

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday 4 March 2009**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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# AGENDA

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

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

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

	Pages
<p><b>1. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b></p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p><b>3. MINUTES</b></p> <p>To approve and sign the minutes of the last meeting.</p>	1 - 12
<p><b>4. ITEM FOR INFORMATION - APPEALS</b></p> <p>To be noted.</p>	13 - 14
<p><b>5. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS</b></p> <p>To be noted.</p>	15 - 16

## 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.

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|---|---------|
| <b>6. DCCW2008/2887/F - 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF</b>   | 17 - 24 |
| Change of use from bakery to chip shop.   |         |
| <b>7. [A] DCCE2008/2898/F AND [B] DCCE2008/2902/C - CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY</b>   | 25 - 32 |
| Demolition of existing two storey dwelling and ancillary buildings and replacement with new two storey oak framed dwelling.   |         |
| <b>8. DCCW2008/1681/F - 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF</b>   | 33 - 42 |
| Conversion of existing retirement residential home and self contained basement flat into Seven self contained flats/apartments.   |         |
| <b>9. DCCW2008/3044/F - TRADEGA, LITMARSH, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EY</b>   | 43 - 48 |
| Replacement two storey detached house.  |         |
| <b>10. DCCW2008/2647/F - WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF</b>  | 49 - 56 |
| The construction of a clean water attenuation pond for the recycling of storm water.  |         |
| <b>11. DCCW2008/2781/F - PUBLIC CONVENIENCE, THE OVAL, BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7HG</b>   | 57 - 66 |
| Demolish existing public convenience and replace with three storey building, hot food takeaway on ground floor, storage on first floor, staff living accommodation on second floor. |         |
| <b>12. DCCE2009/0062/O - ORCHARD END, 9 BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HZ</b>   | 67 - 74 |
| Erection of detached house and garage.  |         |
| <b>13. DCCE2009/0126/F - CADITH HOUSE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3RX</b>   | 75 - 78 |
| Proposed planting scheme of green beech hedge and retention of existing timber fence.   |         |
| <b>14. DATES OF FUTURE MEETINGS</b>   |         |
| 1 April 2009  |         |
| 29 April 2009   |         |
| 27 May 2009   |         |

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**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, 4 February 2009 at 2.00 p.m.**

**Present:** Councillor JE Pemberton (Chairman)

**Councillors:** PA Andrews, DJ Benjamin, SPA Daniels, H Davies, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, NL Vaughan, DB Wilcox and JD Woodward

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

**100. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors WU Atfield, AJM Blackshaw, ACR Chappell, MD Lloyd-Hayes, GA Powell, AM Toon and WJ Walling.

**101. DECLARATIONS OF INTEREST**

104. DCCW2008/1681/F - 9-11 Tower Road, Hereford, Herefordshire, HR4 0LF [Agenda Item 6]

Councillor PA Andrews; Prejudicial; Left the meeting for the duration of item; Reason: Lives nearby.

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

K Bishop, Principal Planning Officer; Personal; Left the meeting for the duration of the item.

106. DCCW2008/2035/F - British Telecom Building, Barton Road, Hereford, Herefordshire, HR4 0JT [Agenda Item 8]

Councillor SPA Daniels; Personal; Reason: Husband engaged in work for the police.

Councillor AP Taylor; Personal; Reason: Former BT employee.

Councillor RI Matthews; Personal; Reason: Served with police.

107. DCCW2008/2608/O – Attwood Farm, Attwood Lane, Holmer, Herefordshire, HR1 1LJ [Agenda Item 9]

Councillor SJ Robertson; Prejudicial; Declared the interest at the start of the item, spoke in accordance with the Constitution and then withdrew for the remainder of the item; Reason: Applicant's agent was known to the member through parish council and due to architectural work undertaken on behalf of charity and parents.

**102. MINUTES**

**RESOLVED:**

**That the minutes of the meeting held on 7 January 2009 be approved as a**

correct record.

**103. 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.

**104. DCCW2008/1681/F - 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF [AGENDA ITEM 6]**

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

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- An amended plan had been submitted identifying the removal of the rear single storey extension in its entirety, removal of the external steps on the eastern elevation and reduction in the number of units from nine to eight.

The Principal Planning Officer advised that:

- The amended plans largely addressed the issues detailed in the report in that additional space would now be available for access, parking and manoeuvring and one parking space per unit would now be available.
- In view of the late receipt of the amended plans, delegated authority was requested to amend the site layout to reflect the changes to the building and amend the Section 106 Heads of Terms to reflect the reduction in the number of units.

Councillor JD Woodward, a Local Ward Member, commented that the site inspection had revealed the restricted room available for the manoeuvring of vehicles and the limited communal space. She said that her principal concerns related to the standard of accommodation within the basement and the parking arrangements, particularly given the problems with on-street parking in the area and related highway safety issues.

Councillor DJ Benjamin, the other Local Ward Member, noted that the site adjoined Broomy Hill Conservation Area and commented on the parking problems in the locality. He considered that the proposal was over intensive and that seven flats might be more appropriate.

Councillor PJ Edwards drew attention to the reported comments of the Transportation Manager about the parking space standards; that '...although [he] would not wish to see displacement of parking onto the street, these are maximum figures and may not substantiate a refusal on the grounds of lack of parking alone...'. Councillor Edwards said that he had concerns about the practicalities of the one-way system for parking but noted that the removal of the extension should assist vehicle movements. However, he questioned whether the adjustment could compromise floor space in some of the flats.

The Principal Planning Officer advised that the removal of the extension would provide adequate space for the one-way system to operate successfully. He explained that there was no minimum standard for parking spaces and that one parking space per unit was considered acceptable given the sustainable location of the site and accessibility to public transport. He also advised there was no amenity space standard.

Councillor MAF Hubbard suggested that, in view of the concerns about parking and given the number of spaces was below the maximum standard of 1.5 spaces per unit, the developer should be required to enter into a legal agreement worded so as to prevent future occupants of the development from becoming eligible for residents' parking permits. The Principal Planning Officer commented that such a restriction had been incorporated into Section 106 Agreements for other developments.

Councillor DB Wilcox noted the concerns about traffic and parking but, given the comments of the Traffic Manager and the proximity of the site to the city centre and public transport links, questioned whether a refusal reason could be sustained on appeal.

Councillor H Davies felt that it was unrealistic to expect occupants to need access to only one car and said that there would be no spaces for visitors.

Councillor RI Matthews noted that the area was predominantly characterised by detached and semi-detached family housing and said that the proposal could have a detrimental impact upon the character and amenity of the area.

Councillor Woodward acknowledged the parking standard considerations and suggested that, if the Sub-Committee was minded to approve the application, planning obligations be concentrated on alleviating the parking problems in the locality. She felt that the number of units should also be reconsidered.

A number of Members considered that the application should be deferred pending further negotiations regarding the number of units proposed.

**RESOLVED:**

**That consideration of planning application DCCW2008/1681/F be deferred for further negotiations.**

**105. DCCE2008/1533/F - PRICKETTS PLACE, BOLSTONE, HEREFORD, HEREFORDSHIRE, HR2 6LZ [AGENDA ITEM 7]**

*Alterations and two storey extension to existing house.*

The Chairman noted the value of the site inspection that had been held.

The Central Team Leader provided details of updates / additional representations received following the publication of the agenda and are summarised below:

- A response had been received from Ballingham, Bolstone and Hentland Group Parish Council. This stated that although there would be a breach of Policy H18 the application was supported given: the current property was small, there would not be a significant visual impact, the circumstances of the applicant and in the future the property would be suitable for a family.
- A letter had been received from the applicant. This considered that the report was misleading with reference to the views of Holme Lacy Parish Council, points out that there was support from the Parish Councils of Bolstone, Ballingham, Hentland, Hoarwithy and Holme Lacy and other letters of support. It also referred to the processing of this and an earlier application, the negotiations involved and e-mail correspondence between her, her agent and Officers.

The Central Team Leader advised that:

- The Report was clear with regard to the response from Holme Lacy Parish Council (paragraph 5.2). It reported their view on the current scheme and also

reported their view on the scheme as originally submitted.

- There was an error in the Report, at paragraph 6.3, which stated that the floor area as proposed was in the order of 160 sq m. This was not correct, the figure should be 180 sq m.

Councillor PJ Edwards sympathised with the situation of the applicant but, noting the humble origins and idyllic position of the cottage, considered that the proposed extension would dominate the original building and he endorsed the recommendation of refusal by officers.

Councillor AT Oliver noted the purpose of planning policies, the need for fairness and consistency, that the proposal did not comply with UDP Policy H18, and the need to retain smaller dwellings in rural areas for persons of modest means.

The Chairman said that each application had to be considered on its own merits and noted that the cottage was small and did not necessarily meet today's standards for suitable accommodation.

Councillor SJ Robertson said that the site inspection had been worthwhile and, whilst it was a hard decision to reach given the circumstances, the setting and surroundings of the cottage had to be protected.

Councillor DW Greenow commented on: the extensive paperwork circulated by the applicant detailing the discussions and negotiations with officers about the proposal; the personal circumstances of the applicant's family and the need for wide and level access throughout the property; the alterations made to proposed materials to satisfy requirements; the cottage was very small to start off with and the extension would be adequate for the living conditions and for the care of the family concerned; and the level of support in the community. Given these considerations and the exceptional circumstances, Councillor Greenow felt that the application should be approved.

Councillor RI Matthews noted attempts to reach a suitable compromise and that both local parish councils supported the proposal. He felt that, although rather large, an extension could be supported on balance.

Councillor DB Wilcox commented that different solutions had been discussed, involving various architects and officers. He sympathised with the recommendation by officers given the policy constraints and the scale of the proposed extension; he added that an extension of no more than 75% might ensure that the cottage remained the dominant feature. He noted the efforts made by the applicant to adjust the design and said that the visual impact of the proposal would be minimised by the orientation of the extension. Given that no objections had been received from local residents and the personal circumstances identified, Councillor Wilcox considered that the proposal would not offend anybody and would serve a useful purpose.

Councillor MAF Hubbard said that the attractive appearance of the area relied on policies to maintain it and exceptions eroded the character of such sensitive locations. He also commented on the need to retain small cottages in the countryside.

The Legal Practice Manager highlighted the following issues: planning policies provided predictability, commonality and uniformity which gave applicants for planning permission a reasonable idea about the way in which particular proposals would be dealt with; the Council's planning policies were well known; each application had to be considered on its own merits; that the acquisition of property in anticipation of gaining approval for further development, contrary to known policy, might be considered speculative; and it was for the Sub-Committee to determine

whether a particular proposal could be considered to meet exception requirements in planning terms.

Councillors KS Guthrie commented on the need to preserve the integrity of the cottage and ensure that any extension did not dominate the original building.

Councillor NL Vaughan felt that there was a need for compromise between strict interpretation of planning policies and social responsibility.

The Central Team Leader reported that planning policy guidance indicated that personal circumstances should only rarely be taken into account and it was the professional view of officers that an exception could not be made in this case in view of the adopted policies.

A motion to refuse the application received an equal number of votes and the Chairman used the casting vote to defeat that motion.

A motion to approve the application was also defeated.

Councillor Wilcox proposed that, as both motions had failed, the application be deferred for further negotiations. He noted that the principal issue was the size of the proposed extension and suggested that officers provide the applicant with an indication of what scale might be acceptable in order to keep the present cottage as the dominant feature; Councillor Wilcox suggested not more than 75% add on.

Councillor Edwards commented that it was for the applicant and the applicant's advisors to look at the application again, to take due note of the concerns expressed about the proposed size of the extension, and to return with a more realistic submission; he added that the Sub-Committee was not in a position to write proposals for developers.

The Central Team Leader advised that he was happy to negotiate further but commented that there had been many discussions and exchanges of correspondence with the applicant in an attempt to address the policy considerations but, to date, none of the adjustments had resulted in a suitable reduction in size. He added that a reduction, which would meet the policy constraint, might not suit the particular needs of the applicant.

