

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday 29 April 2009**

Time: **2.00 pm**

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

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

For any further information please contact:

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AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p>3. MINUTES</p> <p>To approve and sign the minutes of the last meeting.</p>	1 - 12
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To be noted.</p>	13 - 14
<p>5. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS</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 of Herefordshire, and to authorise the Head of Planning and Transportation to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

6. [A] DCCW2009/0077/F AND [B] DCCW2009/0085/C - BARTON SIDINGS, HEREFORD, HEREFORDSHIRE, HR4 0AY 17 - 30

Demolition of redundant commercial premises and erection of 13 residential dwellings.

7. DCCW2009/0119/F - 304 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0SD 31 - 38

Replacement dwelling and garage building with some minor landscaping, including alterations to existing entrance to improve site access.

8. DATES OF FUTURE MEETINGS

27 May 2009
24 June 2009
22 July 2009

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 1 April 2009 at 2.00 pm

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

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, H Davies, GFM Dawe, PJ Edwards, DW Greenow, MAF Hubbard, MD Lloyd-Hayes, AT Oliver, SJ Robertson, AP Taylor, AM Toon, NL Vaughan, DB Wilcox and JD Woodward

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

126. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor SPA Daniels, KS Guthrie, RI Matthews and WJ Walling.

127. DECLARATIONS OF INTEREST

130. DCCW2008/2781/F - Public Convenience, The Oval, Belmont Road, Hereford, Herefordshire, HR2 7HG [Agenda Item 5]

Councillor WU Attfield; Personal; Reason: Member of Herefordshire Housing.

Councillor AM Toon; Personal; Reason: Member of Herefordshire Housing.

Councillor PJ Edwards; Personal; Reason: Member of Parish Council.

131. [A] DCCE2008/2898/F and [B] DCCE2008/2902/C - Church Villa, Church Lane, Hampton Bishop, Hereford, Herefordshire, HR1 4JY [Agenda Item 6]

Councillor GA Powell; Personal; Reason: Applicant worked at business used by the Councillor.

132. DCCW2008/2775/F - 29 Whitefriars Road, Hereford, HR2 7XE [Agenda Item 7]

Councillor PJ Edwards; Personal; Reason: Member of Parish Council.

134. DCCW2009/0382/F – Land to Rear of 103 Kings Acre Road, Hereford, Herefordshire, HR4 0RQ [Agenda Item 9]

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

Councillor PA Andrews; Personal; Member of City Council.

128. MINUTES

Referring to Minute 123 - DCCE2009/0062/O [Orchard End, 9 Broadlands Lane, Hereford, Herefordshire, HR1 1HZ], Councillor NL Vaughan asked that his

comments be amended to read:

'He welcomed low density development *and supported the application* but drew attention to local residents' comments about potential overlooking ~~and the need to mitigate this concern.~~'

RESOLVED:

That, subject to the above amendment, the minutes of the meeting held on 4 March 2009 be approved as a correct record.

129. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

130. DCCW2008/2781/F - PUBLIC CONVENIENCE, THE OVAL, BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7HG [AGENDA ITEM 5]

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.

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

- *The footway to the rear is an adopted highway therefore a Stopping Up Order would be required for its closure. It is believed that ownership is vested in Herefordshire Housing.*
- *The agent has confirmed opening times of 1200-1400 hours and 1700-2300.*

The Principal Planning Officer also provided the following officer comments:

- *The applicants have offered to light the path, which falls, outside of the application site.*
- *The opening times will be controlled by condition 5.*

Councillor H Davies, a Local Ward Member, commented on the value of the site inspection that had been held and said that this proposal provided an opportunity for much needed redevelopment, particularly given the history of anti-social behaviour issues at this site.

Councillor GA Powell, also a Local Ward Member, outlined the background to the application and said that, although a smaller building with two rather than three bedrooms would be preferred, she considered the application to be acceptable on balance subject to conditions, particularly in respect of CCTV and traffic calming.

Councillor PJ Edwards, the other Local Ward Member, said that he could not support the application in its current state as he considered the proposal to be a serious over intensification of the site. He felt that the scale of the development would have an overbearing impact and questioned whether such an increase in cubic capacity would be permitted elsewhere. He said that refusal would provide an opportunity for the applicant to reassess the scheme and undertake discussions with Hereford Housing to address the problems with the alleyway to the rear; he added that, as well as anti-social behaviour, there were litter and fire risk issues associated with such pathways. Councillor Edwards also said that there were no suitable areas of parking for this use.

Councillor MD Lloyd-Hayes noted that the Sub-Committee had been minded to refuse a proposal for a chip shop at the last meeting [DCCW2008/2887/F refers] and that there were similar concerns with this application. Councillor Lloyd-Hayes commented that some matters, such as litter and emanating fumes and odours, could be controlled through conditions but relevant reasons for refusal for this application included: harm to the residential amenity of the residents in the area particularly those above and adjacent to the premises; harm to the character of the area in terms of social activities outside normal business hours; and fear of crime.

Councillor AM Toon reported that Herefordshire Housing was considering options for the regeneration of this area and this application might be out of character with the emerging design approach.

Councillor MAF Hubbard questioned whether the applicant could be required to meet the legal costs of a Stopping Up Order, if agreement was reached with Herefordshire Housing. The Legal Practice Manager advised Members that they had to consider the application before them, that the alleyway was not owned or controlled by the applicant, and that planning conditions had to be enforceable, certain and reasonable. It was noted that elements within the applicant's control, namely the lighting of the footpath and a contribution towards CCTV, would be required through the conditions.

Councillor ACR Chappell commented on concerns about traffic and parking, over intensification, and the number of takeaway food outlets in the locality. He said that the area would benefit from regeneration and this site could be redeveloped as open space.

Councillor WU Attfield acknowledged the need for redevelopment but considered that the proposed building was too large and the additional noise and commotion that would result from another takeaway would have detrimental impact on the area.

Councillor JD Woodward felt that the proposal would have an impact on residential amenity and questioned whether the Herefordshire Local Area Agreement, particularly the commitment to reduce levels of obesity, was a planning consideration in this instance.

Councillor SJ Robertson noted that the alleyway was a key concern for Members and suggested that consideration of the application be deferred to enable further time to discuss the options with the relevant parties.

In response to a question from Councillor AJM Blackshaw, the Legal Practice Manager said that it would be unreasonable to require a Stopping Up Order at the applicant's expense as they were not the landowner. He added that the applicant could find themselves in breach of the condition through no fault of their own and this could potentially make the condition unenforceable. Councillor Blackshaw maintained that the issue of the alleyway was material to the determination.

