensions that meet the policy constraint

and also provide a suitable level of accommodation. However I consider that an exception should not be made in this case.

6.8 However the conclusion can only be that the proposal is contrary to policy and should not be permitted.

RECOMMENDATION

That planning permission is refused for the following reason:

- 1. Having regard to Herefordshire Unitary Development Plan Policies H7 and H18 and the size and scale of the existing cottage the proposal is considered to be unacceptable. The proposed extension by virtue of its scale and mass would not be in keeping with the character of the existing dwelling which would also not remain the dominant feature.**

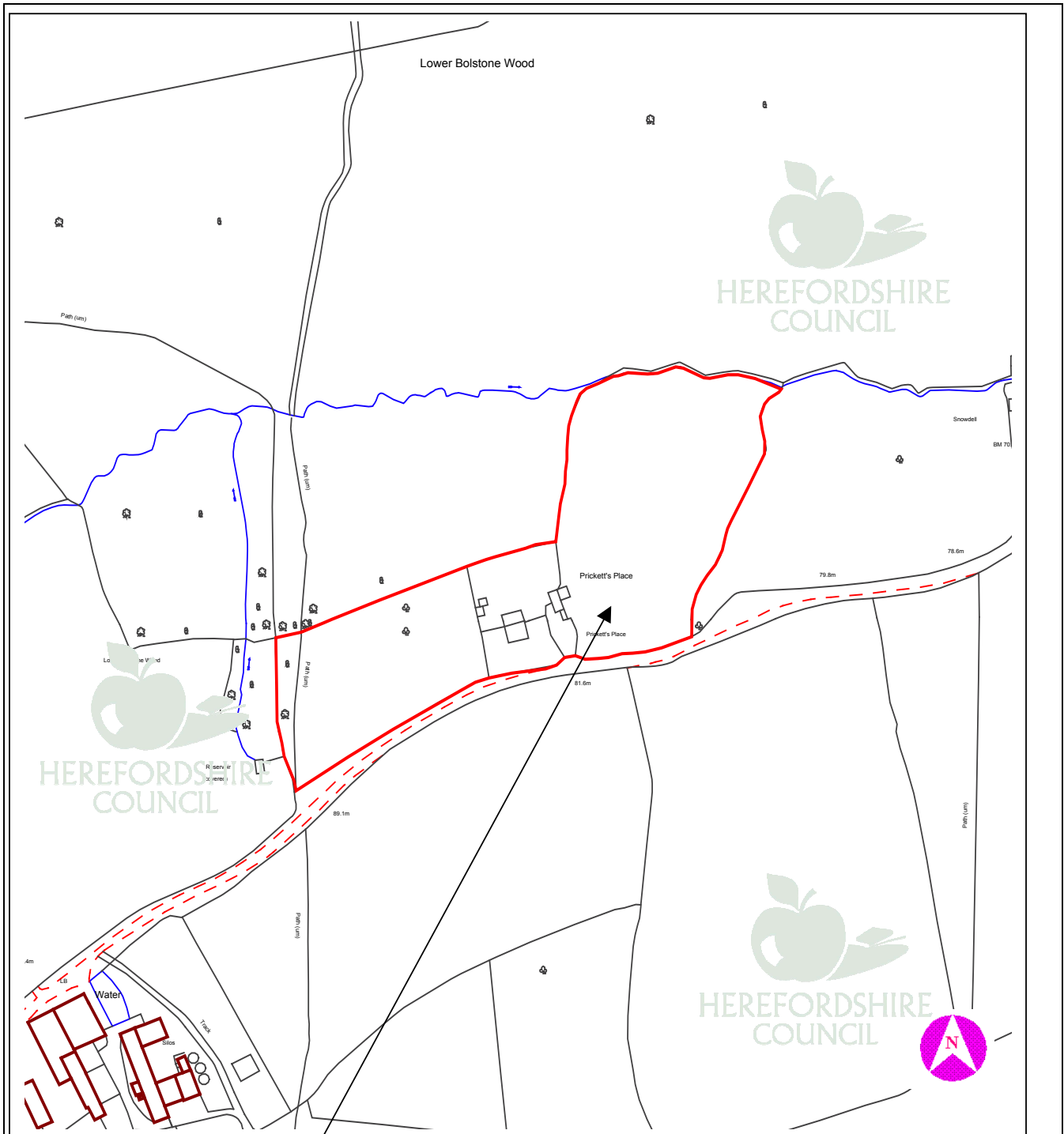
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/1533/F

SCALE : 1 : 2500

SITE ADDRESS : Pricketts Place, Bolstone, Hereford, Herefordshire, HR2 6LZ

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8 DCCW2008/2035/F - CHANGE OF USE FROM B1 OFFICES TO POLICE OFFICES (RETROSPECTIVE) AT BRITISH TELECOM BUILDING, BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JT

For: West Mercia Police per Mr. C. Watkinson, West Mercia Police, Estate Services, Hindlip Hall, PO Box 55, Worcester, WR3 8SP

Date Received: 6 August 2008 Ward: St. Nicholas Grid Ref: 50267, 39769

Expiry Date: 1 October 2008

Local Members: Councillors DJ Benjamin and JD Woodward

This application was deferred at the last meeting to enable further discussions with the Chairman and Local Members. These discussions have taken place.

The previous report follows:

1. Site Description and Proposal

- 1.1 The British Telecom building is located on the northern side of Barton Road immediately adjacent to the west side of Great Western Way and opposite the junction of Broomy Hill road.
- 1.2 Planning permission is sought to change the use of part of the premises from 'B1' office to a police office. The use is already in operation, therefore the planning application is retrospective.
- 1.3 The planning application has been submitted following investigation and discussions with West Mercia Constabulary.
- 1.4 The applicants have 47 car parking spaces on site together with an equivalent to three car parking spaces for motor cycles. 40 bicycle spaces are available and an informal agreement with Sainsbury's provides an additional 10 car parking spaces. BT still use the building as a telephone exchange with only 1700 sq.m. used by the Police (approximately 37%).
- 1.5 The offices are not open to the general public and there is no manned reception or front counter. Apart from back office staff a small uniformed team comprising one sergeant, two constables and CSOs operate from the building. A total of 102 people work at the building.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy DR2	-	Land Use and Activity

Policy DR3	-	Movement
Policy E7	-	Other Employment Proposals Within and Around Hereford and the Market Towns
Policy E8	-	Design Standards for Employment Sites
Policy TCR10	-	Office Development
Policy TCR11	-	Loss of Existing Offices
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T11	-	Parking Provision

3. Planning History

- 3.1 HC950368PF Remove five existing metal windows and provide softwood timber liners/louvres for fresh air cooling units. Approved 14/11/95.
- 3.2 HC960179PF Erection of CCTV pylons. Approved 25/07/96.
- 3.3 SC980508PF Installation of 1.8m diameter microwave radio dish on roof. Approved 23/10/98.
- 3.4 CW2000/1550/F Erect three directional pole mounted antennas. Approved 03/10/00.
- 3.5 CW2001/1086/F To erect three directional pole mounted antennas. Approved 06/06/01.
- 3.6 CW2003/1152/F Installation of a white 1.2m diameter, flat roof mounted satellite dish antenna. Approved 12/06/03.
- 3.7 DCCW2007/3126/F Erection of new boundary fence to replace existing. Approved 03/12/07.
- 3.8 DCCW2007/3929/F Proposed cycle shelter. Approved 28/01/08.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Confirms no objections.
- 4.3 Conservation Manager: The change of use will not affect the character or appearance of the adjacent Conservation Area, therefore no objection.
- 4.4 Public Rights of Way Manager: No objections.

5. Representations

- 5.1 Hereford City Council: No objection.

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

1. Since July 2006 the residents of Broomy Hill and Breinton Road have been troubled by all day parking.
2. Driveways are often obstructed or blocked by cars.
3. This is a residential area, roads are narrow, visibility restricted and no pavements on one side of Broomy Hill. The constant parking prevents gutters being swept and drains are frequently blocked.
4. There are often empty spaces at the Police building and the large area of grass could be used for parking.
5. Now is the time for a formal parking policy to be made for the area as Residents' Parking Only.
6. Damage to roadside walls has occurred due to indiscriminate parking.
7. Canteen and social areas on site are open to all Police personnel not just those based at these offices.
8. Health and safety issues due to the number of staff on site.
9. Fatal accidents have occurred in the area due to parking problems.
10. Houses along Breinton Road have no parking and need roadside parking which is prevented.