In response to comments and questions about the defeated motions, the Legal Practice Manager clarified that the position was that no substantive motion had yet been passed. He noted that the motion to refuse planning permission had been defeated and that the motion to grant planning permission had also been defeated. It was open to any Member to propose a new substantive motion and that as deferral had now been proposed, a vote should be taken accordingly.

**RESOLVED:**

**That consideration of planning application DCCE2008/1533/F be deferred for further negotiations.**

**106. DCCW2008/2035/F - BRITISH TELECOM BUILDING, BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JT [AGENDA ITEM 8]**

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

The Principal Planning Officer reported that officers had now discussed the Travel Plan with the Local Ward Members and that an additional condition was

recommended to ensure the proper monitoring and enforcement of the Travel Plan.

Councillor JD Woodward, a Local Ward Member, outlined the concerns of residents about traffic and parking problems, particularly associated with commuters, and the potential effectiveness of a Travel Plan.

Councillor DJ Benjamin, the other Local Ward Member, also commented on the numerous concerns received about traffic and parking problems and he felt unable to support the application without a residents' parking scheme in the area.

Councillor PJ Edwards supported the officer's recommendation of approval but, given the concerns expressed about parking in this area, proposed that a formal letter be sent to the Highways Department on behalf of the Sub-Committee to request an update on progress with parking policy in the St. Nicholas Ward. A number of Members endorsed this suggestion.

In response to a question from Councillor SPA Daniels, the Principal Planning Officer advised that it was not clear whether users of the British Telecom Building added to on street parking problems in the locality but this application provided an opportunity to monitor and enforce a Travel Plan.

Councillor PA Andrews commented that many commuters parked in the vicinity and it would be unreasonable to refuse change of use given the off street car and bicycle parking available and the proposed Travel Plan; although the limitations of Travel Plans were acknowledged.

Councillor DB Wilcox, whilst sympathising with the concerns of the Local Ward Members, noted that fewer people worked in the building than had been the case in the past and there were no planning grounds to warrant refusal of planning permission. He also noted that there was significant demand for parking schemes throughout the county.

**RESOLVED:**

**That planning permission be granted:**

**Informatives:**

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

**107. DCCW2008/2608/O - ATTWOOD FARM, ATTWOOD LANE, HOLMER, HEREFORDSHIRE, HR1 1LJ [AGENDA ITEM 9]**

*Proposed redevelopment to erect four dwellings.*

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- The Conservation Manager (Ecology) raised no objections subject to a condition requiring compliance with the recommendations of the Ecologist report. This being covered by condition no. 9 in the recommendation.
- The Children's and Young People's Directorate had reassessed the application having identified the wrong senior school, the correct senior school had capacity at all year groups, accordingly it was recommended that the draft Heads of Terms be amended to reduce the payment from £9003 to £3156.

- Holmer Parish Council fully supported the application, as long as septic tanks were used due to the ongoing problems with sewer and drainage system in the area. The Parish Council requested that no footpath was installed along Attwood Lane as it was felt that it was inappropriate to the area.

The Principal Planning Officer advised that:

- The footpath had been deleted from the recommendation and a grass verge was recommended.
- The draft Heads of Terms would be changed to reduce the Education payment to £3156.
- Paragraph 1 of the draft Heads of Terms, appended to the report, should be amended to refer to 'the parish of Holmer' and not Wellington.

Councillor SJ Robertson, 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 Robertson commented that funding for various infrastructure improvements would be provided as part of a major residential development on land to the north of Roman Road, Holmer [DCCW2006/2619/O refers] and suggested that duplication should be avoided. Councillor Robertson considered that contributions should instead be concentrated towards the introduction of a 30mph speed limit along Attwood Lane, the installation of a pedestrian crossing on the A49, and towards an extension to the community hall; she added that this would benefit both existing and future residents in the locality. She suggested that, if the Sub-Committee was minded to approve the application, officers be authorised to re-negotiate the proposed planning obligations.

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

Councillor PJ Edwards proposed that officers be authorised to approve the application, subject to further consideration of the planning obligation allocations. Councillor Edwards said that, as an outline application, permission was sought for the principle of development only but he suggested that the planning officers and the applicant should take the opportunity to consider the position and orientation of the proposed dwellings in order to minimise the potential impact on existing properties, prior to the submission of a reserved matters application.

Councillor RI Matthews noted that the site was located within the settlement boundary and that the proposal accorded with planning policies. However, he felt that every effort should be made to address local residents' concerns about overlooking.

In response to a question from Councillor NL Vaughan, the Principal Planning Officer advised that recommended condition 9, K4 (Nature Conservation – Implementation), principally related to the protection of bats and that landscaping issues, such as the retention of trees, would be considered as part of any future reserved matters application.

Councillor DB Wilcox supported the recommendation of approval but, noting that only one dwelling would be connected to the mains sewer with the remaining three on septic tank, proposed a further amendment to require connection to the mains drain when available. It was also suggested that a letter be sent to Welsh Water to request them to investigate the capacity issues.

The Central Team Leader explained the procedure for considering proposed

planning obligations and the need for matters to be considered and negotiated at the earliest opportunity.

Councillor Edwards acknowledged the officer comments but said that the local community was concerned about Attwood Lane being used as a 'rat run' and that a speed restriction was needed in the interests of vehicular and pedestrian safety.

The Principal Planning Officer reminded Members of the comments of Holmer Parish Council, that there was no guarantee that proposed residential development elsewhere would proceed, and no previous indication had been given that a contribution towards the community hall extension was needed due to the impact of this particular proposal.

A number of Members commented on the need for further discussions about the planning obligations.

**RESOLVED:**

**That subject to further discussions regarding the Planning Obligation Agreement and the other matters raised by the Sub-Committee, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.**

1. **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.

10. The three plots proposed to be served by septic tank drainage shall be connected to the public sewer when capacity is available unless otherwise agreed in writing with the local planning authority.

Reason: To prevent pollution of the water environment and to comply with Policy DR4 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.

108. DCCW2008/2887/F - 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF [AGENDA ITEM 10]

*Change of use from bakery to chip shop.*

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

Councillor RI Matthews, the Local Ward Member, drew attention to the representations received, including concerns about the potential for anti-social behaviour, and suggested that the Sub-Committee would benefit from a site inspection; on the grounds that the setting and surroundings were fundamental to the determination or to the conditions being considered.

Councillor PA Andrews noted the potential for odour problems arising from hot food takeaways, particularly the impact on residential accommodation above such outlets.

**RESOLVED:**

**That consideration of planning application DCCW2008/2887/F be deferred for a site inspection.**

**109. DCCE2008/3069/O - LAND ON NORTH SIDE OF WITHIES ROAD ADJACENT TO TRACK TO WEST LYDIATT, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3PX [AGENDA ITEM 11]**

*Proposed residential development.*

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- A further letter had been received from the applicants (Parish Council) stating that a shared surface water drainage strategy may be developed in conjunction with the development of the open space with runoff restricted to greenfield rates through the use of SUDS surface water drainage systems including rainwater harvesting and porous surfaces. Foul drainage would be via the mains sewer.

The Principal Planning Officer advised that:

- Notwithstanding an objection from the River Lugg Drainage Board, it was considered that this matter could be dealt with by condition if the application was approved.
- As the consultation period did not expire until 9 February 2009, delegated authority was requested to refuse the application following expiry of the consultation period subject to no additional material planning considerations being raised.

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

Councillor DW Greenow, the Local Ward Member, commented on a number of issues, including: the application would provide funds to facilitate the public open space proposals; the need for recreational and sporting facilities in the village; the site proposed for residential development was only a small proportion of the land available for open space; the all weather pitch and other facilities would be of a high standard; the parish council had undertaken an enormous amount of work on the project on behalf of the community; there was plenty of support from residents and no objections had been received; officers had suggested an alternative site in front of the village hall but the parish council did not own this land; the proposed drainage systems would address the concerns identified; residential development would help to facilitate significant community benefits; and there was no need for affordable housing at present. Given these considerations, Councillor Greenow felt that the application could be supported contrary to the officer recommendation of refusal.

The Principal Planning Officer clarified that a housing needs survey was planned during 2009 and, whilst there may be demand for affordable housing, there was not up-to-date evidence of need. He also advised that officers considered the alternative site option, on land around the village hall and within the defined settlement boundary, potentially viable.

Councillor PJ Edwards supported the views of the Local Ward Member and commented that the planning authority could act as an enabler in specific circumstances. He added that the emerging Local Development Framework would provide an opportunity for such residential allocations in the future and he considered that this development could be accepted as an exception.

Councillor MAF Hubbard acknowledged the importance of public open space but he did not consider that the policy objections had been overcome in this instance.

Councillor SJ Robertson said that she supported the parish council's efforts but noted that there were other, if less immediate, ways to fund improvements to local facilities through charity campaigns; support was offered to the Local Ward Member for this purpose.

In response to a question from Councillor AT Oliver, the Principal Planning Officer clarified that the site itself was not thought to be at direct risk of flooding. The main concern related to surface water drainage, as a consequence of the limited porosity of the soil at the site, and the potential for this to cause problems elsewhere in the catchment. He added that drainage could be dealt with by condition if the principle of the development was considered acceptable. In response to a further question about the alternative site, the Principal Planning Officer advised that there might be drainage infrastructure already associated with this land.

Councillor PA Andrews said that the proposal was an innovative idea and she sympathised with the aims of the parish council but, given the position of the site in the countryside, felt that this application could not be supported.

Councillor Greenow re-iterated that this site was the only land available for sale at the present time.

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

**RESOLVED:**

**That officers named in the Scheme of Delegation to Officers be authorised to refuse planning permission, following the expiry of the consultation period subject to no additional material planning considerations being raised, 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.**

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

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

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

The Chairman, speaking in her capacity as the Local Ward Member, advised that Hampton Bishop was unique in being the only parish with a flood evacuation plan for the entire area and noted that this had brought the community together. She said that many local people considered the existing building to be an eyesore and that the proposal represented an opportunity to enhance the character and appearance of the village. Given the issues raised, she proposed that the application be deferred for a site inspection; on the grounds that the setting and surroundings were fundamental to the determination or to the conditions being considered.

**RESOLVED:**

**That consideration of planning application DCCW2008/2887/F be deferred for a site inspection.**

**111. DATES OF FUTURE MEETINGS**

4 March 2009

1 April 2009

29 April 2009

The meeting ended at 4.45 p.m.

**CHAIRMAN**

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

**APPEALS RECEIVED****Application No. DCCW2008/0610/O**

- The appeal was received on 22 January 2009.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. D. Goldsmith.
- The site is located at 3 Villa Street, Hereford, Herefordshire, HR2 7AY.
- The development proposed is Proposed erection of 4 no. bungalows and 2 no. houses.
- The appeal is to be heard by Written Representations.

**Case Officer: Kevin Bishop on 01432 281946**

**APPEALS DETERMINED****Application No. DCCW2008/0745/L Appeal A**

- The appeal was received on 10 November 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 P.J. Terry.
- The site is located at Pikestye Cottage, Marden, Hereford, Herefordshire, HR1 3ES.
- The application, dated 3 March 2008, was refused on 14 May 2008.
- The development proposed was The provision of 4 no. dormer windows to existing cottage, the replacement of cottage roof covering and the erection of timber framed conservatory.
- The main issue is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed cottage.

**Decision:** The application was refused under Delegated Powers on 14 May 2008

Appeal A was DISMISSED insofar as it relates to the provision of 4no dormers and the erection of a timber conservatory and Grant listed building consent for the replacement of existing asbestos slate roof coverings in accordance with terms of the application so far as relevant to that part of the works hereby permitted and subject to conditions.

**Decision date:** 10 February 2009

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

**Application No. DCCW2008/0744/F Appeal B**

- The appeal was received on 10 November 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 P.J. Terry.
- The site is located at Pikestye Cottage, Marden, Hereford, Herefordshire, HR1 3ES.
- The application, dated 3 March 2008, was refused on 14 May 2008.
- The development proposed was The provision of 4 no. dormer windows to existing cottage and the erection of a timber conservatory.
- The main issue is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed cottage.