In response to questions and comments, the Central Team Leader advised that: officers were satisfied that the development would fit in with the adjoining buildings; the Traffic Manager had no objections and it was considered that there was adequate parking in the vicinity; there was no existing policy basis to limit the number of fast food outlets; and the Sub-Committee needed to consider whether this proposal would have a significant additional impact on the existing alleyway, adding that the application provided an opportunity to improve lighting and CCTV coverage.

Councillor NL Vaughan commented on the limitations of CCTV, particularly if not monitored properly, and questioned the level of contribution identified. The Principal

Planning Officer advised that the £5,000 contribution had been negotiated between the CCTV Officer and the applicant; this was higher than initially proposed. He explained that the contribution would be used as part of a wider scheme for the shopping parade.

Councillor Toon commented on the expense of operating adequate CCTV provision and, referring to existing anti-social behaviour issues, felt that input should be sought from West Mercia Constabulary.

In view of the issues raised, a number of Members felt that consideration of the application should be deferred for further negotiations. The Central Team Leader reminded the Sub-Committee that the applicant did not own the footpath land and, therefore, he questioned the extent of progress that could be made on some of the issues identified.

Councillor Edwards suggested that further reasons for refusal included inadequate arrangements for stock deliveries and business waste management. He also reiterated concerns about the scale of the proposed development and the detrimental impact on residential amenity.

The Principal Planning Officer noted that a number of Members had strong concerns about a hot food takeaway in this location and, if the principle of the proposed development was not supported, he questioned the usefulness of deferring the application for further detailed negotiations.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**
- 1. Overintensification of the site.**
 - 2. Harm to the residential amenity of the residents in the area particularly those above and adjacent to the premises.**
 - 3. Harm the character of the area in terms of social activities outside normal business hours.**
 - 4. Fear of crime.**
 - 5. Inadequate arrangements for stock deliveries and business waste management.**
- (ii) **If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[*Note:*

Following the vote on this application, the Central Team Leader advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning and Transportation.]

131. [A] DCCE2008/2898/F AND [B] DCCE2008/2902/C - CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY [AGENDA ITEM 6]

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

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

- *I regret that there is an error in the report. This has not been updated to include the comment from the Council's Housing Inspector and further comment from the Conservation Manager. [Both comments were summarised in the schedule of updates circulated at the meeting]*

- Further correspondence has been received from the agent, as follows:

We believe that the report (from Private Sector Housing) in itself is not relevant to our application on this site. As agent, we have submitted numerous applications for replacement dwellings in accordance with Policy H7 of the UDP. It does not appear to state nor have we ever been asked to implement this type of survey as a condition when seeking approval for the demolition of an existing dwelling and its replacement. We therefore feel that the conclusion of the report is of no relevance in determining our application on this site.

The Principal Planning Officer also provided the following officer comments:

- *The policy and conservation issues are already outlined in the report. The other issue raised above is with regard to the condition of the building. PPG 15 emphasises that consent should not be given for the demolition of such a building without clear and convincing evidence that all reasonable efforts have been made to sustain the existing use or find a viable new use. The application was not accompanied by any evidence relating to the condition of the dwelling, and consequently the advice of the Housing Officer was sought and the Conservation Manager also adds to this point. It does not appear, purely with respect to its condition, that there is any necessity for the building to be removed.*

The Chairman, speaking in her capacity as the Local Ward Member, commented on a number of issues, the principal points included:

- Hampton Bishop residents considered the existing building to be an eyesore, there were a number of buildings of different periods and styles in the area, and the replacement would not be prominent when approaching the church.
- Although the building might have an interesting core, the site was in an unfortunate state and the quality of the building was poor.
- She considered that demolition of the existing dwelling and the erection of a replacement was acceptable, particularly given the need to elevate floor levels to minimise flood risk.
- As Hampton Bishop was the only parish with a flood evacuation plan for the entire area, appropriate weight needed to be given to the comments of the Environment Agency. The Chairman noted that only a summary of Environment Agency correspondence had been included in the report and a longer extract was read out which indicated that there would be a reduction in flood risk through the replacement of the existing building.
- It was noted that officers considered that the proposal would have a detrimental impact on the character and appearance of the area but local residents did not share this view and the parish council fully supported the applications.

- It was noted that the Conservation Manager – Building Conservation had commented that the proposed design was a '*...banal mishmash of various elements...*' but the Chairman felt that this comment was more suited to the existing building.
- The Chairman considered the scheme to be an improvement which would complement the area and enhance the general impression of visitors to Hampton Bishop. She added that residents disputed officer comments that the existing building was '*...of local importance...*' and '*...the loss of such an important building would have a negative impact on the character and appearance of the Conservation Area...*'.
- The views of the Parish Council were considered particularly important and the Chairman felt that the applications were acceptable.

Councillor SJ Robertson wished her thanks to be recorded to the Planning Officer for his assistance at a recent site inspection. Councillor Robertson said that, after significant thought, she felt unable to support the application and commented on the need to retain older buildings in rural villages.

Councillor PA Andrews recognised the need to retain a broad mixture of architectural styles but said that the building in question was in a poor state and might be beyond economic repair. However, reservations were expressed about the proposed replacement and she felt that design elements of the existing building could be incorporated into the new design where appropriate.

Councillor DB Wilcox said that he was concerned that the contents of the six letters of support from local residents were not summarised in the report, unlike the two letters of objection, making it appear unbalanced. He said that he supported the conservation of buildings which made a positive contribution but considered the existing dwelling to be a patchwork of different styles and quality of construction. Councillor Wilcox clarified that he, rather than officers, had requested input from the Council's Housing Inspector given issues raised in the original report. He noted the importance of Policy H7 (Housing in the Countryside Outside Settlements) and felt that the enlargement in volume compared to the original dwelling should not be more than 50%. He proposed that officers be authorised to approve the applications subject to conditions considered necessary, in consultation with the Chairman/Local Ward Member, particularly in respect of materials, appearance and height.

Councillor NL Vaughan supported the views of local residents and felt that some of the officer comments in the report were subjective.

Councillor MAF Hubbard said that buildings such as this gave character and a sense of place to villages. He felt that there was a case for retention and supported the recommendation of refusal; he added that repair works combined with a suitable and sympathetic extension might provide an opportunity to enhance living standards.

Councillor PJ Edwards recognised the views of the Local Ward Member and the community but noted the need for consistent application of planning policies, particularly Policy H7, and he felt that there was merit in retaining buildings such as Church Villa.

Councillor MD Lloyd-Hayes noted that the existing building was unlisted, adding that the community would have pursued this actively if the building was considered to be of particular local importance, and this application provided an opportunity to reduce flood risk. It was also noted that Hampton Bishop was not a defined settlement in the UDP and a replacement dwelling needed to be comparable in size but Councillor Lloyd-Hayes felt that on balance the scheme could be supported.