5.3 The applicants have confirmed the following information:

1. The initial use of the premises by back office staff did not require planning permission which was confirmed by the Local Planning Authority and the use has only marginally increased.
2. For the avoidance of doubt there is no manned reception, access is via a secure door with controlled access. There are no facilities for public access and the premises are not used as an operational Police station.
3. The lease of the premises provides us with 47 car parking spaces, motor cycle space equivalent to 3 car parking spaces, 40 cycle spaces.
4. There has been no breach of the terms of the lease nor Health and Safety matters.
5. The canteen is the same as provided previously by BT and is still used by BT and West Mercia Constabulary when on-site.
6. There are no 'social area'.
7. We recognise that parking in the area is a problem and have made arrangements with Sainsbury's for an additional 10 spaces on an informal basis. In addition we

are working with the Council in developing a sustainable Travel Plan. Part of this project has been the installation of a sheltered cycle rack.

8. Prior to our use we have been advised that approximately 200 worked on-site for BT. In the year before we moved in approximately 120 worked on site. At present 115 people including BT work on site.

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

6. Officer's Appraisal

- 6.1 This planning application has arisen following the increased use of the premises by the applicants. The original use of the premises was considered to be compatible with the authorised use of the premises.
- 6.2 It is evident from the objections received that the only cause of concern is the use of roads adjacent to the site for the parking of vehicles. The applicants have authorised space for 47 cars and have negotiated a further 10 spaces in the adjoining Sainsbury's car park. In addition the Travel Plan now completed seeks to change the mode of travel to and from the offices. This plan has been developed in full consultation with the Council's Green Transport Planners and incorporates car sharing, use of public transport, walking and cycling together with measures to ensure facilities are available at the office. This includes cycle parking now available on site for 40 cycles. However despite these additions objectors are still concerned over the indiscriminate parking occurring in both Breinton Road and Broomy Hill. This 'free parking' so close to the premises and the city centre is obviously used not only by workers at the building but other workers in the city. In addition a residents parking area would further negate the parking problems in the area. It should also be noted that the Traffic Manager raises no objection.
- 6.3 Accordingly, it is considered that the use of the premises is acceptable, particularly bearing in mind that a general office use can be operated from the site without planning permission.
- 6.4 In addition the Council's Traffic Manager will be requested to actively pursue a residential parking plan for the area.

RECOMMENDATION

That planning permission be granted:

Informatives:

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

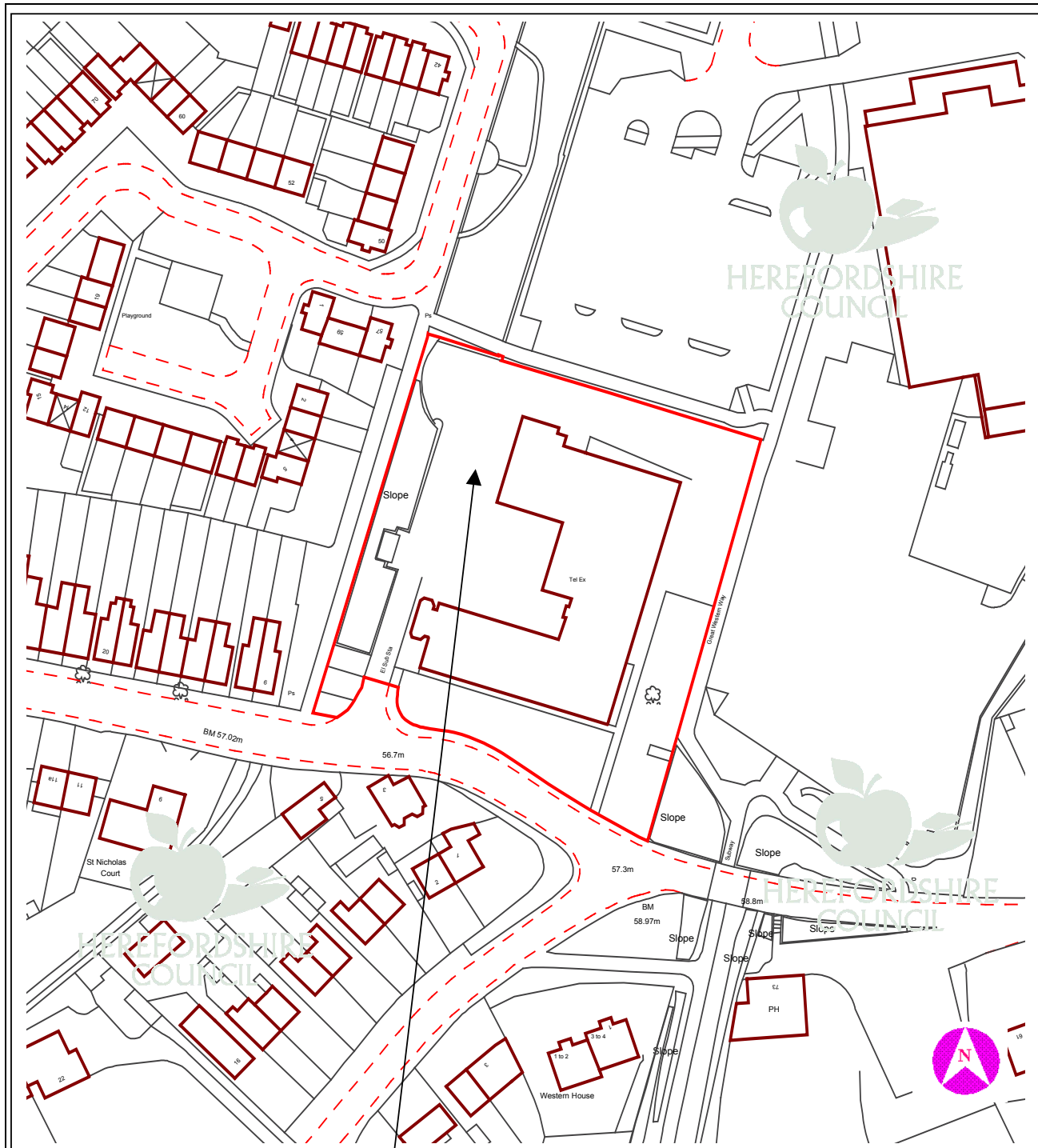
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2035/F

SCALE : 1 : 1250

SITE ADDRESS : British Telecom Building, Barton Road, Hereford, Herefordshire, HR4 0JT

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9 DCCW2008/2608/O - PROPOSED REDEVELOPMENT TO ERECT FOUR DWELLINGS AT ATTWOOD FARM, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ

For: Mr. S. Pullen per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 17 October 2008 **Ward: Burghill, Holmer & Lyde** **Grid Ref: 50994, 42301**

Expiry Date: 12 December 2008

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 Attwood Farmhouse is located on the southern side of Attwood Lane immediately to the east of Attwood Lea and opposite Palmers Court East to the north. Wentworth Park residential estate forms the east and southern boundaries. The site consists of a two storey brick former farmhouse with brick outbuildings. A substantial brick wall forms the roadside boundary.
- 1.2 The proposal, in outline form, is to demolish all the outbuildings and farmhouse and replace with four dwellings. An indicative scheme was submitted and amended during the processing of the application which identifies two dwellings fronting Attwood Lane and two dwellings behind. Access would be to the western side of the site off Attwood Lane. However, it is only the principle of development for which permission is sought. Access, appearance, landscaping, layout and scale are for reserved subsequent approval.
- 1.3 Proposed drainage for one dwelling connected to the main sewer with the remaining three on septic tank.

2. Policies

2.1 National Planning Policy:

PPG3 - Housing

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy S3 - Housing
 Policy DR1 - Design
 Policy DR5 - Planning Obligations
 Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
 Policy H14 - Re-using Previously Developed Land and Buildings
 Policy H15 - Density

3. Planning History

- 3.1 DCCW2008/0759/O Proposed redevelopment to erect four dwellings. Withdrawn 8 May 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: Confirm no objection subject to condition. It is noted that three of the dwellings will have private drainage.