**Decision:** The application was refused under Delegated Powers on 14 May 2008

Appeal B was DISMISSED insofar as it relates to the provision of 4no dormers and the erection of a timber conservatory and Planning permission be granted for the replacement of existing asbestos slate roof coverings in accordance with terms of the application so far as relevant to that part of the development hereby permitted and subject to conditions.

**Decision date:** 10 February 2009

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

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

<b>ITEM FOR INFORMATION – SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS</b>
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**Planning Ref:** DCCW2008/1649/F

**Address:** Upper Barn, Lower House, Tillington

**Proposal:** Conversion of barn to two dwellings

**Date Approved:** 17 November 2008

**Summary of Contributions:**

Amount	Purpose
£9,830	Highways
	Open space
£2407	Sport England
	Community
£2,407	Education/Young People
	2% for monitoring
	Other

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

**Planning Ref:** DCCE2008/2668/O

**Address:** Land adjacent to Beckleigh

**Proposal:** One 4 bedroom dwelling

**Date Approved:** 19 December 2009

**Summary of Contributions:**

Amount	Purpose
£3,932	Highways
£386	Open space
£818	Sport England
£541	Community
£5,000	Education/Young People
£213	2% for monitoring
	Other

**Case Officer:** Ben Lin on 01432 261949

**Planning Ref:** DCCW2008/1223/F

**Address:** Pigeon House, Breinton

**Proposal:** Barn Conversion

**Date Approved:** 19 December 2008

**Summary of Contributions:**

Amount	Purpose
£7,864	Highways
£2,316	Open space
	Sport England
£396	Community
£9,800	Education/Young People
	2% for monitoring
£240	Other

**Case Officer:** Kevin Bishop on 261946

**Planning Ref:** DCCE2008/2913/F

**Address:** 34 Castle Street, Hereford

**Proposal:** Interior alterations to form 2 no. self contained flats

**Date Approved:** 20 January 2009

**Summary of Contributions:**

<b>Amount</b>	<b>Purpose</b>
	Highways
<b>£428</b>	Open space
<b>£904</b>	Sport England
<b>£146</b>	Community
<b>£1,800</b>	Education/Young People
	2% for monitoring
	Other

**Case Officer:** Rebecca Jenman on 01432 261961

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



**6 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

### **Introduction**

Members will recall that this planning application was deferred for a Committee Site Visit. The previous report is appended.

#### **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 additional 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.**

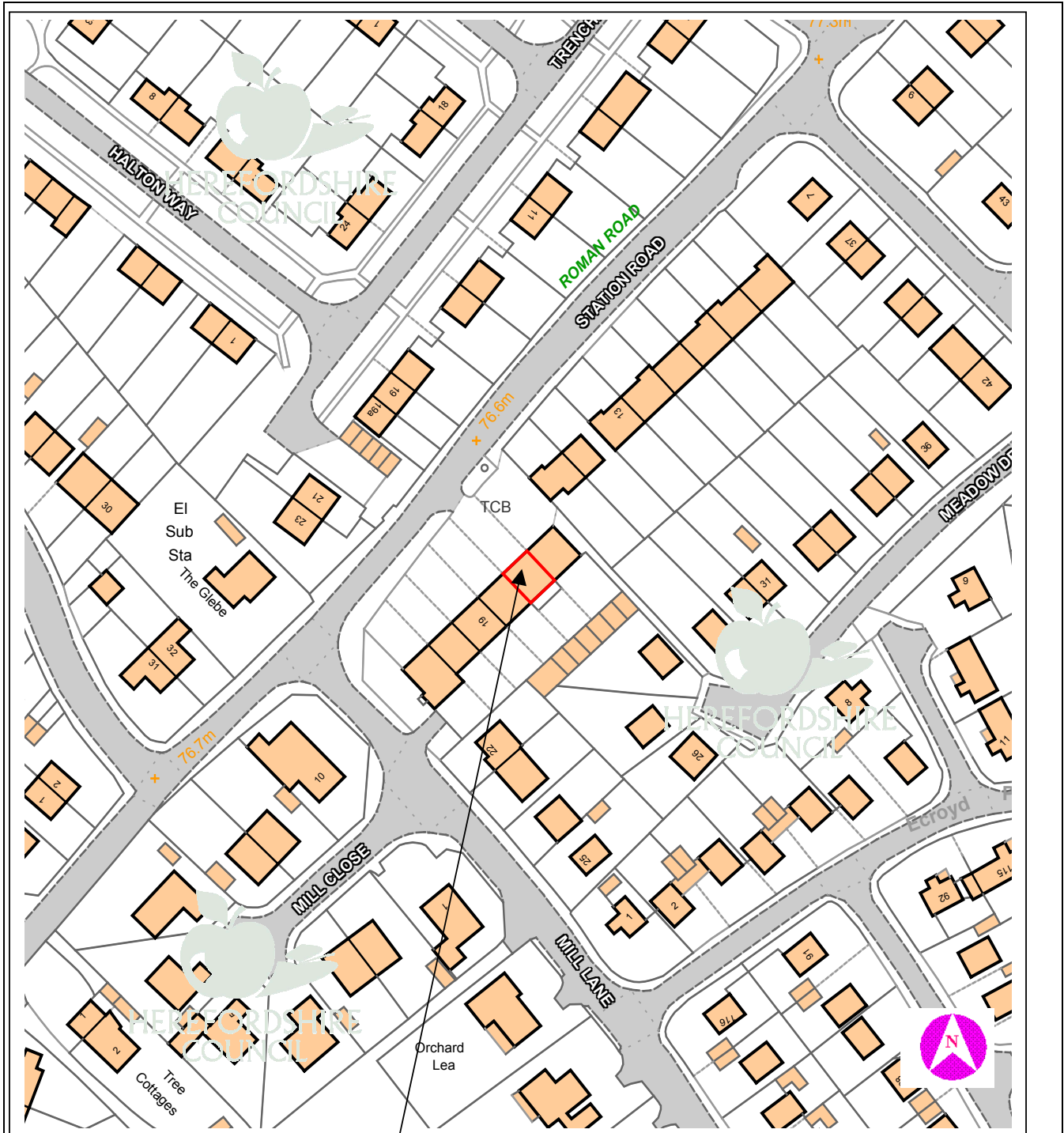
Decision: .....

Notes: .....

.....

**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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**7A 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**

**7B 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

### **Introduction**

These applications were deferred at the last meeting in order for a site meeting to be held. The meeting took place on 17 February, 2009.

### **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
PPS 7	-	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 chance 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: .....

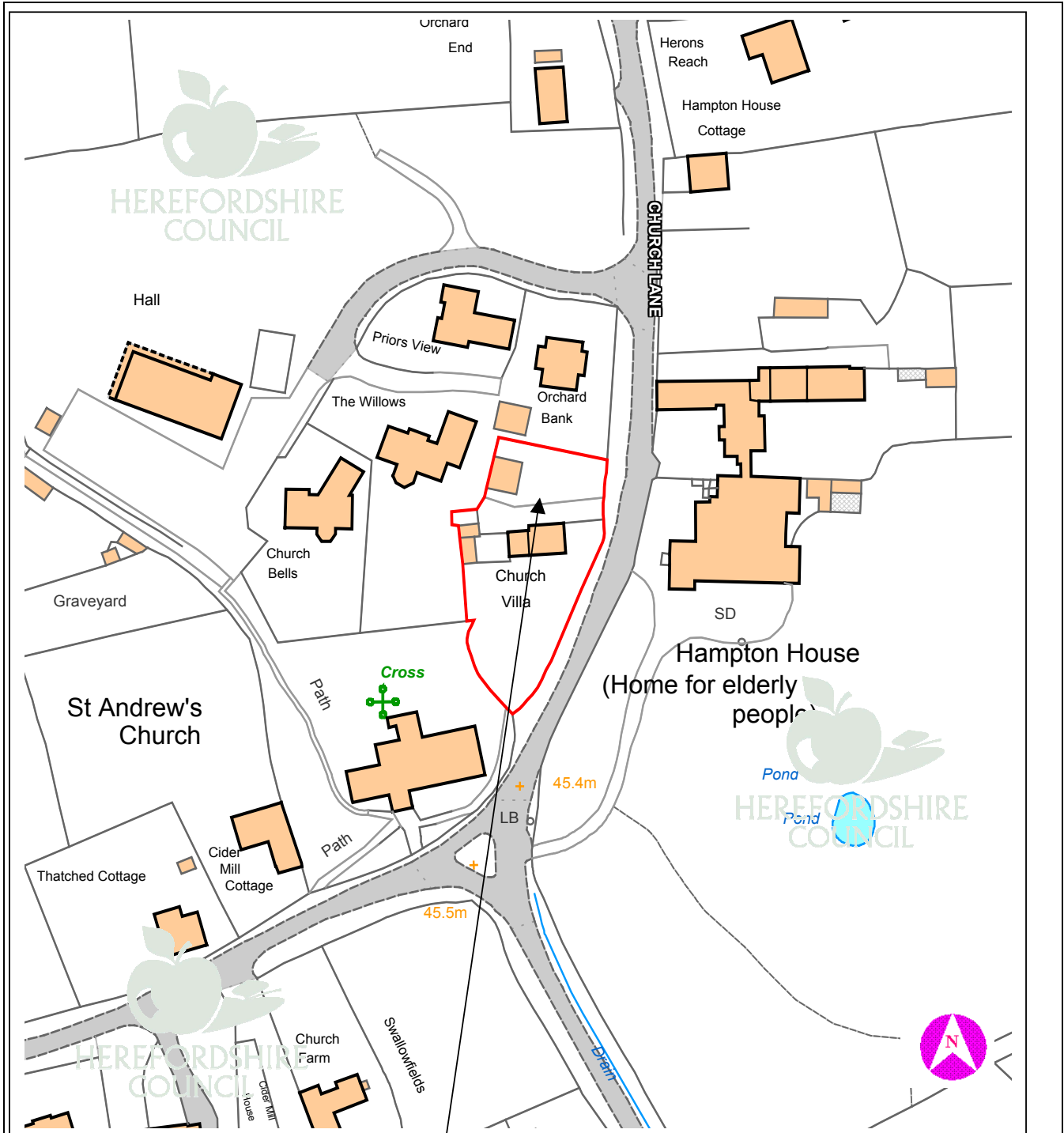
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**Background Papers**

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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**8 DCCW2008/1681/F - CONVERSION OF EXISTING RETIREMENT RESIDENTIAL HOME AND SELF CONTAINED BASEMENT FLAT INTO SEVEN 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 allow further negotiations with the applicant regarding the basement flat. The report has been update in light of the further amendment including the amendments undertaken previously following deferral for a site visit. These are:

- The number of flats is reduced from nine to seven,
- The basement flat has been changed form two one beds to one two bed
- 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 seven two bedrooms flats. More specifically, one two bedroom flat 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 flat would

be accessed via a new access point 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 separation 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 seven 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 The changes to the basement flat will achieve a spacious two bedroom flat with adequate natural light. Furthermore, planning permission was approved on the 7th February 2007 for the conversion of the basement to a two bedroom flat and this permission remains extant and therefore a refusal over concerns regarding the basement flat would not be justified given this extant 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 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 seven flats is likely to 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 particularly now the number of units has been reduced.
- 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 the number of flats now 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 or so 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.
- 6.11 A Section 106 Heads of Terms is appended to this report in accordance with the adopted Supplementary Planning Document on Planning Obligations. The applicants

have agreed to the principle and the original Heads of Terms for nine flats and confirmation of agreement to the amended Heads of Terms relating to seven flats is awaited. 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.