Councillor GFM Dawe said that Church Villa was a vernacular building of great character and commented on the need to retain smaller dwellings. He also said that the replacement was not compatible with Policy H7, the scale of the new building would diminish the character of the area and he queried the impact on flood risk. Other Members also spoke in favour of the retention of the existing building.

Councillor DW Greenow said that he was disappointed with report and disagreed that the existing building was of local importance. He felt that, although the design of the replacement building could be improved, the application was acceptable.

In response to comments by Members, the Central Team Leader noted the importance of parish council comments but reminded Members that the authority had to take a wider strategic view. He acknowledged that the letters of support could have been summarised more fully and that some Members disagreed with some of the officer comments and terminology used. However, officers considered the planning policy implications to be clear-cut and he re-iterated the main issues in the determination of the applications and the sequential tests that needed to be applied.

The Chairman read out further extracts from Environment Agency correspondence and emphasised the need to mitigate flood risk. She said that the house might have provided adequate accommodation in the past but it could not be considered to be suitable by modern standards.

RESOLVED:

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.

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

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

In accordance with the criteria for public speaking, Mr. Pritchard had registered to speak at the meeting but decided not to speak.

The Principal Planning Officer reported that, following deferral at the January 2009 meeting, further investigations into the visibility splay had resulted in the parking space and extension being set back from the front of the property.

Councillor HD Davies, a Local Ward Member, commented that this property had one of the larger garden plots in the vicinity, that there were issues with parking but this was not uncommon on the estate, that an existing tree could be removed at any time, and that there did not appear to be any material planning considerations that would warrant refusal of planning permission in this instance.

Councillor PJ Edwards, also a Local Ward Member, considered that the application should be refused due to the detrimental impact of the development on the character of the area. Councillor Edwards drew attention to the comments of Belmont Rural Parish Council, particularly that the access point was too close to a junction and that the proposal would exacerbate existing parking and passing problems.

Councillor GA Powell, the other Local Ward Member, said that the curve of Whitefriars Road and inconsiderate parking meant that visibility at the junction was restricted and this development could further compromise highway safety.

A number of Members noted that there was adequate space for an extension and that the Traffic Manager had no objections.

In response to a question, the Principal Planning Officer outlined the reasons for refusal on a previous application [DCCW2008/1394/F refers].

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

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2. C02 (Matching external materials (extension)).**

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

3. H10 (Parking - single house) (Porous material for new parking area).

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. N19 - Avoidance of doubt - Approved Plans.

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

133. DCCW2009/0131/F - LAND ADJACENT TO BRICK HOUSE, BUSH BANK, CANON PYON, HEREFORD, HEREFORDSHIRE, HR4 8PH [AGENDA ITEM 8]

Permanent retention of fixed (not rotated) Spanish polytunnels for use in soft fruit growing (table top method) as previously approved DCCW2003/2321/F & DCW2004/4212/F.

The application was withdrawn on 30 March 2009.

134. DCCW2009/0382/F - LAND TO REAR OF 103 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0RQ [AGENDA ITEM 9]

Proposed house.

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

Councillor JD Woodward, a Local Ward Member, proposed that the application be refused as she did not consider the design to be in keeping with adjoining properties. Councillor Woodward noted that the Traffic Manager had not raised any objections but she felt that the proposal could have an impact on highway safety, particularly given parking problems on Kings Acre Road. The concerns of neighbours regarding overlooking and loss of light were noted.

Councillor DJ Benjamin, the other Local Ward Member, felt that the architectural approach was acceptable given the constraints of the plot and he did not consider that a single dwelling would have a significant additional impact on existing traffic problems. Therefore, he supported the officer recommendation of approval.

The Principal Planning Officer reported that, in the absence of any objection from the Traffic Manager and given the comments of a Planning Inspector on a previous application [CW2004/4033/O refers], it was not considered that refusal on highway safety grounds could be sustained on appeal. It was also reported that officers had worked with the agent to identify a suitable design and the asymmetric roof should minimise loss of light and the potential for overlooking.

In response to a question, the Principal Planning Officer advised there was no issue of 'garden grabbing' as this proposal related to a single dwelling and the principle of residential development in this location was acceptable.

Members debated the merits of the design approach.

In response to a question, Councillor PA Andrews advised that Hereford City Council had recommended refusal of planning permission on this application.

Councillor AM Toon drew attention to paragraphs 6.10 and 6.11 of the report which referred to '*...the decision of the Cabinet Member for Environment and Strategic Housing to suspend the requirement for residential schemes for 5 dwellings or less which came into effect on the 1 April 2009*'. Councillor Toon said that she was not aware that this decision had been communicated to Members, she questioned the course of action taken given the extensive consultation on the Herefordshire UDP and the Planning Obligations SPD, and commented on the importance of developer contributions to provide enhanced infrastructure to mitigate the impact of developments, particularly in urban wards. The Central Team Leader outlined the background to the issue and the terms of the temporary suspension of Section 106 payments; it was noted that the situation would be assessed at the end of September 2009. Councillor AJM Blackshaw commented that the decision had been taken in response to the deepening of the recession and decreasing development activity.

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

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)) (12 months).**

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

2. **B02 (Development in accordance with approved plans and materials).**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance 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. **F16 (No new windows in specified elevation).**

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

5. **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.

6. **H10 (Parking - single house).**

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.

7. 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.

Informatives:

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

135. DATE OF FUTURE MEETINGS

29 April 2009
27 May 2009
24 June 2009

The meeting ended at 4.15 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2008/2385/F**

- The appeal was received on 26 March 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. & Mrs. S. Maltby.
- The site is located at Haughley Cottage, Mordiford, Hereford, Herefordshire, HR1 4LT.
- The development proposed is Retention of replacement dwelling, less conservatory, front canopy, side porch and rear lean-to utility, cloakroom and rear entrance.
- The appeal is to be heard by Inquiry.

Case Officer: Mike Willmont 01432 260756

Application No. DCCE2008/2078/F

- The appeal was received on 6 April 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. J. Kenyon.
- The site is located at 109 Harold Street, Hereford, Herefordshire, HR1 2QU.
- The development proposed is Front garden wall to the height of 1.4m so it is the same height as the existing walls to either side - retrospective.
- The appeal is to be heard by Written Representations.

Case Officer: Ben Lin on 01432 261949

APPEALS DETERMINED**Application No. DCCE2008/2589/A**

- The appeal was received on 16 December 2008.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. R. Hill.
- The site is located at Travelodge Hotel, Ross Road, Grafton, Hereford, Herefordshire, HR2 8ED.
- The application, dated 8 October 2008, was refused on 25 November 2008.
- The development proposed was One internally illuminated post sign. One internally illuminated logo and lettering signage.
- The main issue is the visual impact of the proposed signs on the premises and within the rural surroundings.

