

AGENDA

Central Area Planning Sub-Committee

Date: **Wednesday 24 June 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:

Ben Baugh, Democratic Services Officer

Tel: 01432 261882

Email: bbaugh@herefordshire.gov.uk

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

Membership

Chairman Councillor JE Pemberton
Vice-Chairman Councillor GA Powell

Councillor PA Andrews
Councillor WU Attfield
Councillor DJ Benjamin
Councillor AJM Blackshaw
Councillor ACR Chappell
Councillor SPA Daniels
Councillor H Davies
Councillor GFM Dawe
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor MAF Hubbard
Councillor MD Lloyd-Hayes
Councillor RI Matthews
Councillor AT Oliver
Councillor SJ Robertson
Councillor AP Taylor
Councillor AM Toon
Councillor NL Vaughan
Councillor WJ Walling
Councillor DB Wilcox
Councillor JD Woodward

Non Voting

Councillor TW Hunt
Councillor RV Stockton

Chairman of Planning Committee
Vice-Chairman of Planning Committee

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

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| <p>1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN</p> <p>To note that, at the extraordinary meeting of Council on 12 June 2009, Councillor JE Pemberton was re-elected Chairman and Councillor GA Powell was re-appointed Vice-Chairman of the Sub-Committee.</p> | |
| <p>2. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p> | |
| <p>3. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members.</p> | |
| <p>4. MINUTES</p> <p>To approve and sign the minutes of the last meeting.</p> | 1 - 12 |
| <p>5. ITEM FOR INFORMATION - APPEALS</p> <p>To be noted.</p> | 13 - 14 |
| <p>Planning Applications</p> <p>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.</p> | |
| <p>6. [A] DCCE2009/0555/F AND [B] DCCE2009/0556/L - TARRINGTON COURT, TARRINGTON, HEREFORDSHIRE, HR1 4EX</p> <p>Retention of arch and rebuilding of wall. Conversion of existing hay loft to flat in Coach House. Build stable block.</p> | 15 - 24 |
| <p>7. DCCW2009/0384/F - UPPER HILL FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PH</p> <p>Change of use of barns to 2 nos houses.</p> | 25 - 34 |
| <p>8. DCCW2009/0575/F - WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF</p> <p>Provision of one dung midden as a replacement for those previously approved under application DCCW2008/0335/F.</p> | 35 - 40 |
| <p>9. DCCE2008/1533/F - PRICKETTS PLACE, BOLSTONE, HEREFORD, HEREFORDSHIRE, HR2 6LZ</p> <p>Alterations and two storey extension to existing house.</p> | 41 - 46 |
| <p>10. DCCE2009/0786/F - LAND TO THE REAR OF 78 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ</p> <p>Proposed new dwelling.</p> | 47 - 54 |

11. **DCCE2009/0935/F - 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ** 55 - 60

Alterations to dwelling to include a two-storey extension and attached garage.

12. **DATES OF FUTURE MEETINGS**

22 July 2009

19 August 2009

16 September 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 27 May 2009 at 2.00 pm

Present: Councillor JE Pemberton (Chairman)

Councillors: PA Andrews, WU Attfield, DJ Benjamin, ACR Chappell, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt and RV Stockton

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

The Legal Practice Manager reported that Council had not elected a Sub-Committee Chairman or appointed a Vice-Chairman at the Annual Meeting on 22 May 2009. However, it did delegate authority to the Group Leaders to nominate to the offices and the Group Leaders were to meet for this purpose on 29 May. Therefore, it was necessary for the Sub-Committee to elect a Chairman for this meeting.

RESOLVED:

That Councillor JE Pemberton be elected Chairman for this meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors AJM Blackshaw, SPA Daniels, H Davies, GFM Dawe, MD Lloyd-Hayes, GA Powell, NL Vaughan and WJ Walling.