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

## **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. **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 to include the removal of the existing ramp and steps 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.**

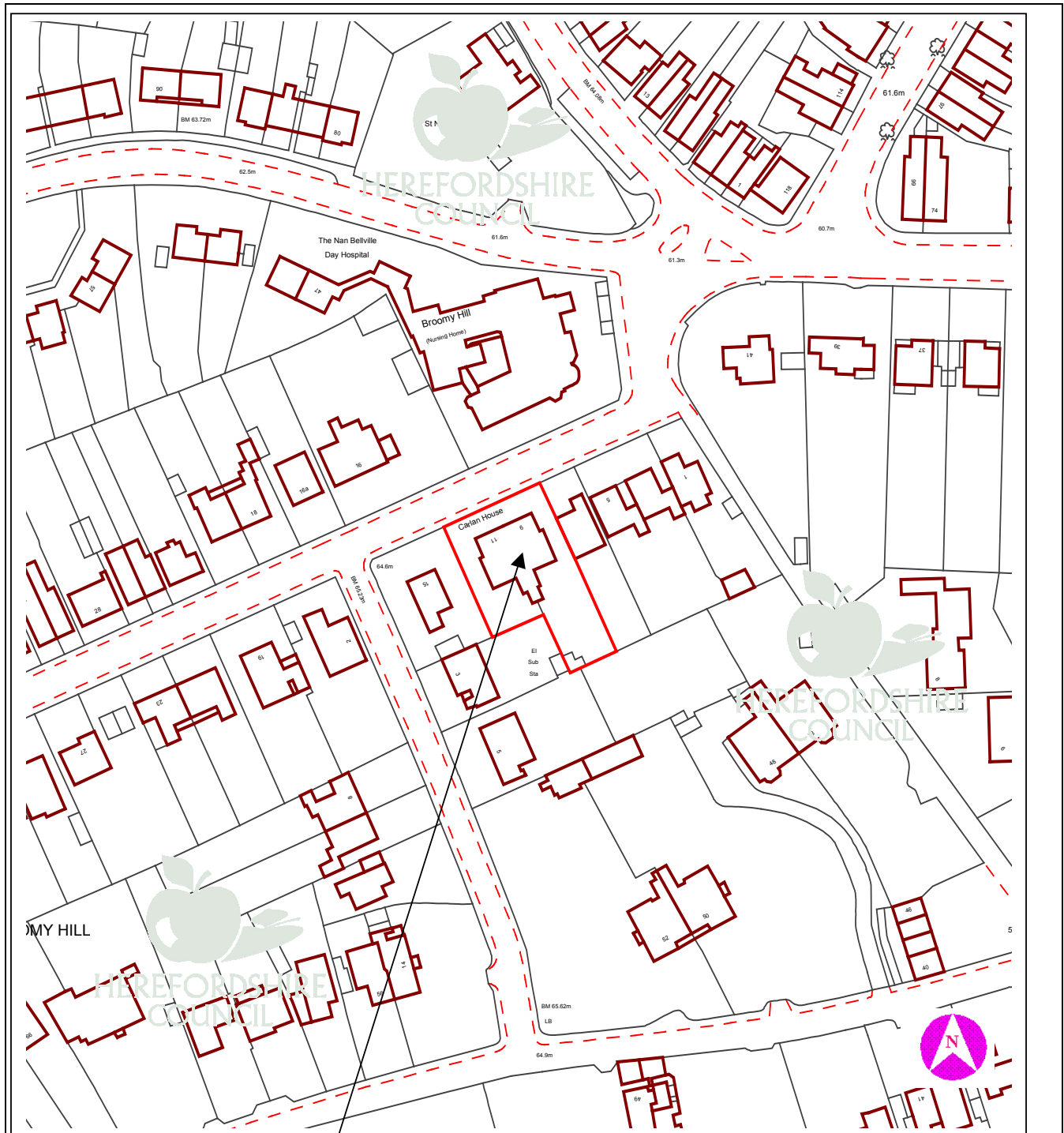
Decision: .....

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 7 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 £5,117 (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 £19,915 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 £10,255 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 £1022 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 from the date of the planning permission 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  
17 February 2009

**9 DCCW2008/3044/F - REPLACEMENT TWO STOREY DETACHED HOUSE. TRADEGA, LITMARSH, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EY**

**For: Mr Lively, Batterham Matthews Design Ltd, 1 Tollbridge Studios, Tollbridge Road, Bath, Wilts, BA1 7DE**

**Date Received: 24 December 2008      Ward: Sutton Walls      Grid Ref: 53066, 50117**

**Expiry Date: 18 February 2009**

Local Member: Councillor KS Guthrie

**1. Site Description and Proposal**

- 1.1 This site is located on the eastern side of the Marden to Bodenham C1120 Road at Litmarsh. Hillside a bungalow is located approximately 50m to the north east and Charnwood a two storey dwelling approximately 140m to the south west. Little Berrington bungalow and Ashdown House are located on the opposite side of the road to the north west. When viewed from the south the site is seen against a backdrop of extensive tree coverage with open fields immediately south of the site.
- 1.2 The site previously contained a bungalow with large brick and tile outbuilding. These have now been demolished but covered an area of 115.62 sq.m. (dwelling) and 91.5 sq.m. (outbuilding) total 207.12 sq.m. The proposal is to replace the previous buildings on site with a two storey dwelling sited partly on the footprint of the previous buildings but lower down the site. The new dwelling has a ground floor area of 140.22 m sq and a first floor area of 108.52m sq giving a total floor space of 248.75 m sq.
- 1.3 External materials proposed are brick under a flat roof. Paviers and tarmac will form the hard landscaping with a new roadside hedge forming part of the soft landscaping.

**2. Policies**

**2.1 Planning Policy Guidance:**

PPS7 - Sustainable development in rural areas

**2.2 Herefordshire Unitary Development Plan 2007:**

DR1 - Design  
H7 - Housing in the open countryside  
H16 - Car parking  
T11 - Parking provision

**3. Planning History**

- 3.1 DCCW2008/1597/F - Replacement two-storey detached house. Refused 15 September 2008.

- 3.2 DCCW2005/0773/F - Demolition of existing dwelling, stores, garage etc and construction of a replacement dwelling. Approved 29 April 2005.

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

##### Internal Council Advice

- 4.1 Traffic Manager: No objections subject to conditions pertaining to access and parking.

#### **5. Representations**

- 5.1 Marden Parish Council: The Parish Council was opposed to this application because although the footprint of the proposed building is similar to the original dwelling on the site, the overall scale of the proposed dwelling is too large for the site and would be obtrusive in the vicinity.

- 5.2 Two letters of support for the proposal have been received and one letter of objection. The reasons for the objection are:

1. The original approval of a bungalow for replacement was more acceptable than a house despite the reduced footprint.
2. Other bungalows in the area are unobtrusive and this is not in sympathy other than with the applicants house Charnwood, which is out of keeping with the area.
3. The house occupies a larger footprint than the original bungalow.
4. Whilst screened from the road it would dominate the landscape to the south.

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

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

- 6.1 This site is located in open countryside as identified by the Herefordshire Unitary Development Plan and therefore falls to be considered within Policy H7. This policy permits replacement dwellings provided they are comparable in size and scale with and on the same site as an existing building with established residential use rights.

##### Size and Scale

- 6.2 The previous dwelling and adjacent outbuilding had a floor area of approximately 207.12 sq. The proposed dwelling has a ground floor area of 140.22 m sq therefore the footprint of the new dwelling is smaller than the previous dwelling. It is also substantially smaller than the replacement bungalow approved in 2005 which had a ground floor area of 250m sq. However when you add the proposed floor area of the first floor this gives a total floor area of 248.75m sq which is an overall increase of 41.63 m sq. This increase represents a modest addition amounting to approximately 20% of the original and is considered to be acceptable.
- 6.3 Whilst a two storey dwelling is proposed and as such the scale is different the overall building will be small in ground coverage. In addition the design is considered to be compatible with its surroundings and will be seen in the landscape against the back drop of the trees behind and will therefore compliment the local character of the area.

Sites on Existing Site

- 6.4 Due to the sloping nature of the site and to reduce its roadside impact the new dwelling is proposed to be moved slightly to the south of the original building but still overlapping the footprint. This further mitigates the roadside impact of the new dwelling and is considered to comply with this aspect of the policy.

Established Use Rights

- 6.5 Planning permission has already been granted for a replacement dwelling where the residential use right were established. Therefore this aspect of the policy is also accepted.

Conclusion

- 6.6 The replacement dwelling is comparable in size to the approved scheme and only marginally greater than the original buildings on site. In addition the scale of the new dwelling is considered to be reduced and more compact than the single storey replacement dwelling previously approved and the original building on site. It is therefore considered that the proposal fully complies with Policy H7 subject to the following conditions.

**RECOMMENDATION**

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

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

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

2. **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. **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.**

4. **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.**

5. **H03 (Visibility splays).**

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

6. H06 (Vehicular access construction).

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

7. H09 (Driveway gradient).

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

8. 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.

9. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

10. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

**Informatives:**

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

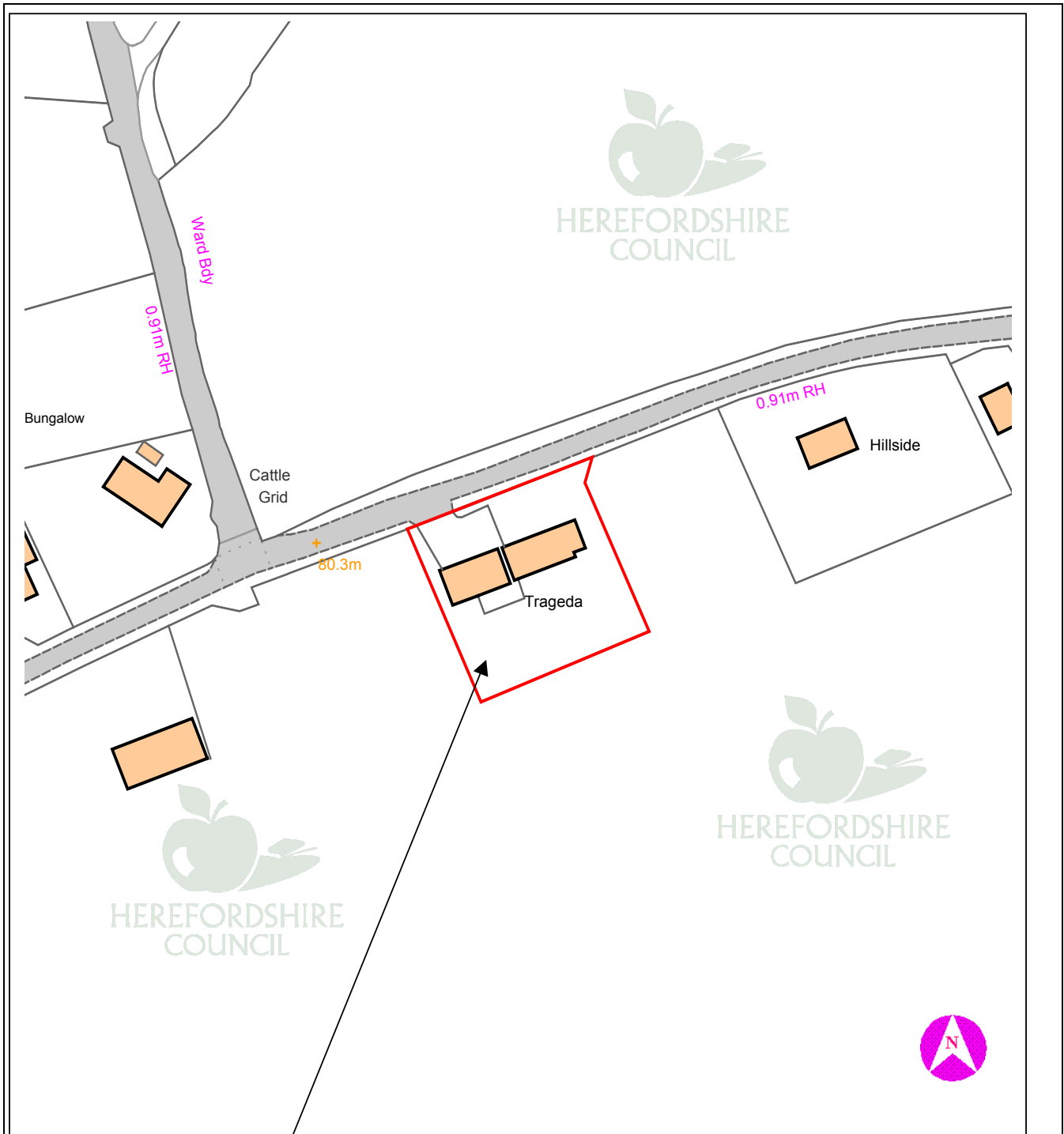
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/3044/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Trageda, Litmarsh, Marden, Hereford, Herefordshire, HR1 3EY