Decision: This application was refused under Delegated Powers on 25 November 2008.
The appeal was DISMISSED on 27 March 2009.

Case Officer: Ben Lin on 01432 261949

Application No. DCCW2008/1499/F

- The appeal was received on 17 September 2008.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Dr. R.D. Channon.
- The site is located at 64 Belmont Road, Hereford, Herefordshire, HR2 7JW.
- The application, dated 22 May 2008, was refused on 4 August 2008.
- The development proposed was Build block of four flats in rear garden.
- The main issue is the effect of the proposed on the character and setting of No.64 Belmont Road, a Grade II Listed Building.

Decision: This application was refused under Delegated Powers on 4 August 2008.
The appeal was DISMISSED on 12 March 2009.

Case Officer: Peter Clasby on 01432 1947

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

ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS
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Planning Ref: DCCW2008/2608/F

Address: Attwood Farm

Proposal: 4 dwellings

Date Approved: 4 February 2009

Summary of Contributions:

Amount	Purpose
£7,740	Transport
£3,156	Education
£951	Open Space
£2,016	Community Sport & Leisure
	Community
£500	Other
£287	2% monitoring

Case Officer: Kevin Bishop on 01432 261946

Planning Ref: DCCE2008/2986/F

Address: Wootton Farm, Checkley

Proposal: Conversion of barn to 5 bed dwelling

Date Approved: 4 February 2009

Summary of Contributions:

Amount	Purpose
£4,915	Transport
£8,955	Education
£386	Open Space
	Community Sport & Leisure
£241	Community
	Other
£290	2% monitoring

Case Officer: Russell Pryce on 01432 261957

Planning Ref: DCCE2008/3030/F

Address: 29 St James Road, Hereford

Proposal: Conversion of basement to self-contained flat

Date Approved: 11 February 2009

Summary of Contributions:

Amount	Purpose
£1,465	Transport
	Education
	Open Space
	Community Sport & Leisure
£120	Community
	Other
£32	2% monitoring

Case Officer: Rebecca Jenman on 01432 261961

Planning Ref: DCCW2009/0026/F

Address: Oxpastures Barn, Marden, Hereford

Proposal: 2 bed dwelling

Date Approved: 27 February 2009

Summary of Contributions:

Amount	Purpose
£2,457	Transport
£2,951	Education
£235	Open Space
	Community Sport & Leisure
£146	Community
	Other
£116	2% monitoring

Case Officer: Kevin Bishop on 01432 261946

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

6A DCCW2009/0077/F - DEMOLITION OF REDUNDANT COMMERCIAL PREMISES AND ERECTION OF 13 RESIDENTIAL DWELLINGS AT BARTON SIDINGS, HEREFORD, HEREFORDSHIRE, HR4 0AY

**For: Scanmerge Ltd. per James Spreckley, MRICS
FAAV, Brinsop House, Brinsop, Hereford,
Herefordshire, HR4 7AS**

6B DCCW2009/0085/C - DEMOLITION OF REDUNDANT COMMERCIAL PREMISES AND ERECTION OF 13 RESIDENTIAL DWELLINGS AT BARTON SIDINGS, HEREFORD, HEREFORDSHIRE, HR4 0AY

**For: Scanmerge Ltd. per James Spreckley, MRICS
FAAV, Brinsop House, Brinsop, Hereford,
Herefordshire, HR4 7AS**

Date Received: 13 January 2009 Ward: St. Nicholas Grid Ref: 50422, 39770

Expiry Date: 14 April 2009

Local Members: Councillors DJ Benjamin and JD Woodward

1. Site Description and Proposal

- 1.1 This site is located immediately to the rear of Sainsbury's Supermarket, Barton Sidings, Hereford. The service road to the supermarket forms the northern boundary with a redundant printing works to the east and residential property to the south, some buildings of which are listed. To the west lies Sainsbury's service yard and a recent housing development.
- 1.2 The site contains industrial buildings which are now vacant and two former dwellings which it is understood have been more recently used as offices and store.
- 1.3 The site is within the Hereford City Conservation Area.
- 1.4 The proposal is to demolish and clear the whole site and replace with 13 dwellings of traditional design sited close to the service yard to Sainsbury's supermarket. The dwellings are 2½ storeys in height and 19 car parking spaces are proposed that equates to approximately 1.5 spaces per unit.

2. Policies

- 2.1 National:

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG15 - Planning and the Historic Environment
- PPS23 - Planning and Pollution Control
- PPS25 - Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR3 - Movement
- Policy DR5 - Planning Obligations
- Policy DR7 - Flood Risk
- Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- Policy H14 - Re-using Previously Developed Land and Buildings
- Policy H15 - Density
- Policy H16 - Car Parking
- Policy E5 - Safeguarding Employment Land and Buildings
- Policy T11 - Parking Provision
- Policy HBA4 - Setting of Listed Buildings
- Policy HBA6 - New Development Within Conservation Areas
- Policy HBA7 - Demolition of Unlisted Buildings Within Conservation Areas

2.3 Supplementary Planning Document Planning Obligations

3. Planning History

- 3.1 DCCW2007/0699/F Demolition of redundant commercial premises and erection of 14 dwellings. Application Withdrawn.
- 3.2 DCCW2007/1282/C Demolition of existing redundant commercial premises. Application Withdrawn.
- 3.3 DCCW2008/0701/F Demolition of redundant commercial premises and erection of 13 residential dwellings. Refused 13 June 2008. Appeal withdrawn 24 October 2008.
- 3.4 DCCW2008/0708/C Demolition of redundant commercial premises and erection of 13 residential dwellings. Conservation Area Consent refused 13 June 2008. Appeal withdrawn 24 October 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions to ensure separation of foul and surface water.

Internal Council Advice

- 4.2 Traffic Manager: Raises no objection to the amended plan subject to conditions and S106 contributions.

- 4.3 Conservation Manager (Historic Buildings): This amended scheme is the result of much discussion in order to arrive at a suitable development for this site and will enhance what is currently an unused site detracting from the appearance of the Conservation Area. The design relates to neighbouring terraced houses and should improve the appearance of this part of the Conservation Area and link it visually with the neighbouring residential streets. The scale, massing, materials and design are all acceptable and in keeping with the neighbouring terraces to the south.
- 4.4 Conservation Manager (Ecology): I note the building's unsuitability and that no evidence of bats was found but the building has potential for nesting birds. I have no objection to approval of the applications subject to conditions.
- 4.5 Environmental Health Manager (Land Contamination): The site is being developed for a sensitive land use, i.e. residential dwellings as described in Planning Policy Statement 23: Planning and Pollution. According to our records the site was historically used as a builder's yard, therefore there is the potential for contamination at the site.