3. DECLARATIONS OF INTEREST

6. DCCW2009/0384/F - Upper Hill Farm, Breinton, Hereford, Herefordshire, HR4 7PH
Councillor PJ Edwards; Personal.
Councillor DW Greenow; Personal.
Councillor MAF Hubbard; Personal.
8. DCCW2009/0160/F - Land at Brook Farm, Marden, Herefordshire, HR1 3ET
Councillor KS Guthrie; Personal.
Councillor MAF Hubbard; Personal.
Councillor AM Toon; Personal.
10. DCCE2009/0755/RM - 22 Folly Lane, Hereford, HR1 1LY
Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item;
Reason: Applicant's agent was known to the Member through architectural work and parish council.

4. MINUTES

RESOLVED:

That the minutes of the meeting held on 29 April 2009 be approved as a correct record and signed by the Chairman.

5. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

6. DCCW2009/0384/F - UPPER HILL FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PH

Change of use of barns to 2 nos. houses.

Councillor RI Matthews, the Local Ward Member, drew attention to the comments of Breinton Parish Council, particularly with regard to the access arrangements. He considered that the Sub-Committee would benefit from a site inspection as the setting and surroundings were fundamental to the determination or to the conditions being considered.

RESOLVED:

That consideration of planning application DCCW2009/0384/F be deferred for a site inspection.

7. DCCW2009/0575/F - WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF

Provision of one dung midden as a replacement for those previously approved under application DCCW2008/0335/F.

In accordance with the criteria for public speaking, Mrs. Morawiecka spoke in objection to the application and Mr. Wheeler spoke in support of the application.

Councillor RI Matthews, the Local Ward Member, commented on a number of issues, including: recent building developments at the farm; the close proximity of the midden to a clean water pond and the potential for contamination, possibly to the River Wye; concerns about compliance with conditions on previous applications; the appearance of the retaining structure; and the need for adequate mature landscaping to mitigate visual impact. Given these and other considerations, Councillor Matthews proposed that a site inspection be held as the setting and surroundings were fundamental to the determination or to the conditions being considered.

In response to a question about potential pollution of the adjacent clean water pond, the Principal Planning Officer advised that the development was constructed to ensure that all run-off fell back towards the buildings and was collected in a holding tank before dispersal, in accordance with the Defra Code of Practice.

RESOLVED:

That consideration of planning application DCCW2009/0575/F be deferred for a site inspection.

8. DCCW2009/0160/F - LAND AT BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET

Change of use of land from agriculture to a site for the accommodation of seasonal agricultural workers in mobile homes and demountable portable buildings stationed continuously on the site and not removed at the end of the agricultural season (retrospective).

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council, Mr. Fraser spoke in objection to the application, and Mr. Gregory and Mr. Woodman spoke in support of the application; in accordance with the Council's Constitution, SO 5.11.2, the Chairman permitted five minutes speaking time for each speaker category.

Councillor KS Guthrie, the Local Ward Member, commented on a number of issues, including:

- ◆ It was noted that the applicants had undertaken consultations with the local community but Councillor Guthrie was disappointed that this application did not go far enough to reduce the scale and impact of the accommodation.
- ◆ She did not feel that the need for seasonal workers at this site in such numbers and throughout the year had been demonstrated.
- ◆ Attention was drawn to the comments of Marden Parish Council, particularly comments about the similarity of this proposal to the refused scheme.
- ◆ Improvements to the quality of accommodation were to be commended but serious concerns remained about the proposals.
- ◆ Although it had been indicated that a 'whole farm' approach would be undertaken, development at the farm would be the subject of a number of planning applications.
- ◆ Concerns were expressed about the impact on Brook Farmhouse and its setting.
- ◆ The Parish Council considered that the scheme failed to meet the functional needs test of PPS7 (Sustainable Development in Rural Areas).
- ◆ Concerns were expressed about the access arrangements and impact on the local road infrastructure.
- ◆ Comments were made about the limited monitoring of the site in the past and the need for assurances regarding this going forward.
- ◆ Councillor Guthrie felt unable to support the application and proposed that it be refused as being contrary to PPS7, E9, E12, LA2 and LA3, due to the scale of the development and adverse impact on the village of Marden.