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**10 DCCW2008/2647/F - THE CONSTRUCTION OF A CLEAN WATER ATTENUATION POND FOR THE RECYCLING OF STORM WATER WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF**

**For: Mr. K. Hammett, ATSS Ltd, Bourne Works, The High Street, Collingbourne, Ducis, Wiltshire, SN8 3EQ**

**Date Received: 24 October 2008      Ward: Credenhill      Grid Ref: 48519, 39264**

**Expiry Date: 23 January 2009**

Local Member: Councillor RI Matthews

**1. Site Description and Proposal**

- 1.1 Warham Court Farm, Breinton is located on the northern side of the unclassified 73023 road approximately 1km west of the edge of Hereford City.
- 1.2 Nos 1 & 2 Warham Court Cottages are located to the north together with Warham Farmhouse. Warham Cottage and Old House are located to the west with open fields to the south and Warham Court Farmhouse to the east.
- 1.3 The proposal is to construct a 395,000 gallon clean water pond measuring approximately 42.5m by 15m and a depth of 3.5m. It will be sited to the west of the existing complex of buildings in the adjoining pasture. All clean surface water from the farm buildings will be collected and directed into the pond. The overflow pipe will direct water underneath the adjoining road to a field hedge where it will drain. This leads down to the River Wye and no residential property is affected.
- 1.4 The pond has been resited by approximately 4.5m to the west during the processing of the application as a result of the applicant revising the requirements for the size of the dung midden provision.

**2. Policies**

2.1 Planning Policy Guidance:

PPS7 - Sustainable development in rural areas

2.2 Herefordshire Unitary Development Plan 2007:

DR1	-	Design
DR2	-	Land use and activity
DR4	-	Environment
E13	-	Agricultural and forestry development
E16	-	Intensive livestock units
LA2	-	Landscape character and areas least resilient to change
LA6	-	Landscaping scheme

- HBA4 - Setting of listed buildings
- DR7 - Flood risk
- DR6 - Water retention

### 3. Planning History

- 3.1 CW1999/0361/F - Steel framed portal building to cover existing building. Approved 10 June, 1999.
- 3.2 CW2001/2260/F - Change of use to site for a horse walker. Approved 18 October, 2001.
- 3.3 CW2008/0335/F - Two new sheep/feed barns for beef cattle, new straw barn and new silage barn. Approved 14 May, 2008.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No comment as site is below size level for consultation.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager (Landscape): Firstly, I would draw your attention to the comments I made on a previous application on this site, relating to agricultural buildings, etc. (DCCW2008/0355/F) where I identified both the nature of the site and surrounding landscape and the likely impact of the proposed development. The previous application consisted of much larger, upstanding structures in the landscape and I concluded that, whilst there would be some negative visual consequences resulting from the development, the scale of the landscape and the context of the development (agricultural structures in relation to an established farm and agricultural landscape) resulted in some capacity to accommodate the proposals. In the case of this additional application, even allowing for some inevitable cumulative impact, I do not feel that the capacity of the landscape to accommodate change has been exhausted.

However, I would also draw your attention to my comments concerning the visibility of the site from the west; although the '...site is well screened by the surrounding topography, existing vegetation and buildings...the western boundary is ill defined and partially visible from a number of vantage points...'. I would therefore reiterate my view that '...substantial landscaping, in the form of a hedge and tree planting, should be provided to the western and northern boundaries of the site...'. I previously noted that the 'red line' had been drawn tight around the application site and that we should seek to ensure that planting extended into land in the applicant's ownership to ring about an extensive improvement in the general character and condition of the landscape; I believe this approach to be in line with both policies contained in the Herefordshire UDP and the recent 'Developer Contributions' SPD.

### 5. Representations

- 5.1 Breinton Parish Council:

Original Submission

No objections but conditions requested.

The Parish Council has no objection to an attenuation pond in this location but it has serious concerns about the efficacy of the proposed drainage of storm water once it cannot be contained in the pond. Question 13 on the application states that there is no increase to flood risk with this proposal, which members feel is incorrect. Furthermore, it is stated that the proposed development cannot be seen from the road, which is also incorrect. The fencing shown around the pond is no doubt a requirement of Health and Safety and an important component of the safety of this site, which the Parish Council would endorse and expect to be carried out as per the plan.

The drawing shows that the overflow from the pond will drain under the road into a ditch. At present, this ditch merely ends in a soakaway which members feel will not be adequate for the job and needs to be extended down the road and piped into an existing stream. As members have no technical experience in this regard, they request a condition that measures are put in place to ensure that excess water is drained away efficiently and that those measures are clearly outlined in the permission.

The Parish Council would also like to see a condition that the landscaping already proposed on the western side is extended to screen the whole development and the pond from that direction

Furthermore, in the drawing supplied for this application, the landscaping proposed for the original site of the pond (to the north) has been removed. The Parish Council seeks assurances that the landscaping originally planned for this area will remain as part of the original permission.

Revised Submission

## Preface

Members of the Parish Council feel that this is piecemeal development, a negation of the proper planning process. Since the original application for the barns, showing a dung midden as a small area to the west of Unit 1, members have been presented with landscape plans and two alternative sites for the attenuation pond, with the dung midden being shown larger as time goes on. At no time has the Parish Council been given a complete picture of the development envisaged by the applicant. Had they been given such detail, and in particular the true size of the dung midden which has already been built, as yet without planning permission, they feel that decisions made as to where the attenuation pond would be sited might well have differed from the situation as it now is. They always felt that the original application plans for the barns were incomplete and said so at the time. They have now been informed that a (retrospective) planning application for a dung midden has recently been requested. When originally consulted on the barns The Parish Council asked for the drainage plans, which are dependent upon an attenuation pond. Condition 6 required a drainage plan before development of the site began. The barns have been built and occupied for some weeks since, yet the attenuation pond and attendant drainage are still to be agreed.

To summarise, the siting of the pond in the proposed position has been imposed by the demands of the size of a dung midden which has been built, far larger than on the original plans, but which, as yet, does not have planning permission.

#### Submission

The Parish Council objects to this proposal.

The proposed (and existing) development does not conform to Policy E13 of the UDP, as the (proposed) dung midden and pond fall outside the building boundary formed by Units 1, 2 and 3 and are not 'readily assimilated into the landscape'. (Indeed, at present the walls of the (proposed) dung midden are an eyesore and very much out of place with the surrounding area).

When in November 2008, the Parish Council agreed to site the pond to the west of the original dung midden, no-one in the Parish Council had any idea of the actual and existing size of the midden, as no reference had previously been made to it, and they assumed, wrongly as it turns out, that the buildings were being constructed to plan, where the dung middens were originally shown as two small areas to the west of the development site. In the view of members, the proposed midden and concrete track should be reduced in size, in order to be able to move the pond back to its originally agreed position, and its undoubted impact on the surrounding area softened by landscaping and tree planting and that same landscaping and planting extended to the whole of the western boundary, as previously requested at the time of that application. The Parish Council notes that mention is made on the plan supplied, in Section "D-D", that the overflow will be piped to an existing ditch. There is no ditch. This would have to be constructed, as per the aerial photograph in the attenuation pond calculations. No plans show provision for overflow from the slurry pit/brown water pond. In view of the size of the development and the increased concrete footprint, members feel that consideration should be given to this. The Parish Council is also concerned about the contamination of the attenuation pond with the effluent from the dung midden, given their proximity with one another (should the midden remain as it is) and feels, albeit acknowledging their lack of expertise in this area, that a Land Drainage engineer should be giving advice about this. Indeed, with the size of the development, increased since the original application, members are surprised that the Environment Agency has not been involved.

The Parish Council would draw planners' attention to Policy ED16 which not only refers to the need to minimise the impact of a development on the surrounding area but also the need to make adequate provision for the management and disposal of waste materials.

It is assumed, given that there is no plan of any elevation of the pond, that it will not be raised and that a pump will be needed to move the water to where it is required. Members are querying the position of a pump house which could also be required.

If planners decide that, despite the concerns stated above, the pond should still be built on the proposed site, the Parish Council would like to see appropriate landscaping and planting to screen the area. Again, as above, members feel that the landscaping should be continued from the attenuation pond northwards in order to effectively screen the slurry pit and the whole of the western boundary of the development.

They would also request, whatever the outcome, that the landscaping planned around the original site for the attenuation pond, to the north, should be reinstated, in order to screen neighbouring properties in that area from the development.

5.2 Two letters of objection have been received from:

- Ivor Rees, Old House, Warham, Breinton;
- Mr & Mrs A Morawiecki, Warham Farmhouse, Breinton.

The main points raised are:

1. The amended position moves the pond closer to residential property which could overflow and flood.
2. The development is now sprawling into the open countryside contrary to Policies ED13 and ED16 of the Herefordshire Unitary Development Plan.
3. Potential contamination from the adjoining dung midden.
4. No indication of pump housing to re-cycle water or detour of any associated noise.
5. Since development at Warham Court Farm has started drainage has been an increasing problem in the area and concerns of the water table rising and potential floods of dwellings.
6. Surface water on roads has frozen causing dangerous driving conditions.
7. Drainage should have been resolved prior to the new buildings being erected in accordance with Condition No. 6.
8. Animals are already installed in the buildings.
9. If the dung midden was moved we would withdraw our objection to the pond subject to it being closer to the building.

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

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

6.1 Extensive new agricultural development at Warham Court Farm approved in May 2008 was conditioned subject to a surface water drainage strategy. The formulation of this strategy has identified the need for a clean water attenuation pond subject of this planning application. Dirty water from the concrete yards will be directed to the existing brown water pond and will be spread in a low volume dirty water system as per the Good Farming Protective Guide. The clean water attenuation pond will collect all the roof water from the buildings and will be used to provide livestock drinking water through appropriate hygiene requirements. The pond has been designed with a multi-stage overflow system to manage excessive rain conditions and to prevent overflowing. The overflow system will control the release of water through a system of various sized pipe outlets to maintain the water level within the pond. The overflow will be directed south underneath the road to a perforated drainage pipe laid alongside a field edge running down towards the River Wye. Therefore no residential property will be impacted upon by any potential overflow.

6.2 The pond is proposed to be located adjacent to the dung midden at the south western end of the buildings. The position has been amended during the processing of the application by moving it 4.5m further away from the submitted position. This still keeps the pond visually within the complex at Warham Court Farm and therefore in compliance with Policy ED13 of the Herefordshire Unitary Development Plan. The pond will be dug into the ground by approximately 3.5m and will be fenced off from the

adjoining pasture field. In accordance with the Conservation Manager's comments a landscaping condition will be recommended to provide a new hedge with trees to be define the boundary of the new farmstead.

- 6.3 The pond will hold 395,000 gallons of water when full but has additional capacity to the overflow pipes to take an additional 232,000 gallons before any potential bank failure giving a hold capacity of 627,000 gallons. The applicant's drainage consultant has calculated the coverage of the roofs together with average maximum rainfall periods. The calculations identify that pond capacity exceeds highest recorded daily storm water collection figures. This together with estimated daily usage of 8,000 gallons of recycled water mean that it will be unusual for even the lowest of the overflow pipes to be in use. Your Officers are satisfied therefore from the information submitted that the pond will meet the water and drainage needs of this farm and should not impact on any residential property.
- 6.4 Finally there is no impact on the Listed Building Warham Court. The proposal is therefore considered to be acceptable and fully comply with the Herefordshire Unitary Development Plan.