I would therefore recommend that should permission be granted, a contaminated land condition should be applied to the permission to require that a suitable contamination assessment is undertaken at the site to ensure the development will be suitable for use.

- 4.6 Environmental Health Manager (Noise): I have concerns regarding the use of this site for residential accommodation due to the potential for noise nuisance to be caused. The site is adjacent to the access road for deliveries to Sainsbury's supermarket and is also in close proximity to other potentially noise emitting businesses such as Travis Perkins Building Merchants.

However, the design of the buildings and layout of internal living space has reduced the likelihood of noise nuisance by having a lack of outside living space to the Northern elevation and placing the internal living areas to the South of the property and away from the potential noise sources. In addition, the use of glazing with a suitably high sound reduction index and mechanical ventilation should ensure that internal noise levels can be controlled.

I therefore have no objections to the application subject to conditions.

- 4.7 Children's Services, Open Space/Recreation and Community Services: All identify an impact and therefore request contributions in accordance with the Supplementary Planning Document Planning Obligations.
- 4.8 Economic Regeneration Manager: This is a non-conforming use on a 0.2hectare (half acre) site containing a large industrial building attached to a line of smaller and older buildings with open storage yards to the front and rear. The extant UDP shows this site zoned as an established Residential Area (Policy H1) and housing has also recently been built on an adjacent site and permitted on another.

Our commercial property records show that this property has been on the register as an available leasehold property since April 2006, and has appeared in ten quarterly register publications. In what is nearly three years, over forty businesses have been sent details of the site and a further five have requested details. However the site is hidden from view from both the Barton Road behind the backs of housing, wedged

behind the rear of the large Sainsbury's supermarket and is now accessed off Barton Yard a long road running from the Whitecross Road. It may well be its increasingly run down appearance and location that reduces its appeal to potential occupants.

However, as part of the wider picture it does provide 464 sq m (5,000 sq ft) of industrial floorspace north of the river, where there is a shortage of employment accommodation. Whilst we appreciate that it is a non-conforming use, we would prefer to see the existing use remain, and so we object to this current planning application.

- 4.9 Forward Planning Manager: The application site is located within an established residential area where policy H1 applies. Residential development will be permitted in such areas where compatible with the housing design and other policies of the plan. PPS 3 encourages the intensification of land in such locations.

However, the site is currently a commercial site and reference to Policy E5 states that current employment land should be safeguarded and any other proposals would be generally resisted, unless, as section 1 of the policy states: 'there would be substantial benefits to residential or other amenity in allowing alternative forms of development', as the site is a small redundant commercial site it would seem to satisfy part 1 of Policy E5.

The proposal includes the provision of a total of 13 dwellings, on a site area extending to 0.2ha, resulting in a density of 65 dwellings per ha which slightly exceeds the requirements within Policy H15, however the surrounding residential area is also of high density therefore the levels stipulated within the proposal will be appropriate for the area. The thresholds relating to affordable housing inclusion, as in Policy H9, have not been breached; there is therefore no requirement for affordable provision.

Car parking provision does not breach the levels stipulated in Policy H16, where it states that a maximum of one and a half spaces per dwelling can be provided, where the proposal is allowing one space per dwelling with an additional two spaces for visitors.

The proposed site is located within a conservation area, Policy HBA6 states that development must preserve and enhance the character and vitality of the area, and the type and scale of the proposal must complement those which presently exist, the plans included in the application show this therefore seem to comply with this policy. These amended plans have also seemed to rectify the problems associated with noise and residential amenity, which were flagged up as a problem in the previous application.

This proposal in principle is acceptable and does comply with the Policies within the UDP.

5. Representations

- 5.1 Hereford City Council: This application should be refused as an over intensive development of this site. Fewer houses would be acceptable with S106 monies going towards improving youth facilities.
- 5.2 Conservation Area Panel: This is a poor quality design, no detail in the brick work. This is an inner city site no mixed development. Concern that appears to be car orientated. Lack of landscape detail. Recommend refusal on design grounds.

5.3 Hereford Civic Society: This application is considered by members of our society to be seriously flawed and represent over development of a small site. In particular:

- There are too many car parking spaces (we understand there are standards but these could be relaxed a little in this city location).
- There is very little by way of amenity space.
- Mechanical ventilation - against all developing policies on environmental matters.
- Very cramped accommodation (less than Parker Morris standards) likely to lead to slums of the future.
- According, we object to this application.

5.4 Five letters of objection/representation have been received, the points raised are:-

- Concern that light would be blocked from the windows of adjoining dwellings.
- No indication of boundary treatments. Previously six foot wall was promised and is required if development is approved.
- Concerns regarding the height and mass of the proposed development which will seriously affect the skyline and features of Barton Manor, a listed building.
- Impact on amenity of adjoining property by overlooking.
- Noise levels and vandalism have increased since the new flats at the rear of Sainsbury's have been built and this will increase with this development.
- More traffic on Station Road and Grimmer Road with low levels of on site parking.
- If approved Station Road needs to have residents parking.

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 to consider are:

1. The Principle of Development
2. Loss of Employment Land
3. Conservation Area and Setting of Listed Building
4. Design and Layout and Highway Issues
5. Noise and Contamination
6. Ecology
7. Planning Obligations

The Principle of Development

- 6.2 The site is located within the established residential area for Hereford City as identified by the Herefordshire Unitary Development Plan where re-development proposals can be permitted provided they are:
- a) consistent with housing provision and other policies of the plan, and
 - b) respects the character and appearance of the area and protects existing and proposed residential amenity.

The site's location within the settlement boundary is commensurate with housing provision and the design is compatible with other traditional dwellings in the vicinity. The amended scheme has overcome previous concerns.

Loss of Employment Land

- 6.3 Policy E5 seeks to protect employment land from redevelopment unless there are benefits in allowing other forms of development and the site is unsuitable for employment uses. Although residential development adjoins the southern boundary no case has been put forward that the site's location is not acceptable for employment purposes through amenity concerns. A marketing exercise was undertaken by the applicants in late 2006 and early 2007 and despite enquiries no formal offer was received. However with the emerging ESG development land north of the River Wye is extremely limited and accordingly the Economic Regeneration Team have raised an objection to the loss of the site. It should however be noted that the site is vacant and has been since 2006. Therefore an alternative use can be considered.