The Principal Planning Officer responded as follows:

- Attention was drawn to the recommended conditions which would mitigate the impact of the development, such as lighting and landscaping, and it was suggested that additional condition could be included to limit the maximum number of workers at the site.
- The applicants had changed their approach to communication significantly; it was noted that fewer letters of objection had been received about this proposal compared to previous applications.
- The Enforcement Team was aware of the site and would continue to monitor it.
- The Traffic Manager had no objections subject to conditions.
- Applications would be required for other developments at the site, this application was limited to provide accommodation for seasonal workers for a temporary period of five years.

A number of Members supported the Local Ward Members' comments.

Councillor MAF Hubbard noted the need to support agricultural enterprises in the county but was concerned about the lack of clarity regarding the numbers employed at the site. He commented that migrant workers were a vulnerable minority group and there could be wider implications if on-site facilities could not be provided.

In response to a question from Councillor PA Andrews, the Principal Planning Officer

confirmed that the increase in mobile homes from 150 to 164 would enable a reduction in occupancy levels (to 4 per unit) and would reduce the number of 'pods' from 100 to 48. Councillor Andrews recognised the need to accommodate workers but considered that temporary planning permission should be granted for a three-year period only and strictly limited to those people working at Brook Farm and nowhere else.

Councillor PJ Edwards welcomed the improvements to the company's communication practices but did not feel that the planning policy concerns had been overcome by this application. It was noted that the continued use of the land as a caravan site had been refused in November 2007 but activity had not ceased on site and the current application had not been received until January 2009. He questioned why more land was required for the accommodation if the number of workers was being reduced. He said that the scale of the development was too great and felt unable to support the application. He also commented on the need to consider appropriate enforcement action.

Councillor DW Greenow commented on the management changes at the company and, whilst acknowledging the concerns of local residents, noted the need to support thriving enterprises in the county. He felt that a three-year permission might not provide sufficient time for the company to achieve its stated aims; the need for effective enforcement of conditions was emphasised. He suggested that a restriction to prevent temporary workers from working elsewhere might generate more disturbances on occasion due to increased downtime activities.

Councillor RI Matthews noted other speakers' comments about the economic arguments but emphasised the need to consider the impact on local residents.

Councillor AM Toon felt that the size of the workforce needed to be clarified, felt that comments should have been sought from West Mercia Police, considered that a three-year permission would provide enough time for reorganisation, and commented on concerns about workers from Brook Farm being transported to other sites.

The Principal Planning Officer advised that the next application on the agenda, in respect of fixed polytunnels [DCCW2009/0161/F below refers], would reduce the amount of traffic on the adjoining public highways, subject to planning permission being granted.

The Development Control Manager advised that the workforce needed to be close to the farmed area and alternatives, such as removing the mobile homes at the end of the agricultural season, were considered to be more disruptive than stationing the structures at the site continuously.

Councillor AT Oliver suggested that the maximum number of workers accommodated at the site should be limited to 752 persons, i.e. 164 mobile homes x 4 occupants, plus 48 pods x 2 occupants.

Councillor DB Wilcox felt that the standard of accommodation needed to be improved and wished to see the complete phasing out of the pods; he suggested that this should form part of any planning permission granted. He felt that the proposals suffered from a lack of a comprehensive masterplan under which the vision of the company could be stated clearly, targets could be set and progress monitored. Comments were made about the potential impact of refusal on the local economy and Councillor Wilcox considered that a temporary three-year permission would provide the opportunity for the company to address the concerns identified. He added that Marden needed to be satisfied with the longer-term plans for the site.

The Principal Planning Officer said that a three-year permission might be feasible and explained that some of the delays in the submission of the application resulted from the applicants changing their planning and legal consultants.

Councillor ACR Chappell commented on the retrospective nature of the application and noted that even a three-year permission was a long time for residents to endure if the development was unsuitable.

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. Contrary to PPS7, E9, E12, LA2 and LA3, due to the scale of the development and adverse impact on the village of Marden.

(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 Development Control Manager 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 given the reasons put forward by Members.]

9. DCCW2009/0161/F - LAND AT BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET

Application (part retrospective) to erect fixed (non rotating) Spanish polytunnels over arable (soft fruit) crops grown on table tops.