### **RECOMMENDATION**

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

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

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

2. **The clean water attenuation pond hereby permitted shall be completed and available for use within six months of the date of this permission.**

**Reason: In order to ensure that a suitable surface water drainage system is operated to serve the development and to comply with Policy E16 of Herefordshire Unitary Development Plan.**

3. **Notwithstanding the details shown on the approved plans and prior to the commencement of development, details of the precise route and specification for the disposal of the water from the overflow shall be submitted for approval in writing of the local planning authority. The dispersal shall be undertaken in strict accordance with the approved details.**

**Reason: Insufficient detail was shown on the submitted plans and to ensure that the development accords with the requirements of Policies DR6 and E13 of the Herefordshire Unitary Development Plan.**

4. **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.**

5. **G11 (Landscaping scheme - implementation).**

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

- 6. **Prior to the commencement of the development details of any pumping system to be installed for the operation of the development shall be submitted for any approval in writing by the local planning authority.**

**Reason:** In order to ensure that a suitable surface water drainage system is operated to serve the development and to comply with Policy E16 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**

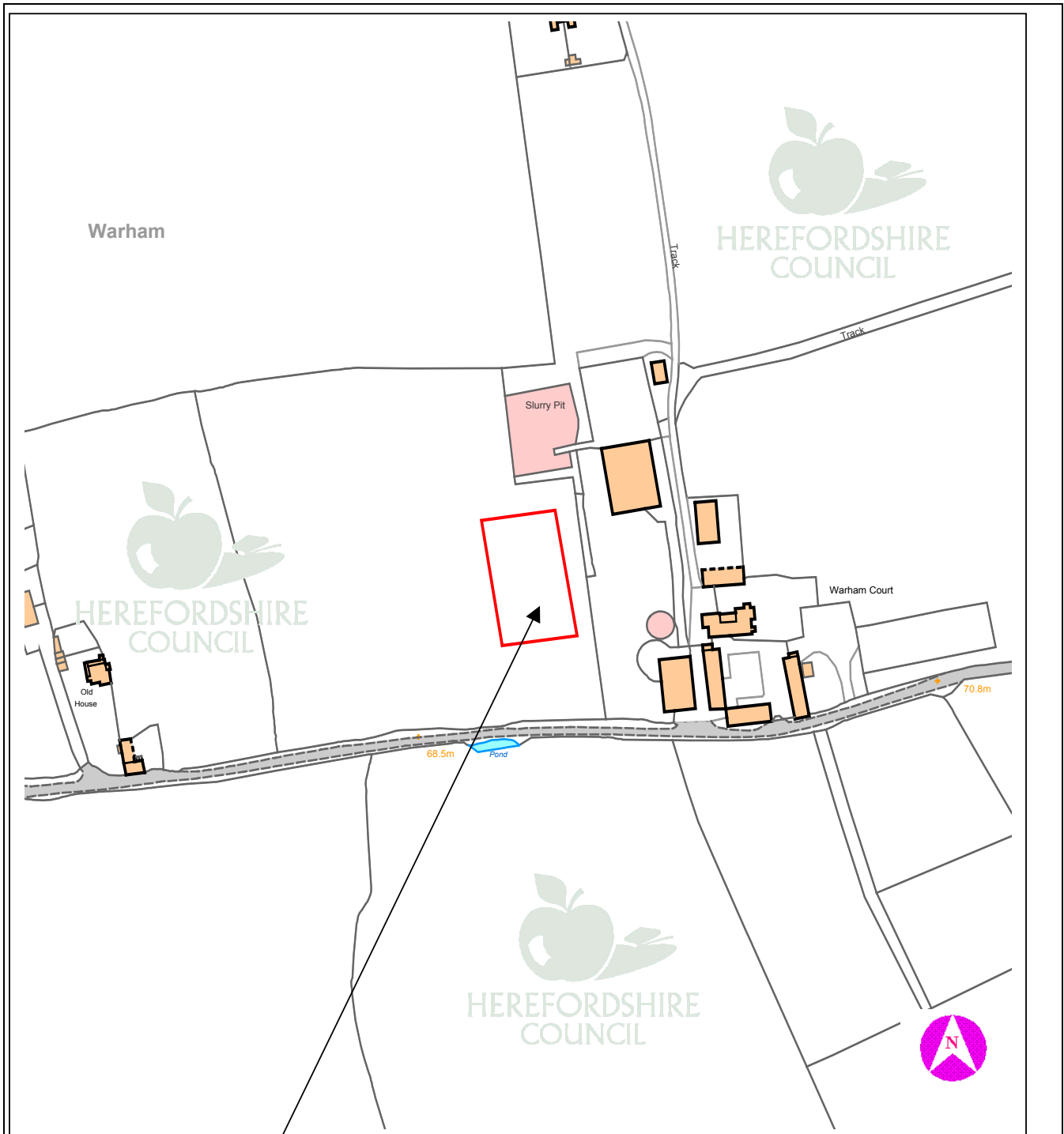
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW/2008/2647/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Warham Court Farm, Breinton, Hereford, Herefordshire, HR4 7PF

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**11 DCCW2008/2781/F - DEMOLISH EXISTING PUBLIC CONVENIENCE AND REPLACE WITH THREE STOREY BUILDING, HOT FOOD TAKEWAY ON GROUND FLOOR, STORAGE ON FIRST FLOOR, STAFF LIVING ACCOMMODATION ON SECOND FLOOR. PUBLIC CONVENIENCE, THE OVAL, BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7HG**

**For: Mr. J. Cheung, Paul Smith Associates, 12 Castle Street, Hereford, HR1 2NL**

**Date Received: 14 November 2008      Ward: Belmont      Grid Ref: 50009, 38583**

**Expiry Date: 9 January 2009**

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

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

- 1.1 The site is located on the eastern side of The Oval, Belmont, a shopping parade with flats above. The site is presently occupied by a redundant public convenience. The proposal is to demolish the public convenience and replace with a three storey building similar in height and design to the adjoining shops and flats. The new building will contain a hot food takeaway on the ground floor, storage on the first floor and three bedroom flat on the second floor.
- 1.2 An extraction system for food smells is proposed on the rear elevation.
- 1.3 No opening times have been submitted.
- 1.4 The existing parade of shops contains general stores, post office, beauty salon, hairdressers, fish & chip shop, information centre, betting office and sandwich bar.

#### **2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007:

DR1	-	Design
TCR15	-	Hot food takeaway outlets
T11	-	Car parking
TCR13	-	Local and neighbourhood shopping centres

#### **3. Planning History**

- 3.1 None.

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

##### Statutory Consultations

- 4.1 Welsh Water: No objections.
- 4.2 Highways Agency: No objections.

Internal Council Advice

- 4.3 Traffic Manager: No objections subject to a contribution in accordance with the Supplementary Planning Document Planning Obligations.
- 4.4 Children & Young People's Manager: Confirms a need for contribution in accordance with the Supplementary Planning Document Planning Obligations.
- 4.5 CCTV Officer: Confirms a need for a contribution in accordance with the Supplementary Planning Document Planning Obligations.
- 4.6 Environmental Health Officer: No objections subject to a condition regarding approval of any proposed extract ventilation system.
- 4.7 Parks and Countryside Officer: Confirms a need for a contribution in accordance with the Supplementary Planning Document Planning Obligations.

**5. Representations**

- 5.1 Hereford City Council: No objections to the proposal but the City Council suggests limiting the opening hours by closing at 11.00pm Sunday to Thursday and at midnight on Friday and Saturday.
- 5.2 Herefordshire Housing: I would advise you that Herefordshire Housing Ltd, whilst appreciating the need to re-use or replace the current eyesore of the former toilet block, is concerned about and objects to this proposal as another takeaway use here could have an adverse effect on our tenants in the flats above the shops at The Oval and also on our tenants and leaseholders of the shops themselves. There are also issues of selling competing products with our shops in the vicinity, as there already a fish and chip shop and Chinese takeaway at No. 24 The Oval with which this proposal would be in direct competition, a situation which would not, I believe, have been allowed by Herefordshire Council had they still been the Lessors of these shops, as they were prior to transfer to Herefordshire Housing Ltd. To this end I enclose copies of two relevant extracts from the lease dated 15/10/1993 of No. 24 granted by the former Hereford City Council, Clauses 3 (13) (user clause) and 4 (4) (restriction to this effect) specifically applying.

We are also concerned at the sheer scale of the proposed development, which we consider to be excessive and inappropriate, as it appears that the proposed replacement building is not only to be three storey but is also to occupy almost the full area of a restricted site, currently only occupied by a small single storey structure. Further the proposed development does nothing to address the existing problems with the alleyway (being a path forming part of the adopted public highway and not, therefore, in our ownership) between the former conveniences and the blocks forming our premises, which another tall building would only tend to exacerbate.

- 5.3 Two letters of objection have been received and a petition signed by 145 people. The main points raised are:

1. The use would be in direct competition to the other hot food takeaway at The Oval. Therefore putting the jeopardy of the 10 people who work at the premises at risk at the business.
  2. Covenants prevent a similar use taking place.
  3. The local people deserve a more varied supply of shops such as a florish, bakery or internet cafe to enhance the area.
  4. The site is too small to accommodate the size of building proposed.
  5. The public path to the rear would be partly enclosed.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

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

- 6.1 This site is located within the neighbourhood shopping parade at The Oval, Belmont, Hereford. The character of the parade is shops on the ground floor with two floors of flats above. Adjoining residential property comprises three storey flats with two storey dwellings on the opposite side of Belmont Road. The proposal to create a retail premise on the ground floor with storage on the first floor and a three bedroom flat on the second floor is compatible with the adjoining built form and uses. In addition the external appearance proposed will also match.
- 6.2 Parking is available on the roads around the site which the Transportation Manager has confirmed as acceptable. Concerns have also been raised regarding competing uses and breach of covenant. These are matters which do not form part of the planning considerations of the proposal. Policy TCR15 of the Herefordshire Unitary Development Plan 2007 gives clear guidance and confirms that permission will be granted subject to impact on residential amenity, highway safety, amenity issues and services facilities. Adequate parking exists around the Oval complex and servicing can be obtained from the roadside.
- 6.3 A ventilation and extraction system is proposed on the rear of the building above the footpath that will run along the rear between the existing complex and the proposed building. Environmental Health have confirmed no objection subject to a condition controlling the extraction and ventilation systems.
- 6.4 Finally conditions will be imposed limiting hours of opening together with litter bins and patrols. In accordance with the Council's Supplementary Planning Document Planning Obligations contributions for CCTV, education, recreation and highways have been agreed details for which are included in the Draft Heads of Terms appended to the report.
- 6.5 It is therefore considered that the proposal will enhance the amenity of the area with the removal of the former public convenience and not be detrimental to highway safety or amenity of adjoining residents. It is also considered that the vitality and viability will not be detrimental impacted of the shopping parade. Accordingly the proposal is considered to fully comply with policies.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

2. **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. **F04 (Restriction on hours of opening (restaurants and hot food takeaways)).**

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

4. **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.**

5. **I16 (Restriction of hours during construction).**

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

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

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

7. **Foul water and surface water discharges must be drained separately from the site.**

**Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.**

8. **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

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

environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 8. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 9. B07 (Section 106 Agreement).

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

- 10. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

- 11. The developer shall provide a suitable grease trap to prevent entry into the public sewerage system or matter likely to interface with the free flow of sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

Reason: To protect the integrity of the public sewerage system and sustain an essential and effective service to existing residents.