Conservation Area and Setting of Listed Building

- 6.4 The site has been fully assessed by the Council's Conservation Manager (Historic Buildings) who confirms that the existing site detracts from the Conservation Area and that the proposed redevelopment would enhance the Conservation Area and provides a visual link with the adjoining residential development. This therefore needs to be balanced against the loss of employment land raised above. The proposed development is to the rear of the Listed Building with a substantial buffer zone and within an urban setting. Therefore the proposed development will have no impact on the setting of the Listed Building.

Design and Layout and Highway Issues

- 6.5 The design is compatible with the traditional dwellings in the area and is considered to be acceptable. The amended layout respects the constraints of the site and seeks to develop around the boundary with an inner parking courtyard area. This approach is considered acceptable and no objections to the design or layout are made. The access and parking details are acceptable subject to appropriate conditions. The density of the development equates to approximately 65 dwellings to the hectare which in relation to its position near the City Centre is considered acceptable.

The layout also respects the adjoining southern boundary of the site thereby providing acceptable separation distances between existing and proposed dwellings.

Noise and Contamination

- 6.6 The site lies immediately adjacent to the main service delivery route for Sainsbury's Supermarket and Travis Perkins. The noise report submitted with the planning application identifies that over a 24 hour period the high noise level is relatively consistent and falls into Noise Exposure Category NEC C as identified in PPG24. As a result the development has been planned to ensure that all windows on the rear elevation will be fixed and non-opening. The internal layout complements this restriction to ensure that habitable rooms are focussed to the front of the dwellings. The Council's Environmental Health Manager also confirms that subject to appropriate conditions the proposal is acceptable.

Ecology

- 6.7 The Council's Ecologist has reviewed the survey submitted with the application and is satisfied that the site could be developed subject to appropriate conditions which are included in the recommendation.

Planning Obligations

- 6.8 In accordance with the Council's Supplementary Planning Document the impact of the development has been assessed and contributions have been agreed for Recreation, Highways, Community Services and Children's Services. The Draft Heads of Terms are appended to this report.

Conclusion

- 6.9 The site is identified in the Herefordshire Unitary Development Plan as being within a residential area and residential development adjoins to the southern and eastern boundaries. This is a vacant employment site which has been marketed as such for nearly three years. There has been no offer made and this time period is more than acceptable in terms of assessing whether there is a demand for the site for an employment use. The development will not harm either the Conservation Area or the nearby Listed Building and the appearance of both the site and the surrounding area will be enhanced.

Finally, the impact of the development on the area has been considered against the Planning Obligation Supplementary Planning Document and the applicant has confirmed acceptance of the Draft Heads of Terms.

RECOMMENDATION

In respect of DCCW2009/0077/F

That planning permission be granted subject to the following conditions:

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

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

- 2. B03 (Amended plans) (5 March 2009).**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. 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.

4. 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.

5. The glazing to the northern elevation of the buildings shall be installed to a minimum standard of $Rw + Ctr = 40dB$. The glazing on any other elevation on site should be installed to a minimum standard of $Rw + Ctr = 38dB$.

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

6. Mechanical ventilation should be installed at all properties to reduce the need to open windows. Ventilation units should comply with the Noise Insulation Regulations and an Agreement Certificate should be submitted to the local planning authority prior to the occupancy of the dwellings.

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

7. 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.

8. 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.

9. 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.

10. H11 (Parking - estate development (more than one house)).

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

11. 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.

12. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

13. H27 (Parking for site operatives).

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

14. 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.

15. I15 (Scheme of noise insulation).

Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

16. 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.

17. 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.

18. I33 (External lighting).

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

19. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways

and receptors, a conceptual model and a risk assessment in accordance with current best practice.

- b) If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) If the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval;.

Reason: To ensure that potential contamination of the site is satisfactorily assessed and to comply with Policy DR10 of the Herefordshire Unitary Development Plan.

- 20. The Remediation Scheme, as approved pursuant to condition no. 19 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of the Herefordshire Unitary Development Plan.

- 21. 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.

- 22. 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.

- 23. 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.

Informatives:

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

In respect of DCCW2009/0085/C:

That Conservation Area Consent be granted, subject to the following conditions:

- 1. DO1 (Time limit for commencement (Listed Building Consent)).
Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2. D13 (Signing of contract before demolition).
Reason: Pursuant to the provisions of section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HBA2 of Herefordshire Unitary Development Plan.
- 3. D17 (Notification of Commencement).
Reason: In order to ensure compliance with Section 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HA1, HBA2 of Herefordshire Unitary Development Plan.

Informatives:

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

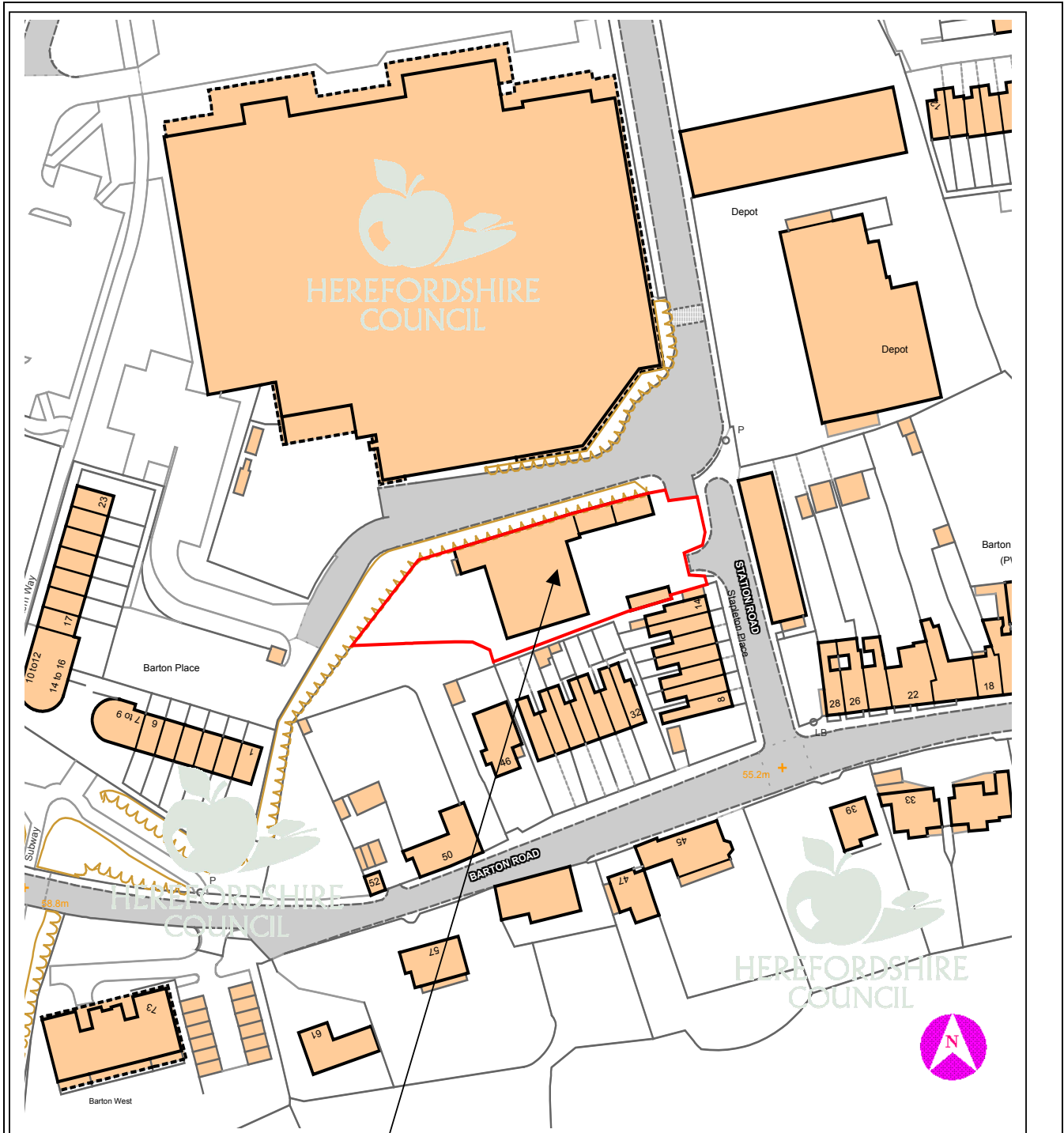
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCCW2009/0077/F & DCCW2009/0085/C