Internal Council Advice

- 4.2 Traffic Manager: No objections subject to a 2 metre wide grass verge at front of site together with other conditions and S106 contribution for footway provision and traffic calming in Attwood Lane and improvements to sustainable transport facilities.
- 4.3 Conservation Manager: No response.
- 4.4 Children's & Young People Directorate: Confirm a need for contribution in accordance with the SPD Planning Obligations.
- 4.5 Parks & Leisure Services Manager: Confirm a need for contributions in accordance with the SPD Planning Obligations.
- 4.6 Building Control Manager: "With reference to the above proposal I would make the following comments in relation to drainage:-
1. The suitability of a septic tank will be subject to a percolation test to establish the porosity of the ground.
 2. The septic tank should be sited at least 7 metres from the dwelling.
 3. The spreader system from the septic tank should be sited within the curtilage of the property and will also be subject to a percolation test to establish the area of soakaway required. They should also be sited to avoid potential settlement of foundation (normal approx. 5 metres from the dwelling)."

5. Representations

- 5.1 Holmer & Shelwick Parish Council: No response.
- 5.2 Five letters of objection were received on the original plan and two additional letters were received on the amended plan. The main points raised are:-
1. New dwellings would overlook adjoining property with the consequent loss of amenity and privacy. This applies during construction and occupation.
 2. Attwood Lane is used as a 'rat run' and is too dangerous to allow further development.
 3. Access from Attwood Lane onto Roman Road at peak times is virtually impossible.
 4. Most dwellings in the area do not have facing windows.

5. Trees would be lost.
6. A noise restriction should be placed on the development.
7. Septic tanks and drainage pipes will be close to adjoining boundaries.
8. Health and safety considerations during construction, particularly with dwellings close to boundaries.
9. The farmhouse should be retained as it is an old house.
10. There is limited vision at the access.
11. The tranquility of the adjoining cul-de-sac will be detrimentally impacted upon by the new development.
12. New development will bring added pressure on water and sewerage.
13. The ecological survey identifies that bats are nesting/living at the property and feed from the surrounding area, therefore the developer should be forced to leave as many of the hedges and trees.
14. Why develop to such a high density?

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

6. Officer's Appraisal

- 6.1 This site is located within the settlement boundary for Hereford City as confirmed by the Herefordshire Unitary Development Plan and is also identified as an established residential area. Therefore the principle of residential development is acceptable subject to access, impact on adjoining residential amenity, drainage, ecology and Planning Obligations.

Access

- 6.2 The indicative plans identify that the existing access can be improved to meet the standards required by the Traffic Manager to ensure a safe access is created. This will entail the re-construction of the existing roadside boundary wall and a 2 metre wide grass verge. This will provide a safe access and not be detrimental to highway safety. Concerns have been raised regarding the adequacy of Attwood Lane and its use as a "rat run", particularly at peak times. The highway contributions associated with this application and other developments in the area all seek to provide traffic calming for Attwood Lane and will help to reduce and slow traffic. It is therefore considered that the improved access and increased traffic can be accommodated on Attwood Lane.

Residential Amenity

- 6.3 The amended indicative plans confirm that acceptable separation distances can be achieved not only between new properties but also existing dwellings. The separation distances from main windows on the new dwellings are approximately 22 metres. Regarding the existing dwellings either side and to the rear, there is no direct window

to window conflict. When the Reserved Matters are submitted, care will need to be taken in the design and layout to maintain this situation. However, the indicative plans do identify that a scheme for four dwellings can be constructed on-site without detriment to adjoining residents. Whilst dwellings will be built close to boundaries, this in itself would not be a reason to refuse permission.

Drainage

- 6.4 The existing dwelling is on mains drainage connected to Wentworth Park. The proposal is that one of the dwellings will be connected to the mains whilst the other three will have septic tanks similar to other properties in the area. The additional dwellings cannot connect to the mains as there is no capacity. Building Control have confirmed that septic tanks would be acceptable and Welsh Water have raised no objection.

Ecology

- 6.5 The ecological survey submitted with the application confirms that bats use the farmhouse as a bat roost and therefore bat roosting sites will need to be incorporated into the new build.

Planning Obligation

- 6.6 The Council's SPD Planning Obligations requires that contributions are made to reduce the impact of the development on local facilities. In this respect contributions have been agreed for highways, education and recreation. The Draft Heads of Terms is included as an appendix.

Conclusion

- 6.7 The site is located within an established residential area as identified within the Herefordshire Unitary Development Plan. The indicative plan indicates that an acceptable development can be undertaken without detrimental impact on highways and residential amenity, therefore the proposal is considered to be acceptable and accord with the Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A02 (Time limit for submission of reserved matters (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. A03 (Time limit for commencement (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3. A04 (Approval of reserved matters).**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

- 4. A05 (Plans and particulars of reserved matters).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5. B07 (Section 106 Agreement).**

Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities and improved play space in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

- 6. H09 (Driveway gradient).**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

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

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

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

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 9. K4 (Nature Conservation – Implementation).**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

Informatives:

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

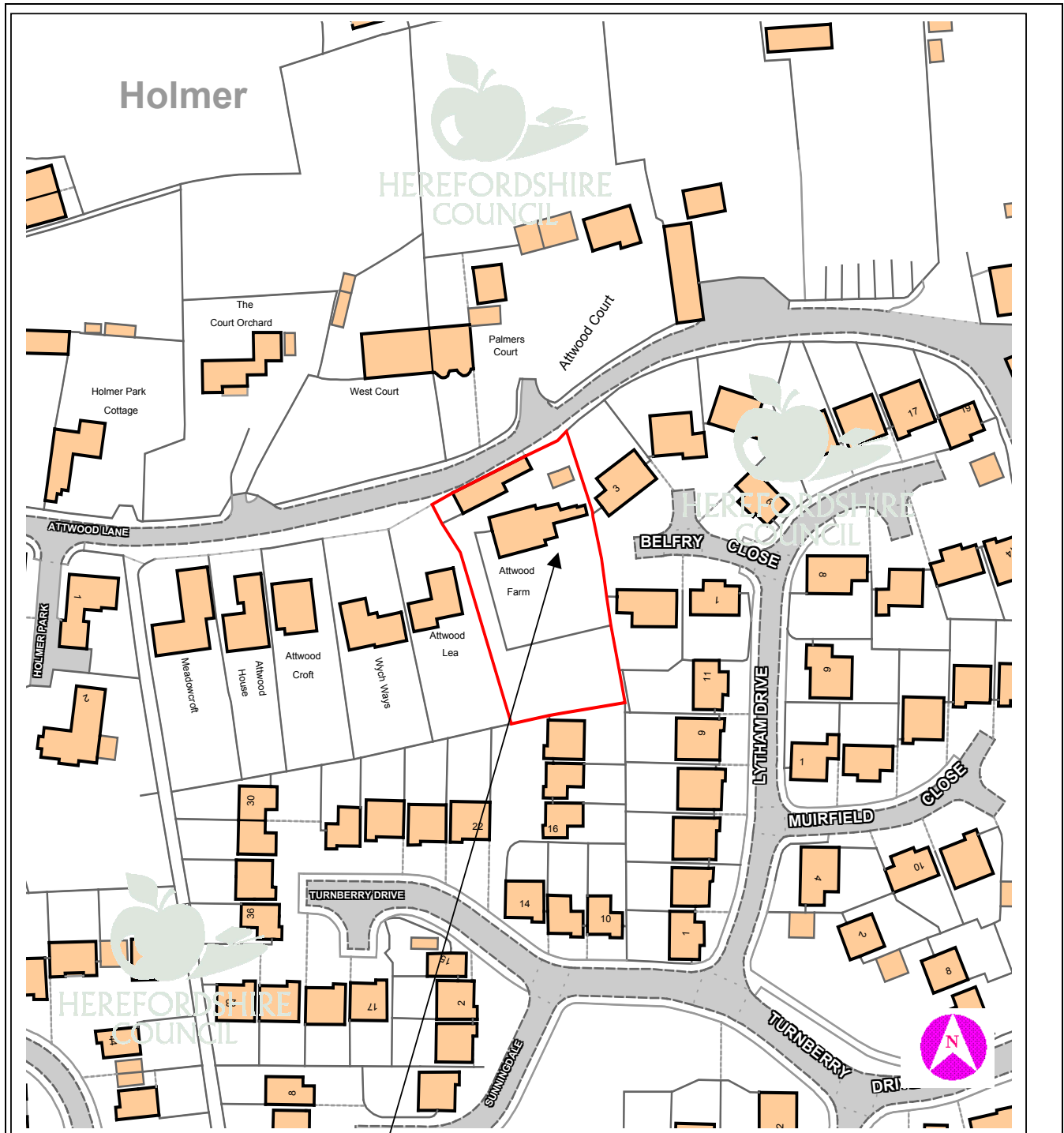
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2608/O

SCALE: 1 : 1250

SITE ADDRESS: Attwood Farm, Attwood Lane, Holmer, Hereford, Herefordshire, HR1 1LJ

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HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application – DCCW2008/2608/O

Residential development of 4 dwellings

Attwood Farm, Attwood Lane, Holmer, Hereford.