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

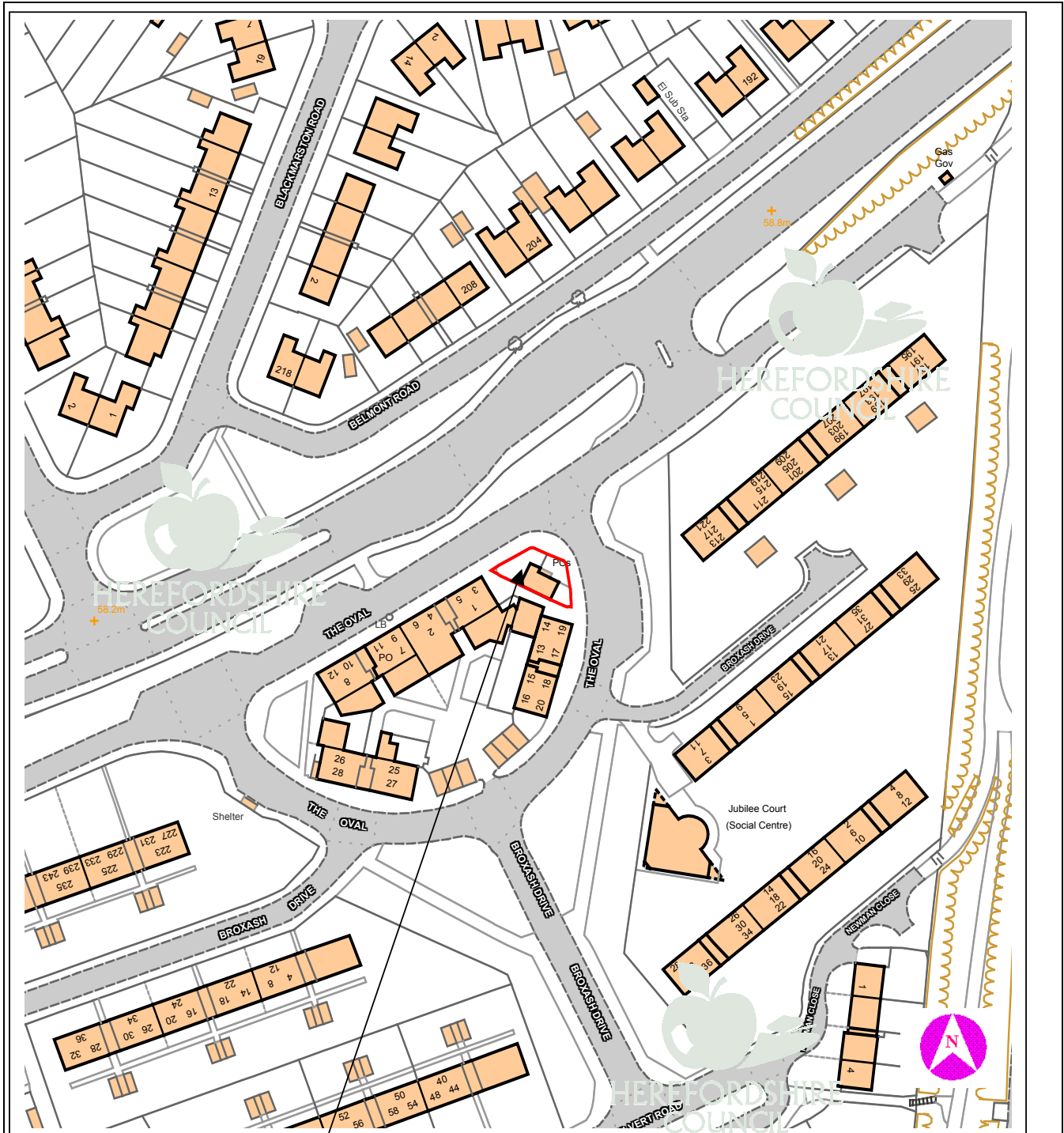
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/2781/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Public Convenience, The Oval, Belmont Road, Hereford, Herefordshire, HR2 7HG

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Further information on the subject of this report is available from Mr. K. Bishop on 01432 261946

*This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.*

## **HEADS OF TERMS**

### **Proposed Planning Obligation Agreement**

### **Section 106 Town and Country Planning Act 1990**

**Planning Application: DCCW2008/2781/F**

**Proposal: Demolish existing public convenience and replace with three-storey building, hot food takeaway on ground floor, storage on first floor, staff living accommodation on second floor.**

**Site: The Oval, Belmont Road, Hereford, HR2 7HG**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1809 to provide enhanced educational infrastructure. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2580 to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - Traffic calming and improved signage
  - Localised highway improvements
  - Hereford Park and Ride
  - Contribution to improved bus service
  - Contribution to Safe Routes for Schools
  - Improved bus shelters/stops in the locality of the application site
  - Initiatives to promote sustainable transport
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £989 to provide enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5,000 towards provision for a CCTV at The Oval the sum shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the sums referred to in paragraphs above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.



6. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
7. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
8. 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.
9. The developer shall complete the Agreement by (a date to be agreed) otherwise, the application will be registered as deemed refused.

**Kevin Bishop**  
**Principal Planning Officer**  
**17 February 2009**



**12 DCCE2009/0062/O - ERECTION OF DETACHED HOUSE AND GARAGE. ORCHARD END, 9 BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HZ**

**For: Mr Kelly, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 8 January 2009      Ward: Aylestone      Grid Ref: 52366, 40946**

**Expiry Date: 5 March 2009**

Local Member: Councillor NL Vaughan and DB Wilcox

**1. Site Description and Proposal**

- 1.1 The application site is located within a residential area to the north of Broadlands Lane. It presently contains a two-storey red brick property known as 'Orchards End' and has a substantial garden with mature boundary hedges. The site is accessed via a shared private drive with no.7 Broadlands Lane. Broadlands Lane is an unclassified road, which serves a number of properties as well as Aylestone High School, which is accessed via a roundabout at the eastern end of the lane.
- 1.2 The application proposes a two storey detached dwelling with garage within the curtilage of 'Orchard End'. The planning application is in outline form with all matters reserved with the exception of the means of access. The proposed dwelling would sit adjacent to the existing dwelling with access to the provided via the existing access shared with no. 7 Broadlands Lane. A new access directly off Broadlands Lane is proposed to serve the existing 'Orchard End', but this does not form part of this application. The design and access statement submitted with the application has indicated that the proposed dwelling will provide 3 bedrooms.

**2. Policies**

S1	-	Sustainable Development
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable residential design
H16	-	Car Parking
T11	-	Parking Provision

**3. Planning History**

- 3.1 None.

**4. Consultation Summary**

Statutory Consultations

- 4.1 Welsh Water raises no objection to the application.

Internal Council Advice

- 4.2 The Transportation Manager raises no objections to the application. A financial contribution is sought for improvements to pedestrian/cycle facilities in the area, park & ride and Safe Routes to Schools.
- 4.3 The Education Manager has requested a financial contribution to provide enhanced educational infrastructure at North Hereford City Early Years, Broadlands Primary School, Aylestone Business and Enterprise College and Hereford City Youth Service with 1% allocated for Special Education Needs.
- 4.4 The Libraries Officer has requested a financial contribution for the enhancement of existing community services in Hereford City.

**5. Representations**

- 5.1 The City Council has no objection to the proposal.
- 5.2 Three letters of objection have been received from local residents who raise the following issues:
- a) Increase in traffic would cause issues with privacy to the surrounding dwellings and be unacceptable given the large volume of traffic, which already use Broadlands Lane.
  - b) The proposed dwelling would overlook No. 7 Broadlands Lane.
  - c) The construction of the new dwelling would cause an excessive nuisance to surrounding properties.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

**6. Officer's Appraisal**

- 6.1 The issues for consideration in the appraisal of this application are as follows:
- a) The principle of development
  - b) Access and Highway Safety
  - c) Impact on neighbouring properties
  - d) Section 106 contributions and Draft Heads of Terms

Principle of Development

- 6.2 The application site is located within a defined Established Residential Area in the Herefordshire Unitary Development Plan (2007). In such locations residential development is, in principle, accepted provided criteria such as safe access, impact on neighbours and flooding are considered.

Access and Highway Safety

- 6.3 Although the planning application is in outline form, access has not been reserved and is for consideration with this application. In this respect the plans identify that the existing access that serves 'Orchard End' is proposed to serve the new dwelling, whilst a new access will be created to serve 'Orchard End'. This new access is shown to be east of the existing close to the roundabout. It should be noted that this new access falls under permitted development, as Broadlands Lane is an unclassified road. Consequently vehicle movements from the occupiers of the new dwelling, along with associated delivery vehicles will be no greater than that which exists with 'Orchard End'. Therefore it is not considered that the proposed dwelling would have an adverse impact on the residential amenity of the dwelling, greater than that which exists.
- 6.4 Policy DR3 in the Herefordshire Unitary Development Plan relates to movement. The policy requires development to provide a safe, convenient and attractive pattern of movement into, out of and across the site and incorporate adequate provision for vehicular access from the highway network without detriment to highway safety. The Traffic Manager has raised no objection to the proposal. The traffic the new dwelling will generate is not considered to be greater than that of 'Orchard End'. The existing access does not give rise to any highway safety issues. The proposed development is also not considered to cause any infringement to the amenity of residents in the vicinity. Broadlands Lane has high volumes of traffic due to Aylestone High School, and therefore it is not considered that the extra traffic and vehicular movements created by the development will be of detriment to highway safety.

Impact on neighbouring properties.

- 6.5 The indicated layout of the new dwelling shows that it is to be located approximately 2.5 metres from the boundary of the neighbouring property '7 Broadlands Lane'. However '7 Broadlands Lane' is situated 11 metres away from this boundary. The new dwelling will also be located 13 metres from '2 Home Cottages'. At these distances, it is considered that the impact of the proposed dwelling on the two neighbouring properties will not be of such significance as to warrant a refusal on amenity grounds.
- 6.6 The indicated layout of the new dwelling shows that the proposed dwelling will be approximately 2.5 meters from the existing dwelling on the site 'Orchard End'. The layout shows the proposed dwelling to be in line with 'Orchard End'. The west elevation of 'Orchard End' has no openings. It is not considered that unacceptable overlooking to any of the neighbouring properties would occur from the new dwelling given that windows in walls facing adjoining properties can be controlled. Both the new dwelling and 'Orchard End' will have substantial size gardens and parking in the resultant scheme.

Section 106 contributions and Draft Heads of Terms

- 6.7 A section 106 Heads of Terms is appended to this report in accordance with the adopted Supplementary Planning Document on Planning Obligations. The applicants are yet to agree to the heads of terms. This proposes financial contributions for off site community infrastructure to mitigate the direct impact of the development including contributions towards transportation, education, and public open space, sport and recreational facilities.

Conclusion

6.8 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 the highway nor the residential amenity of neighbouring properties, therefore the proposal is considered to be acceptable and accord with the Development Plan.