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

- Land Drainage advice had been received which confirmed that the polytunnels were believed to have little effect on any increase in rainfall runoff and velocity of the flow due to the rainfall management on the site.
- It was reported that this advice was compatible with the information received from the Environment Agency and the River Lugg Land Drainage Board.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council, Mr. Fraser spoke in objection to the application, and Mr. Gregory and Mr. Woodman spoke in support of the application; in accordance with the Council's Constitution, SO 5.11.2, the Chairman permitted five minutes speaking time for each speaker category.

Councillor KS Guthrie, the Local Ward Member, made a number comments, including:

- ♦ Consultation by the company had raised expectations that there would be a substantial reduction in the land covered by polytunnels and local residents were disappointed with this application.
- ♦ Marden Parish Council had identified that the site area proposed was 40% larger than that refused on appeal and considered that the proposed scheme would have a

considerable impact on the character and environment of the village.

- ◆ The letters of objection had highlighted the incongruous visual impact of the polytunnels which could not be mitigated adequately through landscaping.
- ◆ Reference was made to PPS7 (Sustainable Development in Rural Areas) and the need to ensure that the quality and character of the countryside was protected and, where possible, enhanced.
- ◆ Councillor Guthrie considered that the application should be refused as being contrary to E8, LA2, LA3, S2, S7, DR1, DR2, DR4, E6, E10 and E13, due to the unacceptable visual impact and adverse impact of the scale of the development on the character of the area.

Councillor DW Greenow sympathised with views of local residents but noted that the removal of particular fields from the previously dismissed appeal had reduced visual impact and had moved the activities of the operation further away from the village.

Councillor AT Oliver commented on the need to consider the application on planning grounds and noted the benefits of table-top production, particularly in terms of production efficiency and opportunities to create wildlife corridors. The importance of protecting the countryside was acknowledged but the need for a working and sustainable rural economy was also emphasised.

Councillor PA Andrews noted that the refusal of the previous application [DCCW2009/0160/F above] could have an impact on this proposal.

Councillor ACR Chappell commented that new farming techniques often caused disruption to communities when introduced but the wider economic benefits also had to be taken into consideration. He also made comments about retrospective planning applications and the need for representations to focus on planning matters.

Councillor PJ Edwards felt that the scale and the intensity of the proposal were unacceptable, particularly since the area to be covered was greater than that refused on appeal. He also commented on the potential impact on the highway network and noted that the possible removal of unauthorised polytunnels elsewhere was not directly relevant to the determination of this application.

In response to questions from Councillor AM Toon, the Principal Planning Officer highlighted the areas of unauthorised polytunnels which would need to be removed and advised that a permission for five years, rather than the recommended ten years, was not considered reasonable given the investment costs required to enable the development.

The Principal Planning Officer explained the Inspector's comments in respect of the dismissed appeal and the relevance to this application. The Development Control Manager highlighted the policy considerations and why officers did not consider the harm to be such that planning permission should be refused.

Councillor Guthrie re-iterated local concerns about the need to protect the countryside and the cumulative impact of development at Brook Farm on the village of Marden.

Councillor RI Matthews noted that, as he had not been present for the whole of presentation and discussion on the application, he was unable to vote on this item; the Herefordshire Council Code of Conduct for Members and Officers Dealing with Planning Matters, paragraph 37 refers.

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

RESOLUTION:

That temporary planning permission shall be granted for a period of 10 years subject to the following conditions:

1. **F20 (Temporary permission and reinstatement of land).**

Reason: In order to clarify the terms under which this permission is granted and in accordance with Policies DR1, LA4 and E13 of the Herefordshire Unitary Development Plan.

2. **The polythene shall be removed by 31st October each year and not replaced until or after 1st March in the following year unless otherwise agreed in writing by the local planning authority.**

Reason: In order to protect the visual amenity of the area in accordance with Policy LA2 of the Herefordshire Unitary Development Plan.