1. The developer covenants with Herefordshire Council to pay £951 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the parish of Wellington or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of around £2,016 (in accordance with the Sport England Sport Facility Calculator) for enhancement of existing sports facilities in the locality of the application site, which sum shall be paid on or before the commencement of the residential development.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £9,003 to provide enhanced educational infrastructure at Whitecross Sports College.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £7,740 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
5. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Improved bus shelters/stops in the locality of the application site
 - b) Safe Routes for Schools
 - c) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - d) Improved pedestrian and cyclist crossing facilities in Holmer and Hereford
 - e) New On/Off road pedestrian/cycle links to the site
 - f) Traffic calming measures
 - g) Any other purpose falling within the criteria defined in 3 above.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 and 4 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
8. All of the financial contributions shall be Index linked from the date of the planning permission and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
9. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Kevin Bishop - Principal Planning Officer

19 January 2009

10 DCCW2008/2887/F - CHANGE OF USE FROM BAKERY TO CHIP SHOP AT 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF

**For: Mr. M. Meophytou per John Farr and Associates,
Fincham, Stockley Hill, Peterchurch, Hereford, HR2
0SS**

Date Received: 24 November 2008 Ward: Credenhill Grid Ref: 44798, 43179

Expiry Date: 19 January 2009

Local Member: Councillor RI Matthews

1. Site Description and Proposal

1.1 Meadow Drive is located within the neighbourhood shopping area at Credenhill. The property was formerly a bakery but has been closed for over 15 months. A general store adjoins one side with a doctors' surgery on the opposite side. Off road parking is available at the front and the shop also has a service facility to the rear.

1.2 The proposal is to change the use from A1 to A5 - hot food takeaway, namely a fish and chip shop. Above the shops are flats and the applicant has agreed a lease on the flat above this shop. The applicant presently operates two fish and chip shops in Hereford.

1.3 An extraction system for food smells is proposed on the rear elevation.

1.4 The proposed opening times are:

Monday – Saturday 1130 – 1400 hours and 1630 – 2300 hours

Sunday and Bank and Public Holidays 1700 – 2200 hours

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy TCR15	-	Hot Food Takeaway Outlets
Policy T11	-	Car Parking

3. Planning History

3.1 DCCW2005/3065/F Conversion of part of existing bakery into a takeaway chip shop and proposed ground floor rear extension to form additional food preparation area. Withdrawn 27 October 2005.

- 3.2 DCCW2006/3058/F Proposed single storey extension to rear, to form a new storeroom, additional food preparation area and a new lobby to serve existing first floor flat over shop. Approved 14 November 2006.
- 3.3 DCCW2008/1113/F Change of use from bakers to fish and chip shop. Withdrawn 2 June 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: No objection.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Environmental Health Manager: I am satisfied with the odour control equipment as detailed in the information regarding extract equipment, however there is no information as regards the expected noise levels which may have an adverse impact on neighbouring residences. I would therefore advise that although I have no objection to the proposed use of the premises I would suggest that a condition is included with any permission requiring prior approval of the extract ventilation system. I would also suggest that the opening times are restricted to those detailed in the application. If in the future it is proposed to open later at night the applicant should be aware that as well as requiring a change in planning permission, they would require a licence from the local authority if they wish to sell food between 11p.m. and 5a.m..
- 4.4 Public Rights of Way Manager: No objection.

5. Representations

- 5.1 Credenhill Parish Council: The Parish Council have made more enquires pertaining to the revised planning application for the change of use of 17 Meadow Drive, Credenhill from a bakery to a fish and chip shop, planning application.
- The external flue pipe is still situated too close to residential accommodation above the adjoining shops. The pipe will be too close to the bathroom window of the adjoining property. Also the fan is situated inside of the extraction pipe but outside of the building and as such there could be a noise pollution aspect regarding this.
 - Although this extraction system has an updated filter system many residents are still convinced that there will still be a noise and odour issue that will affect the residential properties in the immediate area.
 - There are still issues regarding the parking situation to the rear of the premises. There is parking planned for two staff cars at the rear of the property. This does not appear to be the case as there is not the room for two cars. There is only one car parking space which is currently used by the tenant in the apartment above the shop. The garage which belongs to the property has the door bricked up and unless removed this cannot be included in the parking arrangements.

- Some residents have mentioned that there are still issues pertaining to the late opening times of the shop and they are concerned that there is potential for noise and nuisance problems.
- The issue of litter associated with this business has been mentioned again. The area around the shop parade is the property of the shop owners and had had an ongoing litter problem for many years. The Parish Council have been consulting with the shop owners to keep the area clear of litter for some time. The litter will also be liberally spread around the immediate area by the wind and as some people will discard wrapper etc. on their journey from the shop.
- Some residents are experiencing ongoing problems with vermin to the rear of the shops and they feel that the situation will not improve with another food outlet in the same location.
- There is an increased fire risk associated with this type of business.

5.2 Eight letters of objection have been received, the main points raised being:

1. The chip shop is an inappropriate neighbour for a surgery.
2. The facility will duplicate that provided by the Jasmine House Restaurant on the other end of the parade of shops.
3. Fumes and litter will adversely affect adjoining residential property.
4. The existing car park is used by 'boy racers' and this will exacerbate the situation leading to more loud music, revving engines and wheel spinning that already disturbs local residents.
5. The car park is already heavily used with cars often queueing out into the road and this will undoubtedly generate more traffic.
6. The extraction fan will cause noise pollution.
7. The proposal is contrary to Policy TCR13 in that it would erode the vitality and viability of the shopping centre.

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

6. Officer's Appraisal

- 6.1 This property is located within the local neighbourhood shopping area at Credenhill. The shopping parade consists of the one-stop shop, Chinese restaurant, doctors' surgery and the application site, a former bakery now vacant.
- 6.2 In assessing this planning application the following are considered to be appropriate:
 1. Impact on Neighbours
 2. Highways Issues
 3. Litter and Fumes and Visual Impact of Associated Equipment
 4. Vitality and Viability

5. Conclusions

Impact on Neighbours

- 6.3 The building is located within a parade of shops, restaurant and doctors' surgery. Above these premises are flats. The applicant has taken the lease for the flat above. Dwellings are located to the north and east behind the premises. The Environmental Health Manager has fully assessed the application together with the proposed means of ventilation and is satisfied that the proposal will not be detrimental to the locality.
- 6.4 Concern has been raised regarding anti-social behaviour and the attraction of youths to a late night facility. However, the nearby restaurant is open in the evenings and to assist this situation opening times will be controlled by condition.

Monday – Saturday 1130 – 1400; 1630 – 2300 hours.
Sunday and Bank Holidays 1700 – 2200 hours.

Highways Issues

- 6.5 The parade of shops has its own parking area with access off Station Road. The Traffic Manager raises no objection.

Litter and Fumes and Visual Impact of Equipment

- 6.6 The applicant already operates two fish and chip shops in Hereford and ensures his staff empty the bins on a regular basis. He would propose similar bins outside for this shop. A suitable litter management condition will be recommended. Fumes are to be extracted by means of a ventilation system to the rear to which the Environmental Health Officer has raised no objections subject to further details being submitted for approval regarding noise from the extraction system.
- 6.7 The system will be attached to the rear of the premises and protrude approximately 2 metres above the eaves. The Chinese restaurant at the southern side of the parade has a similar ventilation flue.