SCALE : 1 : 1250

SITE ADDRESS : Barton Sidings Hereford, Herefordshire, HR4 0AY

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HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application: DCCW2009/0077/F

Proposal: Demolition of redundant commercial premises and erection of 13 residential units.

Site: Barton Sidings, Barton Road, Hereford, HR4 0AY

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £51,845 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 £30,195 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 £25,397 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 £2548 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
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
17 February 2009

7 DCCW2009/0119/F - REPLACEMENT DWELLING AND GARAGE BUILDING WITH SOME MINOR LANDSCAPING, INCLUDING ALTERATIONS TO EXISTING ENTRANCE TO IMPROVE SITE ACCESS AT 304 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0SD

For: Mr. B. Lane per RRA Architects Ltd, Packers House, 25 West Street, Hereford, HR4 0BX

Date Received: 19 January 2009

Ward: Three Elms

Grid Ref: 47330, 41444

Expiry Date: 16 March 2009

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

1. Site Description and Proposal

- 1.1 The application site is comprised of a detached timber framed cottage, which has historically been subjected to several extensions and alterations, which have resulted in a degree of harm in terms of its architectural identity, although when viewed from the public realm the character of the original cottage still predominates.
- 1.2 The cottage is set within a substantial curtilage situated on the northern side of the A438 close to its junction with the A480, and forms part of a sporadic linear pattern of residential development which characterises the wider locality.
- 1.3 The application seeks permission to demolish the existing cottage and erect a replacement dwelling. The application is supported by an engineers report which suggests that the existing building is suffering from a number of structural defects; including water ingress, which it concludes are cumulatively beyond reasonable economic repair.
- 1.4 The proposed replacement dwelling takes the form of a contemporary two storey building fronting the highway, comprising four bedrooms, two bathrooms, a kitchen/breakfast room, utility room, and four reception rooms.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H7	-	Housing in the Countryside Outside Settlements

H13	-	Sustainable Residential Design
H15	-	Density
T11	-	Parking Provision
HBA8	-	Locally Important Buildings
CF2	-	Foul Drainage

3. Planning History

- 3.1 CW2002/2055/O Proposed site for four bedroomed house with detached double garage. Refused 10 September, 2002.
- 3.2 CW2002/3644/O Proposed site for four bedroomed house with detached double garage. Refused 24 January, 2003.
- 3.3 CW2007/2037/F Proposed site for cottage style house with double garage. Refused 22 August, 2007. Appeal dismissed 12 June 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to drainage conditions.
- 4.2 Traffic Manager: No objection subject to the use of standard highway conditions, but comments that the lamp-post adjacent to the existing access would benefit from relocation in the interests of improving visibility.
- 4.3 Public Rights of Way Manager: No objections.

Internal Council Advice

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Breinton Parish Council (adjoining): No objection.
- 5.3 Hereford Civic Society: The Society welcomes this rebuild and improvement to the street scene. However, there is some concern that the first floor bedrooms are too small for the size of the house. Further, a higher roofline would improve the appearance of the interesting roof and help its contribution to the eclectic nature of other buildings in Kings Acre Road.

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

Principle of Development

- 6.1 Although the existing building makes a contribution to the character and general visual amenity of the wider locality it is not considered that it is of such value as to be

considered as a building of local interest as defined by Policy HBA8. Consequently its replacement is considered to be acceptable in principle.

- 6.2 Therefore the primary issue in determining this application is considered to be the scale and siting of the proposed development, as well as its impact on the amenity of the wider locality.
- 6.3 In this particular case a structural engineers report suggests that the principal fabric of the building is in a visibly poor condition, and there are a number of serious defects including water ingress due to the ground floor being set lower than the external ground level, which result in the condition of the building being beyond reasonable economic repair, which is a secondary material consideration supporting the principle of replacement.
- 6.4 Although the building is not of local interest as defined by Policy HBA8, in the interests of preserving the contribution the building makes to the interpretation of the development and occupation of the wider locality, a condition is recommended to secure the commission and submission of a detailed photographic record.

Scale and Design:

- 6.5 Having consideration for the scale and massing of the existing cottage, the proposed replacement is considered to be reasonable, in terms of its scale.
- 6.6 More specifically the proposed dwelling will be sited on the same footprint as the existing cottage, but with an increased floor area coupled with a relatively modest increase in overall scale and massing.
- 6.7 The proposed dwelling will have a ridge height of 7.1 metres as opposed to the existing cottage which has a ridge height of 6.7 metres, and although this increase together with a wider span and depth at ground floor level will give rise to a larger dwelling than presently exists, this increase in size recognises current housing standards rather than necessarily representing a deliberate attempt at overdevelopment.
- 6.8 Whilst this increase in overall volume is considered acceptable, to ensure the continued compliance with overarching principles of Policy H7 it is considered expedient to recommend a condition preventing the erection of any subsequent extensions, to ensure that the resultant development remains of a comparable scale to that of the original dwelling.
- 6.9 Given that the ground floor of the existing cottage is set below ground level in order to retain a proper degree of control over the finished height of the replacement dwelling it is considered expedient to recommend a condition to secure details of the slab level, measured against an external datum point.
- 6.10 Having consideration for the character and appearance for the proposed dwelling, the cumulative scale, massing and design of the proposed detached garage are thought to be acceptable. However as this outbuilding will serve a replacement dwelling in order to ensure compliance with the principles of Policy H7 it is considered expedient to recommend a condition preventing any subsequent conversion of the garage into habitable accommodation.