3. **G04 (Protection of trees/hedgerows that are to be retained).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

4. **G05 (Pre-development tree work).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

5. **G11 (Landscaping scheme - implementation) – April 2010.**

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

6. **Within three months of the date of this decision, a full habitat management and enhancement scheme (based upon the Outline Landscape and Ecological Management Plan dated December 2008) shall be submitted to the local planning authority for written approval. This shall include mitigation and protection measures for protected species and in particular great crested newts. The scheme shall be implemented as approved and continued thereafter unless otherwise agreed in writing with the local planning authority.**

Reason: To ensure the protection of European and nationally designated sites and to comply with Herefordshire Council's Unitary Development Plan Policies NC2 and NC3.

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 Council's Unitary Development Plan.

To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

7. **To ensure the footpaths and bridleways remain unobstructed appropriate signage, details of which shall first be submitted for approval in writing of the local planning authority, shall be placed in positions to be agreed and thereafter**

maintained to the satisfaction of the local planning authority while polytunnels remain on the land.

Reason: In order to protect the Public Rights of Way.

8. No polytunnels shall be erected within 2 metres of the centre line of a public right of way or 3 metres in the case of a bridleway.

Reason: In order to protect the Public Right of Way in accordance with Policy T6 of the Herefordshire Unitary Development Plan.

9. The Public Right of Way shall be maintained strictly in accordance with the submitted drawings L09A, L09B and L09C unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the Public Right of Way in accordance with Policy T6 of the Herefordshire Unitary Development Plan.

10. All surface water shall be limited to the relevant Greenfield run-off rate, with attenuation for the 1% plus climate change storm event, in accordance with the Flood Risk Assessment (Ref:P:\SAD multi (5540)) PolyTunnels\Marden Nove 08\FRA vO.1doc), unless otherwise agreed in writing by the local planning authority.

Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off.

11. H30 (Travel Plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

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

[Note:

At the conclusion of the item, Councillor ACR Chappell suggested a motion to request the Secretary of State to review the policy of 'retrospective' planning applications. The Legal Practice Manager commented that policy issues were outside the remit of this Sub-Committee and suggested that the motion be referred to the Head of Planning and Transportation with a view to a report being made to the Planning Committee or another appropriate body.]

10. DCCE2009/0755/RM - 22 FOLLY LANE, HEREFORD, HR1 1LY

Proposed dwelling with integral garage and alterations to existing access.

Councillor AP Taylor, a Local Ward Member, said that he had reservations about the access arrangements but supported the officer recommendation of approval.

Councillor AT Oliver noted that the report, under paragraph 5.1, stated that no response had been received from Hereford City Council but he understood that a representation had been

submitted in April.

RESOLVED:

That approval of reserved matters be granted subject to the following conditions:

1. B03 (Amended plans).

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.

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

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 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 H18 of Herefordshire Unitary Development Plan.

5. 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.

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.

Informatives:

- 1. HN05 - Works within the highway.**
- 2. HN10 - No drainage to discharge to highway.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 4. N19 - Avoidance of doubt - Approved Plans.**

- 11. DCCW2009/0568/F - VILLAGE INN, MORETON ON LUGG, HEREFORD, HEREFORDSHIRE, HR4 8DE**

Conversion and alterations of public house to five flats.

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

- A letter of objection had been received from the occupants of 8 Ordnance Close and was summarised as:
 - *We were told there would be no further development in the village, as there is no GP Surgery, School and limited public transport.*
 - *Concern about increase in volume of traffic, and on street parking.*
 - *The number of flats is over-development of the site.*

Councillor KS Guthrie, the Local Ward Member, drew attention to the comments of Moreton-on-Lugg Parish Council; relating to the delivery times for materials and equipment; the need for improvements to the access; and the suggestion that a Local Housing Needs Policy be included as part of a Section 106 Agreement. Councillor Guthrie also drew attention to local residents' concerns about the potential impact of additional traffic.

The Senior Planning Officer reported that: it would not be reasonable to restrict hours of delivery further, particularly given the fall back position of the permitted use; no objections had been received from the Traffic Manager; and, although this development would be liable for Section 106 contributions, from 1 April 2009 the requirement had been relaxed for residential schemes for five dwellings or less, subject to the planning permission being limited to 12 months.