Vitality and Viability

- 6.8 The bakery shop has been closed for over 15 months and apart from a fish and chip shop proposals, there have been no other interest raised with the Planning Authority. To refuse planning permission could mean the premises remaining empty to the detriment of the parade. In addition a fish and chip shop is often seen as a natural addition to a shopping parade providing a variety of uses. Therefore it is not considered that the proposal will be detrimental to the vitality and viability of the parade.

Conclusions

- 6.9 The concerns of the local residents and Parish Council are noted. The objections concerning odours, litter, parking and anti-social behaviour are aspects which can be controlled by conditions which form the recommendations. Finally it is considered that the vitality and viability of the parade will not be impacted detrimentally by this development.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. **The use hereby permitted shall not be open to customers outside the hours of 1130 to 1400 and 1630 to 2300 Mondays to Saturdays and 1700 to 2200 on Sundays, Bank and Public Holidays.**

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 3. **Prior to the commencement of development, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litter bins on the premises and infrastructure relating to regular litter patrols. The approved details shall be implemented prior to the first use of the premises which shall thereafter be operated in accordance with the management plan.**

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

- 4. **Notwithstanding the details submitted, prior to the use commencing, full details of the extraction ventilation system shall be submitted for approval in writing of the local planning authority. The approved details shall be installed in their entirety and appropriately maintained.**

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

Informatives:

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

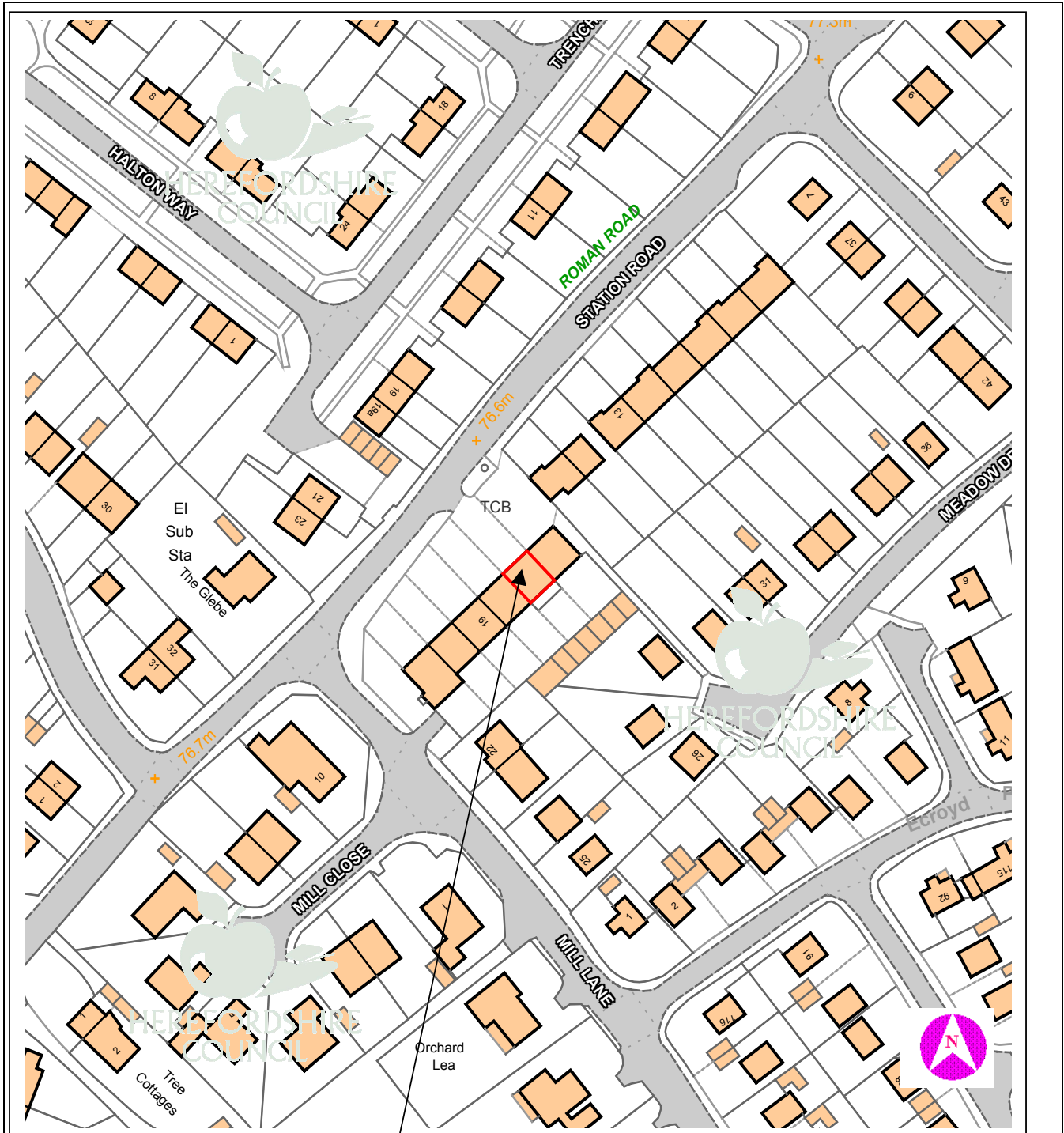
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2887/F

SCALE : 1 : 1250

SITE ADDRESS : 17 Meadow Drive, Credenhill, Hereford, Herefordshire, HR4 7EF

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11 DCCE2008/3069/O - PROPOSED RESIDENTIAL DEVELOPMENT AT LAND ON NORTH SIDE OF WITHIES ROAD ADJACENT TO TRACK TO WEST LYDIATT, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3PX

For: Withington Parish Council per Withington Parish Council, Clerk to the Parish, Ecknell Cottage, Westhide, Herefordshire, HR1 3RQ

Date Received: 19 December 2008 Ward: Hagley Grid Ref: 56053, 42971

Expiry Date: 13 February 2009

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 The site forms part of a larger agricultural field located on the north western side and adjacent to Withies Road in Withington. The southern and eastern boundaries are enclosed by a mature hedgerow, beyond which are detached dwellings. An existing vehicular access immediately south presently provides access to the site and leading through to West Lydiatt, linking in with Veldo Lane to the northwest which is also a public right of way. Ground levels are generally flat within the site rising gradually north westwards beyond. A mature oak tree is located within the roadside hedgerow in the eastern corner of the site.
- 1.2 The site falls outside of Withington Settlement as identified in the Herefordshire Unitary Development Plan 2007 and therefore falls within the open countryside.
- 1.3 Outline planning permission is sought for the construction of four dwellings, two detached four bedroom and a pair of semi-detached three bedroom dwellings. The application is submitted by Withington Group Parish Council and seeks to establish the principle of the development on the land with all matters reserved for future consideration. The reasoning for the application is that the capital arising from the sale of the residential development would contribute to funding the delivery of public open space, play and sporting facilities proposed by the Parish Council on land adjoining the application site.

2. Policies

2.1 National Planning Policy:

Planning Policy Statement 7 – Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

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

Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy RST5	-	New Open Space in/adjacent to settlements

2.3 Supplementary Planning Document - Planning Obligations

3. Planning History

- 3.1 DCCE2008/2539/F Change of use from agricultural land to public open space. Planning permission approved 8 December 2008.
- 3.2 DCCE2008/2542/O Proposed residential development. Planning Permission Refused 8 December 2008. The reason for refusal was as follows:-

“The proposed development would result in new residential development outside of a defined settlement and notwithstanding the information provided to support the application, none of the exceptions controlling new housing in the countryside identified in the Herefordshire Unitary Development Plan have been satisfied. As such the development is contrary to Policies H7 and H10 of the Herefordshire Unitary Development Plan.”

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: No objection subject to conditions controlling foul and surface water drainage.

Internal Council Advice

- 4.2 Traffic Manager:
A footway should be provided for the full length of the frontage, with a dropped crossing to allow pedestrians to cross to the existing footway on the south of Withies Road opposite the east end of the development. Setting back the front boundary by 2.4 metres will achieve visibility and room for the footway which should be dedicated as highway. There is a ditch behind the existing hedge which will require piping as part of the development. No surface water discharge will be permitted to the existing highway drains.

A Section 106 contribution in line with the SPD should be sought. The proposed uses in the Heads of Terms are acceptable but should also include improvements to public and community transport facilities and park and ride infrastructure.