**RECOMMENDATION**

**That subject to the applicant's agreement to the Heads of Terms 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. **H06 (Vehicular access construction).**

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

7. **H09 (Driveway gradient).**

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

8. **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.**

**Informatives:**

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

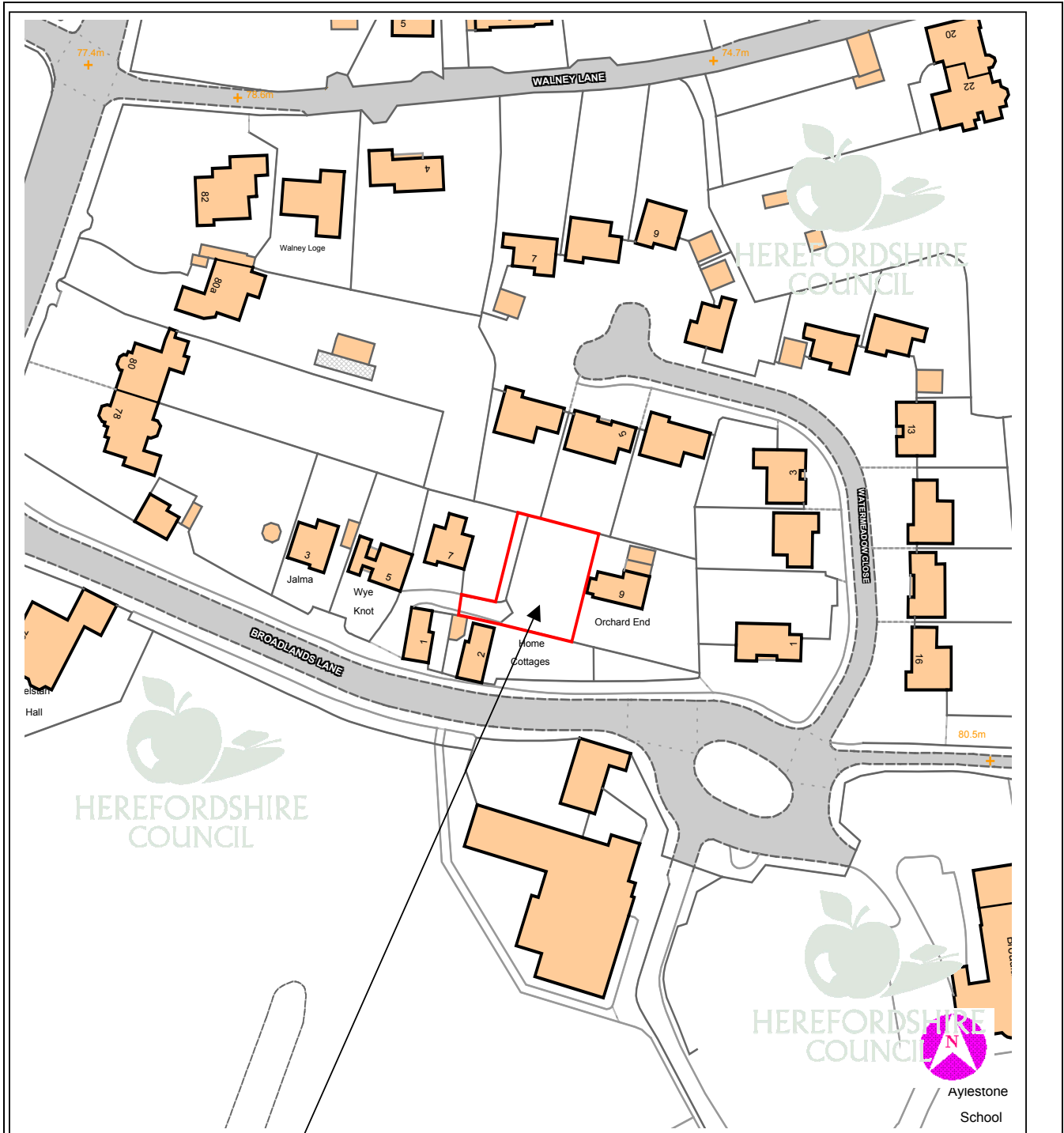
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2009/0062/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Orchard End, 9 Broadlands Lane, Hereford, Herefordshire, HR1 1HZ

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

Planning Application – DCCE2009/0062/O

Erection of detached house and garage

At – Orchards End, Broadlands Lane, Hereford, HR1 1HZ

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 £672 (contributions based around the requirements of policy H19 of the UDP and Sports England's facilities calculator). Herefordshire Council shall use the contribution in consultation with local clubs and key stakeholders towards improving key facilities in Hereford.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,052, to provide enhanced educational infrastructure at North Hereford City Early Years, Broadlands Primary School, Aylestone Business and Enterprise 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 £2,580 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) North Hereford Park and Ride
  - b) Contribution to Safe Routes for Schools
  - c) Improved pedestrian and cyclist connectivity in the area
  - d) Improved pedestrian and cyclist crossing facilities.
4. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £317. The monies shall be used by Herefordshire Council to improve the quality and accessibility of the more formal green spaces in the vicinity of the development.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £198 towards the enhancement of existing community services in Hereford City.
6. In the event that Herefordshire Council does not for any reason use the said sum of clauses 1, 2, 3, 4 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.
7. The developer converts with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contribution detailed in this Heads of Terms to be used towards 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.

Rebecca Jenman  
18 February 2009

**13 DCCE2009/0126/F - PROPOSED PLANTING SCHEME OF GREEN BEECH HEDGE AND RETENTION OF EXISTING TIMBER FENCE. CADITH HOUSE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3RX**

**For: Mr. & Mrs. Pearson, per Mr. J.I. Hall, New Bungalow, Nunnington, Herefordshire HR1 3NJ**

**Date Received: 19 January 2009**

**Ward: Hagley**

**Grid Ref: 55432, 42537**

**Expiry Date: 16 March 2009**

Local Member: Councillor DW Greenow

**1. Site Description and Proposal**

1.1 Cadith House is a detached dwelling lying within open countryside and situated approximately 550 metres to the west of Withington on the southern side of the A4103. The dwelling is set within spacious grounds, the frontage of which is bounded by a 2 metre high close-boarded fence with both side boundaries being landscaped by mature hedging. The dwelling has a substantial garden and open area to the rear, however it is noted that the southern part of the open land was not part of the defined curtilage of the original permission (Ref: SH950908PF). The dwelling was granted planning permission in 1996 in view of the demonstrated horticultural need in association with the adjacent nursery enterprise, which is located approximately 45 metres to the south west of the site.

1.2 This application seeks planning permission for the retention of the existing 2 metre high close-boarded fence, as erected, with some soft landscaping to its front adjacent to A4103. The proposal is a re-submission of an identical scheme that was refused under DCCE2008/2873/F on 6th January, 2009 for the following reason:

'The existing fence by virtue of its height, length and siting would visually dominate the front aspect of the property and the wider locality. As such the retention of the fence is contrary to Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.'

**2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

S2	-	Development requirements
DR1	-	Design

**3. Planning History**

3.1 DCCE2008/2873/F - Proposed planting scheme of green beech hedge and retention of existing timber fence. Refused 6 January 2009.

- 3.2 DCCE2008/1151/F - Proposed dwelling attached to Cadith House to accommodate staff working at Radway Nurseries. Refused 11 June 2008.
- 3.3 SH950908F - Proposed house for horticultural worker. Approved 28 October 1996.

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

##### Statutory Consultations

- 4.1 None.

##### Internal Council Advice

- 4.2 Traffic Manager: The required setback can be achieved with the fence and hedge in its current position and provided the hedge is maintained, this will effect visibility to the end of their ownership.

#### **5. Representations**

- 5.1 Withington Group Parish Council: No objection.

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

- 6.1 This is a retrospective application and a re-submission of an identical scheme that was recently refused under application DCCE2008/2873/F. The fence requires planning permission as it is over 1 metre in height and is adjacent to the highway. The site is in a rural location where the predominant boundary treatment fronting the highway is soft landscaping, mainly mature hedgerows.
- 6.2 In this context, it is considered that the existing fence, principally due to the height, length and siting dominates the front aspect of the property and is also particularly prominent in the wider locality appearing as a discordant feature. It fails to integrate well or harmonise with the rural setting and consequently detracts from the visual amenity of the area. The proposal involves the planting of some soft landscaping to the front of the existing fence to seek to minimise its visual impact on the locality. However the hedgerow will take time to establish before it can be of any effect. Nevertheless, it is not considered that this would sufficiently overcome the harm identified above. It is also likely that during winter months the planting would fail to provide significant screening to the fence. Furthermore, the approval for this application would make it difficult to refuse similar proposals in the locality leading to a significant deterioration in the character of the area.

##### Conclusion

- 6.3 As a result of the height, length and siting of this fence and the associated adverse impact upon the local area, this scheme is considered unacceptable and contrary to Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007, which aim to maintain the quality of the built environment.

#### **RECOMMENDATION**

**That planning permission be refused for the following reason:**

1. The existing fence by virtue of its height, length and siting would visually dominate the front aspect of the property and the wider locality. As such the retention of the fence is contrary to Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

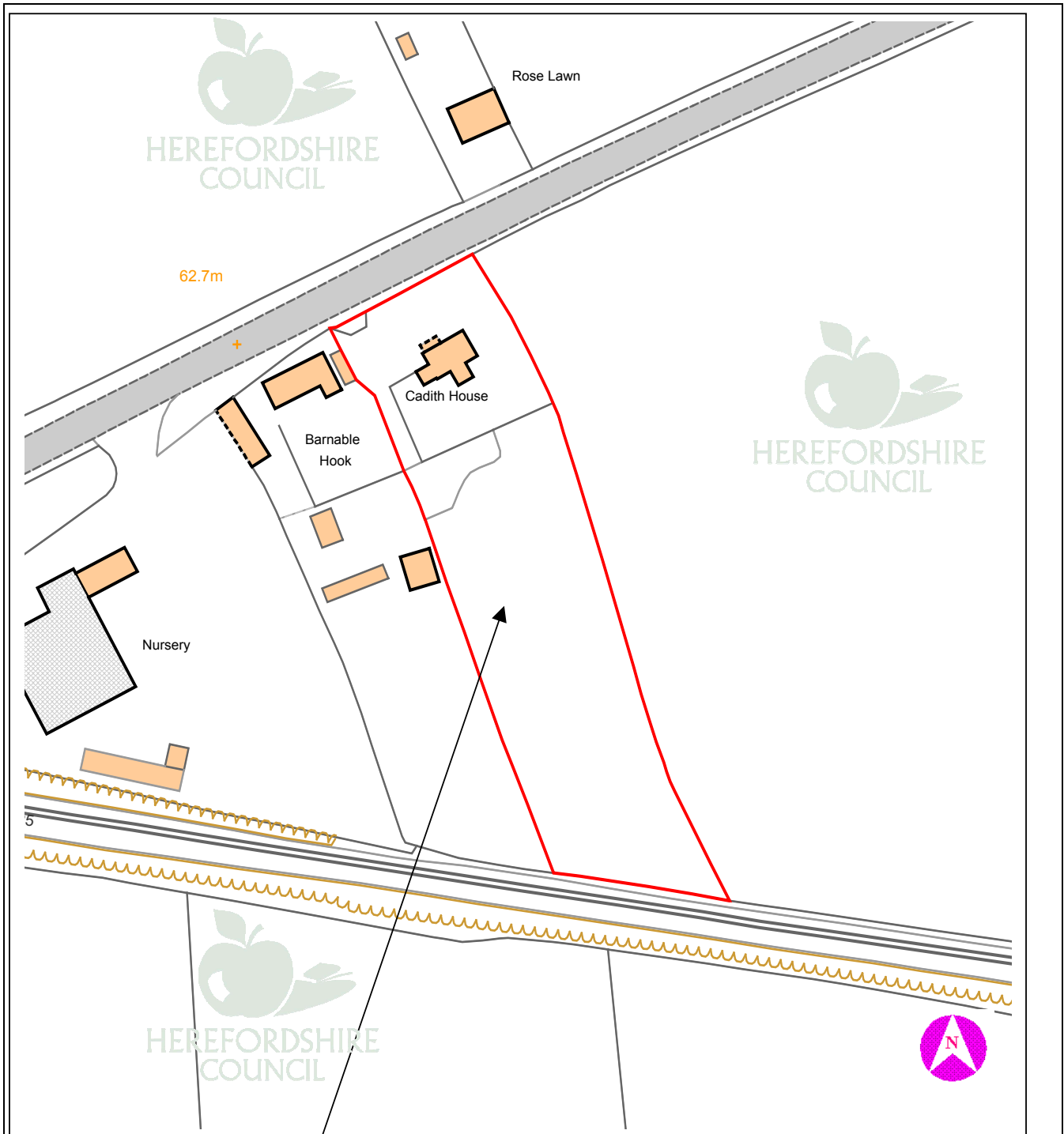
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2009/0126/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Cadith House, Whitestone, Hereford, Herefordshire, HR1 3RX

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