In response to questions, the Senior Planning Officer advised that: concerns about the proximity of the working agricultural unit were noted but it was not considered that the proposed units would suffer any significant deficit in the levels of residential amenity; the Environmental Health and Trading Standards Manager had confirmed that no complaints had been received about farming activities from existing residents; the recommended conditions included a condition to require details of boundary treatments; the location of the extraction equipment associated with the takeaway was explained and it was noted that the Environmental Health and Trading Standards Manager was satisfied that there would not be an adverse impact on the residential units; and rights of access across private land were civil rather than planning matters.

RESOLVED:

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

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

2. **B01 (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.

3. **C03 (Matching external materials (general)).**

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 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. H05 (Access gates).

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

6. Prior to the first occupation of the development hereby permitted an area shall be laid out, consolidated, surfaced and drained within the application site for the parking of 6 cars, and for those vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to ensure the free flow of traffic using the adjoining highway to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

7. H26 (Access location).

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

8. 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.

9. I33 (External lighting).

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

10. I37 (Details of shields to prevent light pollution).

Reason: To minimise light overspill and to protect the amenity of neighbouring properties so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

11. 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.

12. 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. **N19 - Avoidance of doubt - Approved Plans.**
 3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
12. **[A] DCCE2009/0555/F AND [B] DCCE2009/0556/L - TARRINGTON COURT, TARRINGTON, HEREFORDSHIRE, HR1 4EX**

Retention of arch and rebuilding of wall. Conversion of existing hay loft to flat in Coach House. Build stable block.

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

- Amended plans had been received which reduced the roof pitch and removed the overhang on the proposed stable building. Amended plans had also been received for the conversion of the coach house, showing only one of the dormers as full sized.
- It was reported that these amendments had been requested by the planning officer and, therefore, the recommendation remained that planning permission be granted subject to the conditions set out in the report.

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

The Chairman, speaking in her capacity as the Local Ward Member, commented on local tensions regarding development at this site, particularly as this application was in part retrospective. In view of the concerns highlighted in the representations received, the Chairman proposed that a site inspection be held as the setting and surroundings were fundamental to the determination or to the conditions being considered.

RESOLVED:

That consideration of planning application DCCW2009/0384/F be deferred for a site inspection.

13. **DATES OF FUTURE MEETINGS**

24 June 2009
22 July 2009
19 August 2009

The meeting ended at 5.23 pm

CHAIRMAN

| |
|---------------------------------------|
| ITEM FOR INFORMATION - APPEALS |
|---------------------------------------|

APPEALS RECEIVED**Application No. DCCE2009/0126/F**

- The appeal was received on 18 May 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. Pearson.
- The site is located at Cadith House, Whitestone, Hereford, Herefordshire, HR1 3RX.
- The development proposed is Proposed planting scheme of green beech hedge and retention of existing timber fence.
- The appeal is to be heard by Written Representations.

Case Officer: Ben Lin 01432 261949**Application No. DCCW2009/0079/F**

- The appeal was received on 6 May 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. N. Davies.
- The site is located at Lechlade, Roman Road, Holmer, Hereford, Herefordshire, HR1 1LD.
- The development proposed is Proposed double garage with alterations to access.
- The appeal is to be heard by Written Representations.

Case Officer: Dave Dugdale 01432 261566**Application No. DCCE2008/2942/F**

- The appeal was received on 7 May 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 Dent Farms Ltd.
- The site is located at The Steppes, Withington, Herefordshire, HR1 3PZ.
- The development proposed is Construction of one detached house.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957**APPEALS DETERMINED****Application No. DCCE2008/1057/F**

- The appeal was received on 5 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. Jones.
- The site is located at 44 Bodenham Road, Hereford, Herefordshire, HR1 2TS.
- The application, dated 25 March 2008, was refused on 2 June 2008.

- The development proposed was Replace existing building with four storey building containing nine apartments.
- The main issues are (a) whether the proposed development would constitute over development of the site and (b) give rise to an unacceptable impact upon the living conditions of neighbouring occupiers, with particular regard to privacy and to noise and disturbance.