- 4.3 Children's and Young People's Directorate:
The educational facilities provided for this development are North Hereford City Early Years, Withington Primary School, Aylestone Business and Enterprise College and

Hereford City Youth Service. As at the Autumn census 2008, all year groups at both Withington Primary School and Aylestone Business and Enterprise College have spare capacity.

Section 106 contributions are therefore sought to North Hereford City Early Years and Hereford City Youth Service with an additional 1% contribution to special educational needs.

4.4 Parks & Countryside Manager:

We support the creation of new public open space adjacent to the village hall at Withington, and accept that if a small amount of the proposed land is developed it will help to finance the development of the remainder of the land for sport and recreation, and any additional works needed to utilise the land to its full potential.

5. Representations

5.1 Withington Parish Council:

The Parish Council have submitted the application and it therefore has its full support. The Parish Council also considers that this application should be referred to Councillors.

5.2 River Lugg Internal Drainage Board:

The site lies on land adjacent to the Boards boundary and may adversely affect the Boards operational interests. Further details on potential flood risk and surface water drainage are required as the area has high flood risk and has suffered as a result of elevated water levels in the past.

The Board issues a holding objection as based upon the available information, the development may pose an unacceptable increase to the risk of flooding occurring on lands and property within the catchment.

5.3 One letter of representation has been received from Naomi Wilton of Fisher German Chartered Surveyors, acting on behalf of Apperley Settlement Trust who are the present landowners. The main point raised is

- To secure additional funding to facilitate the proposed open space four new dwellings have been put forward. The open market housing in this case is an exceptional circumstance as proceeds from sale will pay for community facilities. It is considered that although the housing is a departure from policy, the fact that housing is enabling development should be treated as a material consideration. The Trust supports the application.

5.4 A supporting statement has been provided by the applicants. The main points raised are:

- The Parish Council aims to obtain an area of land on which facilities for play, sport and recreation can be undertaken within the village within the next 18 months. Discussions have been held with the landowner's agent and rather than trying to fitting all the requirements within the land allocated within the Unitary Development Plan, the decision has been taken to acquire the entire parcel of land north of this application site (2.7 hectares). Planning permission has now being approved for the change of use of this land to public open space. The estimated cost of acquisition of the land and development of the public open space including

provision of changing facilities and the car park extension at the existing village hall is estimated to be around half a million pounds.

- Two sums of money have been obtained from existing residential developments and a further small levy on the Council Tax has been applied. The total sum currently available is 80,000. It has become apparent that additional funding is required. As occurred with the development of the existing village hall where the landowner was given permission to build five houses and in exchange provided the land along with a contribution towards building costs. A similar situation is now proposed for this application.

The proposal could incorporate affordable housing but this would result in a negative return on the affordable units and is likely to generate an objection from the Housing Officer due to adequate existing supply.

Four general market dwellings are proposed along with a Section 106 Agreement to prevent implementation of the permission until land for the open space has been transferred to the Parish Council. Other sources of funding could come from the Football Development Fund.

Alternatives that could be pursued are the promotion of the site through the LDF but this is likely to lead to significant delay and could result in the loss of the existing planning gain funds obtained. Development of the site around the village hall has also been explored. This would screen the village hall from public view and lead to poor integration of the open space with the village. Therefore this is considered the only option.

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.

- 5.5 The consultation period had not expired at the time of writing this report and therefore an update with any further representations received will be provided at Committee.

6. Officer's Appraisal

- 6.1 As identified in the Herefordshire Unitary Development Plan, the site lies adjoining but outside of the defined settlement boundary for Withington. As such the site lies within the open countryside for the purposes of planning policy. Policy H7 sets the criteria where new housing may be permitted in the open countryside. However, none of the criteria are satisfied and therefore the proposal is contrary to Policy H7 of the Unitary Development Plan. Furthermore, the development would result in a clear residential encroachment in landscape terms beyond the existing settlement boundary defined by a mature roadside hedgerow to the detriment of the landscape and character of the area.
- 6.2 The site also falls within land designated within the Unitary Development Plan as public open space. Policy RST5 requires that any development that were to prevent or prejudice the future use of land allocated as public open space for recreational amenity or open space purposes should not be permitted. Therefore, the development is also contrary to policy RST5 as it would result in the loss of allocated open space. However, given that a larger area of land now has the benefit of planning permission for public open space, it is not considered that this current proposal would prejudice or prevent the remainder of the land from being developed as public open space.

- 6.3 The development has been submitted by the Parish Council to enable funds to be achieved to facilitate the proposed public open space, play and sporting facilities on land north of this application site. Planning permission was approved in December 2008 for the change of use of the entire area of land to public open space (excluding this application site area). Some preliminary financial information has been provided identifying the possible costs associated with the delivery of the public open space and facilities. The figures have not been audited. The likely costs would include land acquisition, fencing, paths, site levelling and seeding, drainage, landscaping and delivery of facilities including an all weather pitch, changing rooms and car parking. The likely shortfall in funds to deliver all these facilities is not disputed. However, there is no mechanism under current planning legislation or within the adopted Development Plan that enables support for the application. Therefore, whilst the delivery of the public open space and associated facilities is a material consideration in the assessment of the application, given the clear conflict of the adopted Development Plan policy, it is not considered that this consideration is sufficient to enable support for the development.
- 6.4 It is considered, however, that there are other options that could be pursued to achieve the desired objective and are likely to fall within the current or future planning policy framework.
- The site could be promoted through the Local Development Framework process as a residential allocation although it is acknowledged that this will take some time.
 - A 100% affordable housing development subject to a housing needs survey proposed this year identifying a need. Estimated current build costs and affordability ratings would mean that an affordable housing development would be profitable although it is acknowledged that the profit margins would be considerably less than with a general market development.
 - The Parish Council also own land around the village hall which could accommodate the four dwellings proposed under this application and this land falls within the settlement boundary for Withington. Whilst construction of dwellings along the frontage would obscure views of the village hall, it would still clearly be visible from the existing access point. Furthermore, the highway infrastructure is already in place and therefore the development costs will be lower and profit margins higher. This option is considered to be a realistic alternative if this application is refused and would also accord with adopted planning policy.
- 6.5 An illustrative plan has been provided identifying the possible layout of the development. The proposal would represent a very low-density development. Adequate space exists to achieve an acceptable access and layout of dwellings without adversely impacting upon the amenity of neighbouring dwellings or highway safety. Other matters such as drainage could be dealt with by condition if the principle of the development were acceptable. A draft Section 106 Heads of Terms broadly in line with the adopted Supplementary Planning Document on Planning Obligations has also been provided to mitigate the impact of the development. However, the Heads of Terms does not identify a requirement that all the funds from the sale of the development should be solely utilised for the development of the public open space.
- 6.6 Notwithstanding the above paragraph and the principal reasoning for the development, it is not considered that the current policy framework at a local or national level provides the mechanism by which this application could be supported in its own right

and furthermore, it is not considered that this is the only practical option to achieve the Parish Council's objectives. The proposal is therefore contrary to Policies H7, DR1 and H13 of the Unitary Development Plan and cannot be supported.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposed development would result in new residential development outside of a defined settlement and notwithstanding the information provided to support the application, none of the exceptions controlling new housing in the countryside identified in the Herefordshire Unitary Development Plan have been satisfied. As such the development is contrary to Policies H7, DR1 and H13 of the Herefordshire Unitary Development Plan.**