Residential Amenity

- 6.11 Having regard for the relationship between the existing cottage and its surrounding neighbours, it is not considered that there will be such a material change in the levels of residential amenity presently enjoyed as to substantiate any sustainable grounds for refusal on grounds of design in this instance.
- 6.12 In order to protect residential amenity during the demolition and construction phases, it is considered expedient to recommend a condition controlling the hours of operation.

Access and Highways

- 6.13 Although the comments of the Traffic Manager are noted about the desirability of seeking to relocate the lamppost which stands within the visibility splay, given that the vehicular access already exists and secondly that there will be no material intensification of its use, it is not considered reasonable to require the relocation of the lamppost in this particular instance. That issue aside, standard highway conditions are recommended in the interests of highway safety.

Other Issues

- 6.14 The comments of Welsh Water are noted and appropriate conditions are recommended
- 6.15 As the proposal involves the complete demolition of the existing buildings which stand adjacent to open agricultural land, it is considered expedient to recommend an informative advising the applicant of the statutory protection afforded to protected species and their habitats.

Conclusion

- 6.16 Overall the proposal complies with the relevant development plan policies and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. Before any development commences, a complete photographic record of the building must be submitted to the local planning authority for written approval and the approved record shall be deposited with the Herefordshire Sites and Monuments Record.**

Reason: To ensure that the building is preserved by record, where it will be lost as a result of the development hereby approved.

- 3. 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.

4. B01 (Development in accordance with the approved plans).

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

5. 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.

6. F08 (No conversion of garage to habitable accommodation).

Reason: In order to define the permission and ensure that the resultant development remains of an appropriate scale to comply with Policy H7 of Herefordshire Unitary Development Plan.

7. F14 (Removal of permitted development rights).

Reason: In order to define the permission and ensure that the resultant development remains of an appropriate scale to comply with Policy H7 of Herefordshire Unitary Development Plan.

8. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

9. H05 (Access gates).

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

10. 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.

11. 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.

12. 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.

- 13. **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.

- 14. **L01 (Foul/surface water drainage).**

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

- 15. **L02 (No surface water to connect to public system).**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

- 1. **N01 - Access for all.**
- 2. **N11C - General.**
- 3. **N19 - Avoidance of doubt - Approved Plans.**
- 4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

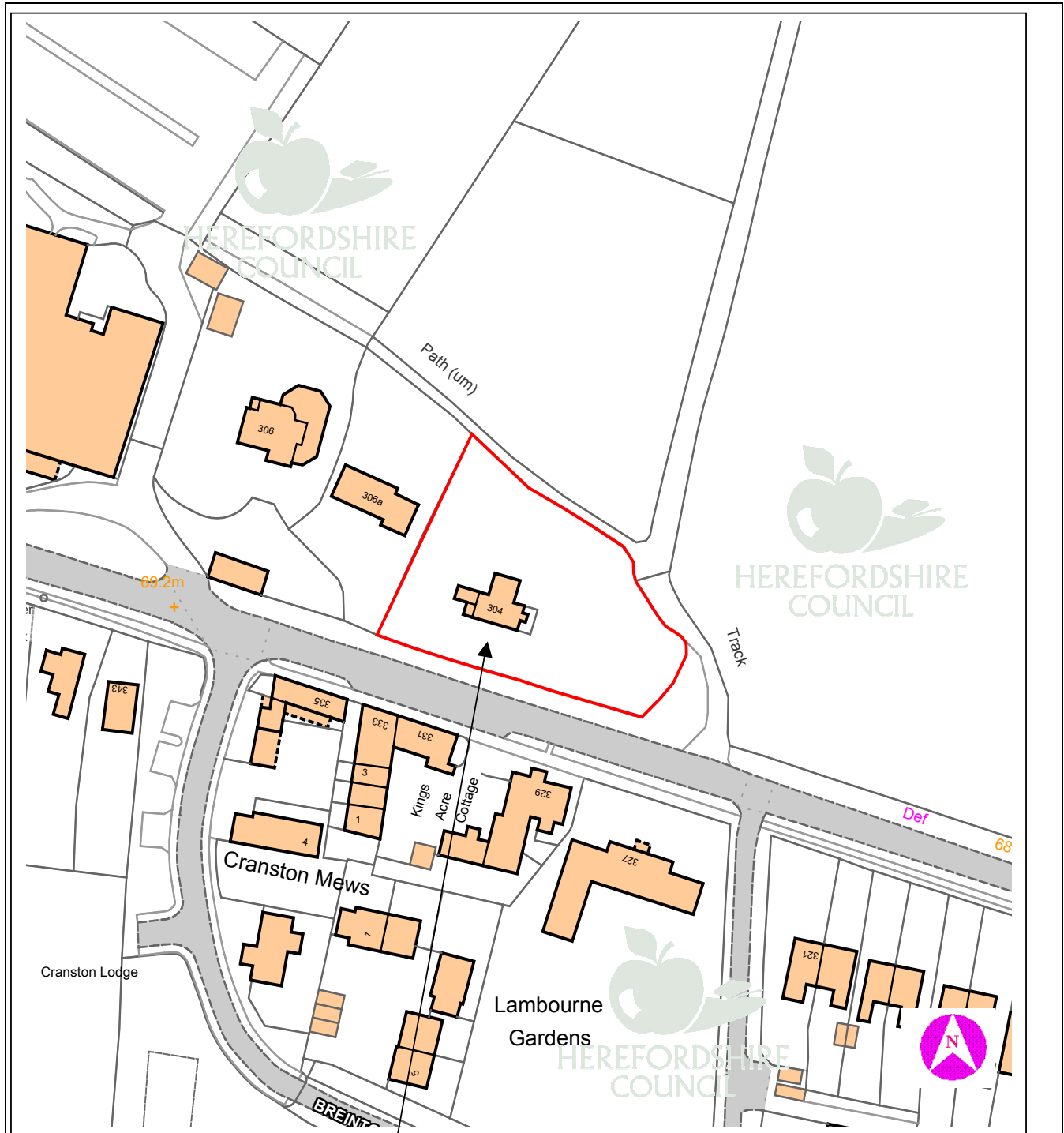
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0119/F

SCALE : 1 : 1250

SITE ADDRESS : 304 Kings Acre Road, Hereford, Herefordshire, HR4 0SD

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