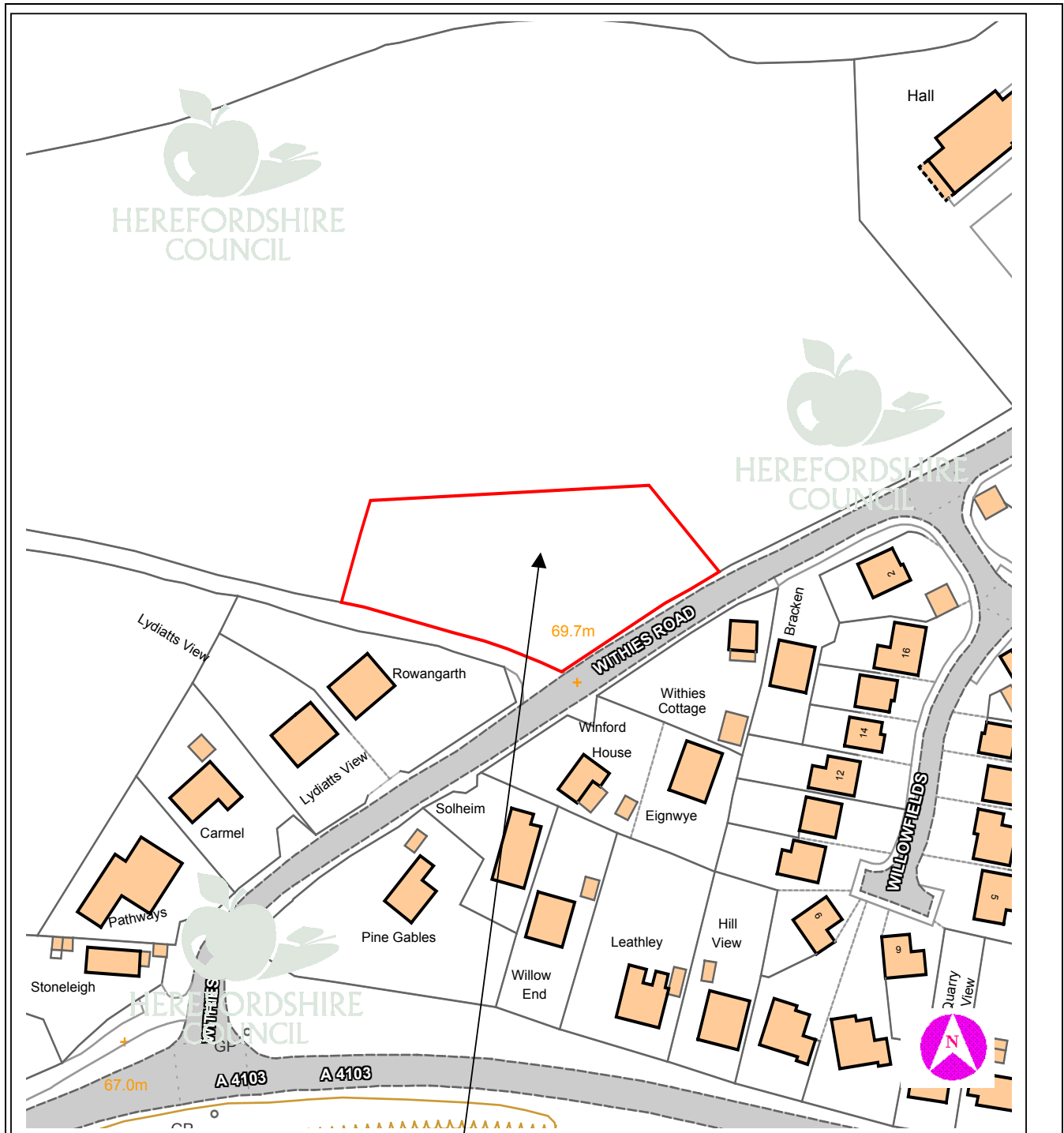
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/3069/O

SCALE : 1 : 1250

SITE ADDRESS : Land on North side of Withies Road adjacent to track to West Lydiatt, Withington, Hereford, Herefordshire HR1 3PX.

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Further information on the subject of this report is available from Mr. R. Pryce on 01432 261957

12A DCCE2008/2898/F - DEMOLITION OF EXISTING TWO STOREY DWELLING AND ANCILLARY BUILDINGS AND REPLACEMENT WITH NEW TWO STOREY OAK FRAMED DWELLING AT CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY

For: Mr. S. Rhodes per Mr. J. Williams, Abbots Lodge, Wigmore, Leominster, Herefordshire, HR6 9UD

12B DCCE2008/2902/C - DEMOLITION OF EXISTING TWO STOREY DWELLING AND ANCILLARY BUILDINGS AND REPLACEMENT WITH NEW TWO STOREY OAK FRAMED DWELLING AT CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY

For: Mr. S. Rhodes per Mr. J. Williams, Abbots Lodge, Wigmore, Leominster, Herefordshire, HR6 9UD

Date Received: 27 November 2008 Ward: Backbury Grid Ref: 55912, 38051

Expiry Date: 22 January 2009

Local Member: Councillor JE Pemberton

1. Site Description and Proposal

- 1.1 The application site is located on the eastern side of Church Lane and falls within the designated Hampton Bishop Conservation Area at the centre of the village. The entire site and access is also located within the identified flood plain. Adjacent to the south and east are two listed buildings, St. Andrews Church (Grade I) and Hampton House (Grade II). Residential properties are found to the north and west of the site.
- 1.2 The existing dwelling is not a listed building but appears to date from the 18th century and it is possible that the core of the building is earlier. It has a stone gable, brick facade to the front and timber framing to the rear. There is also a single storey lean-to to the west elevation and two derelict outbuildings to the northwest of the site.
- 1.3 It is proposed to demolish the existing dwelling in its entirety and erect a replacement two storey oak frame dwelling, which would be partially sited on the footprint of the existing dwelling and would have its principal elevation facing the road. The existing outbuildings are also proposed to be removed from the site.

2. Policies

2.1 National Planning Policy:

- PPG 15 - Planning and the Historic Environment
- PPS7 - Sustainable Development In Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR4 - Environment
- Policy DR7 - Flood Risk
- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H13 - Sustainable Residential Design
- Policy HBA6 - New Development Within Conservation Areas
- Policy HBA7 - Demolition of Unlisted Buildings Within Conservation Areas
- Policy HBA8 - Locally Important Buildings

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Comments that the entire access is located within Flood Zone 3, which is the high risk zone and has a 1% or greater change of flooding any any given year. The Environment Agency have no objection to the replacement dwelling in this location provided that the local planning authority is satisfied on the Sequential Test. They also suggest that conditions should be attached requiring the floor levels of the new dwelling should be set no lower than 47.2m AOD and the provision of an Evacuation Management Plan.

Internal Council Advice

- 4.2 Traffic Manager: Only a grass access exists at present with no defined parking or turning area. A formal access, parking and turning area should be provided.
- 4.3 Conservation Manager: Building Conservation - We would strongly object and recommend refusal. The proposal would be most detrimental to the character of the Conservation Area and would detract from the area. Church Villa is a pleasant 18th century building of local interest. Although the building has been modified in the 19th and 20th centuries, it still makes a positive contribution and adds to the character of both the site and wider Conservation Area. Conservation Area legislation is designed to protect buildings such as Church Villa. The proposed design is also not acceptable. It is a pastiche and being a banal mishmash of various elements would fail to provide a cohesive architectural vision and detract from the character of the area.
- 4.4 Conservation Manager: Archaeology - No comment received.

5. Representations

- 5.1 Hampton Bishop Parish Council: Application supported.
- 5.2 The proposal was accompanied by six letters of support from local residents. Two further letters have been received.
- 5.3 Mr. Duncan James of Combe House, Presteigne, Powys raises objection to the demolition of the existing dwelling on the basis that the building is an interesting structure and may make a valuable contribution to the setting.
- 5.4 K.R. Tinsley of The Willows, Hampton Bishop raised no objection to the proposal but suggests that the septic tank should be sited at the southern part of the garden furthest away from the new house and neighbouring properties.

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

6. Officer's Appraisal

- 6.1 The main issues in the determination of these applications are:
 1. An assessment of the merit of the existing dwelling and the contribution it makes to the character and appearance of the Conservation Area;
 2. The appropriateness of the proposed replacement dwelling having regard to the character and appearance of the Conservation Area, and
 3. The impact that the proposed dwelling would have upon the residential amenity of the adjoining properties.
- 6.2 The proposal involves the demolition of an unlisted building and replacement with a large detached dwelling within a Conservation Area. Paragraph 4.27 of Planning Policy Guidance 15: Planning and the Historic Environment states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. Further, it has been held that the decision maker is entitled to consider the merits of any proposed redevelopment in determining whether consent should be given for the demolition of an unlisted building in a Conservation Area. Such approach is reflected in the Policy HBA7 of the Herefordshire Unitary Development Plan. In addition, Policy HBA8 refers to those buildings which are not of such importance to be included in the Statutory List of Buildings of Special Architectural or Historical Interest but would make a valuable contribution to the character and appearance of the area. In this instance, having regard to the advice of the Conservation Manager, it is considered that the existing building does make a positive and valuable contribution to the character and appearance of the Conservation Area and should, consequently, be retained.
- 6.3 The agent states that the existing dwelling is in poor state of repair but no evidence has been submitted to support this claim. It may appear that the existing dwelling is not in a good condition and may require works to restore it to a standard living condition. However, there is no evidence that the building is unstable or unsafe that would require its demolition. It is considered that this part of the area is important to the village because it is located within the centre of the Conservation Area and also comprises a number of listed buildings, which give the sense of place. Given the close

proximity of the site to the adjacent church, it is considered that the loss of such an important building in this sensitive location would have a significant effect on the character and appearance of the Conservation area. Although there are some modern dwellings on Greenfield sites to the north and west of the site, they were new built development which is wholly different from the dwelling to be replaced in this case.

- 6.4 Hampton Bishop is not a defined settlement in the Unitary Development Plan. The proposal therefore constitutes housing development in the countryside. Policy H7 establishes a number of circumstances where new housing can be supported. It allows for the provision or replacement dwellings, provided that the replacement dwelling is comparable in size and scale with the existing dwelling. The existing dwelling has a volume of approximately 353 cubic metres and the replacement dwelling is around 540 cubic metres, which amounts to in excess of 50% enlargement in volume of the original dwelling. Such enlargement is not considered comparable in size as required by Policy H7.
- 6.5 With regard to the design approach for the replacement dwelling, it is considered that the new dwelling shows insufficient regard to the local architectural characteristics in the immediate vicinity. The design is considered to be a pastiche that does not relate meaningfully with the adjacent historic buildings and the neighbouring properties in the area. The external appearance of the building also appears to be a mishmash of different features with a number of extensions, which fail to provide a cohesive architectural vision itself. Given the sensitive location of the site and its close relationship with the adjacent important historic buildings, it is considered that the design of the replacement dwelling would fail to enhance the character and appearance of the site and would have a negative effect on the wider Conservation Area.
- 6.6 With regard to residential amenity, the orientation and siting of the new dwelling may result in a level of overlooking to the neighbouring property to the northwest, The Willow. However, having regard to the distance between the two properties, it is not considered that the impact would be unacceptable in this instance.
- 6.7 With regard to flooding issues, the comment from the Environment Agency is noted. Having regard to the proposal being for the replacement of the existing dwelling, it is considered that the requirements of the sequential test would be met. Further, it is considered that subject to the conditions as suggested by the Environment Agency, the proposal will not increase the risk of flooding of the site or the surrounding area.
- 6.8 In summary, this existing dwelling is considered to be of local importance. In view of the attractiveness of the existing dwelling and its historical and architectural interest within the village, it is considered that its demolition would result in a significant negative impact on the character and appearance of the Conservation Area and its valuable historical interest would be lost, which is contrary to Policies HBA6 and HBA7. In addition, in terms of the scale and design, the new dwelling would not be comparable with the existing dwelling on site and the design of the dwelling would be out of keeping with the character of the Conservation Area, which would be contrary to Policies H7 and DR1.

RECOMMENDATION

In respect of DCCE2008/2898/F

That planning permission be refused for the following reasons:

1. The proposal would involve the demolition of a building which is considered to be of local importance. The local planning authority is not satisfied that the building is in such a condition that would require demolition. Having regard to the sensitivity of the location, the loss of such an important building would have a negative impact on the character and appearance of the Conservation Area. The proposal therefore conflicts with Policies HBA6, HBA7 and HBA8 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Guidance 15: Planning and the Historic Environment.
2. The replacement dwelling is not comparable in size and scale with the existing building and the development is therefore contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007 and advice contained in Planning Policy Statement 7: Sustainable Development in Rural Areas.
3. The replacement dwelling by virtue of its design, scale and mass would be out of keeping with the character and appearance of both the site and the Conservation Area. The proposal is therefore contrary to Policies DR1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

In respect of DCCE2008/2902/C

That Conservation Area Consent be refused for the following reason:

1. The proposal would involve the demolition of a building which is considered to be of local importance. The local planning authority is not satisfied that the building is in such a condition that would require demolition. Having regard to the sensitivity of the location, the loss of such an important building would have a negative impact on the character and appearance of the Conservation Area. The proposal therefore conflicts with Policies HBA6, HBA7 and HBA8 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Guidance: Planning and the Historic Environment.

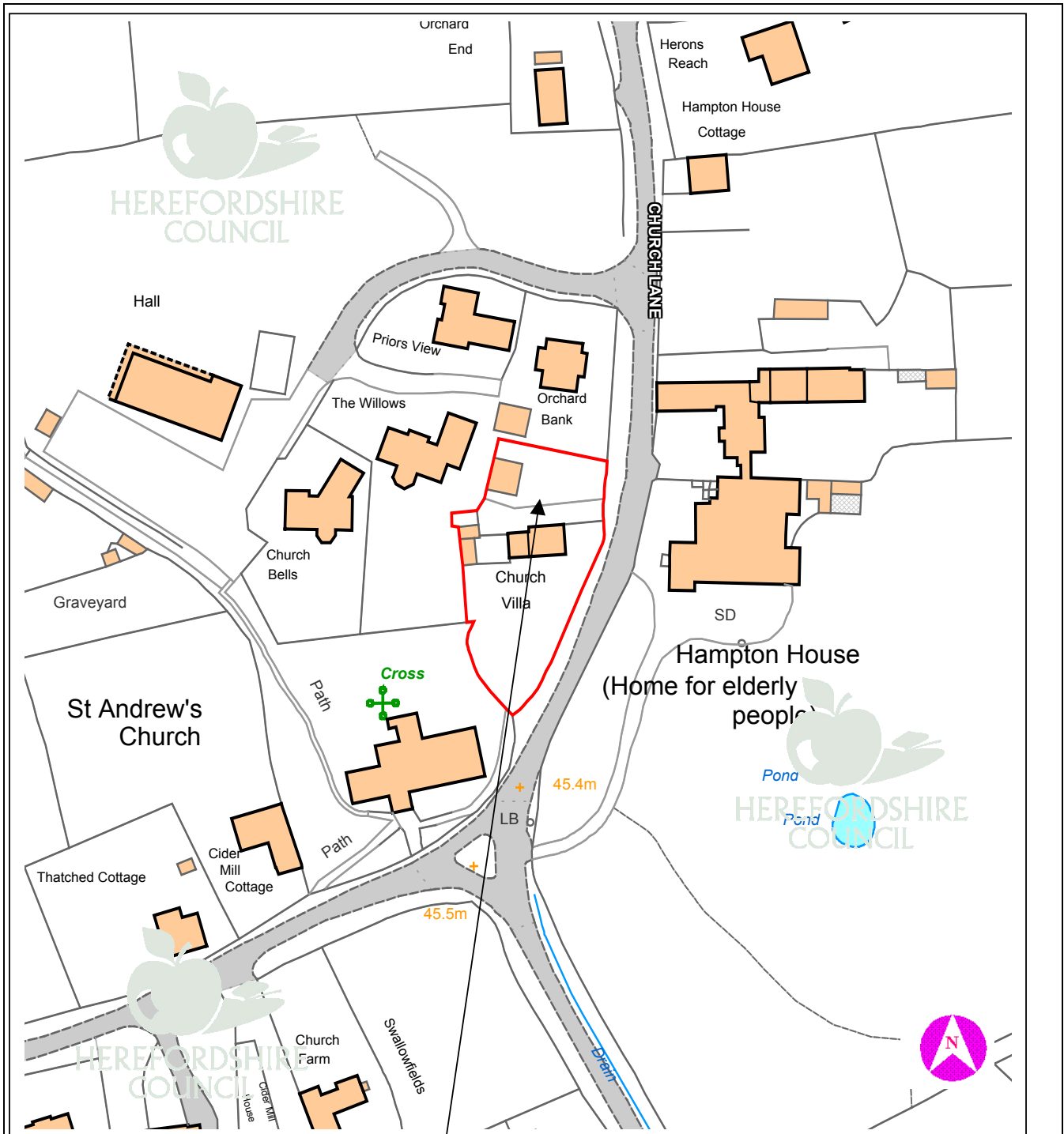
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCCE2008/2898/F & DCCE2008/2902/C

SCALE : 1 : 1250

SITE ADDRESS : Church Villa, Church Lane, Hampton Bishop, Hereford, Herefordshire, HR1 4JY

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