Decision: The application was refused under Delegated Powers on 28 May 2008.
The appeal was DISMISSED on 15 May 2009.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCE2008/1094/C

- The appeal was received on 5 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.A. Jones.
- The site is located at 44 Bodenham Road, Hereford, Herefordshire, HR1 2TS.
- The application, dated 25 March 2008 was refused on 2 June 2008.
- The development proposed was Demolition of house.
- The main issues are (a) whether the proposed development would constitute over development of the site and (b) give rise to an unacceptable impact upon the living conditions of neighbouring occupiers, with particular regard to privacy and to noise and disturbance.

Decision: The application was refused under Delegated Powers on 28 May 2008.
The appeal was DISMISSED on 15 May 2009.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCW2008/0610/O

- The appeal was received on 22 January 2009.
- 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. D. Goldsmith.
- The site is located at 3 Villa Street, Hereford, Herefordshire, HR2 7AY.
- The application, dated 20 February 2008, was refused on 3 September 2009.
- The development proposed was Proposed erection of 4 No. bungalows and 2 No. houses.
- The main issues are 1) The effect of the proposed development on the character and appearance of Villa Street and the surrounding areas; 2) the effect of the proposed houses on living conditions of neighbours and future occupiers with respect to light, noise, general disturbance and garden space and 3) the effect of the proposed access on the safety of cyclists and pedestrians using Villa Street.

Decision: The application was refused by Committee, contrary to Officer Recommendation on 3 September 2009.
The appeal was DISMISSED on 12 May 2009.

Case Officer: Kevin Bishop on 01432 281946

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

6A DCCE2009/0555/F - RETENTION OF ARCH AND REBUILDING OF WALL. CONVERSION OF EXISTING HAY LOFT TO FLAT IN COACH HOUSE. BUILD STABLE BLOCK AT TARRINGTON COURT, TARRINGTON, HEREFORDSHIRE, HR1 4EX

For: Mrs. C. Jago per SSM Building Company, Sheepcote, Pencoyd, Harewood End, Herefordshire, HR2 8JH

6B DCCE2009/0556/L - RETENTION OF ARCH AND REBUILDING OF WALL. CONVERSION OF EXISTING HAY LOFT TO FLAT IN COACH HOUSE. BUILD STABLE BLOCK AT TARRINGTON COURT, TARRINGTON, HEREFORDSHIRE, HR1 4EX

For: Mrs. C. Jago per SSM Building Company, Sheepcote, Pencoyd, Harewood End, Herefordshire, HR2 8JH

Date Received: 18 March 2009

Ward: Backbury

Grid Ref: 61646, 40502

Expiry Date: 13 May 2009

Local Member: Councillor JE Pemberton

Introduction

These applications were deferred at the Central Area Planning Sub-Committee on 27 May to allow members to undertake a site visit. The report has been updated in light of additional information, plans and representations received. In summary, these are:

Receipt of amended plans relating to the stable block and coach house conversion. The plans reduce the footprint and height of the stable block and simplify the design and change the design and scale of the proposed dormer windows to the coach house. The amended plans address all previous concerns.

A further e-mail has been received from the applicants. The main points raised are:

- There is no evidence that the area where the wall is higher is as a result of farm buildings.
- One of the previous owners of the property, Lady Curtis advises that the area adjacent to the wall was historically a village pound. The wall must therefore have been higher otherwise the animals would have escaped.

- The area inside of the new pedestrian access was historically a moat, which was filled in by Mr. Foley in the 60's, and therefore it is highly likely that there was no entrance here originally.
- The 1838 Parish Tithe Map appears to indicate that there was no entrance here originally.
- The inspiration for the design of the arch was taken from the wall and arch at The Vine near the application site.

A further letter and photos has been received from Mr. Hodges, Chairman of the Parish Council enclosing details of other stone walls within the village, all of a lower height along with a photo of the situation prior to the access being closed, this being a lower stone wall with a five bar timber gate.

8 letters/e-mails of support have also been received from The Doctors House, Vine End, The Coppice, Lays Farmhouse, 14 Pound Close, Heritage Cottage, The Vine and Revd Peter Hammersely of 15 Pound Close. The main points raised are:

- The issue has been blown out of all proportion and for the sanity of the village; it would be nice to have the matter resolved.
- The new structure is entirely in keeping with its surroundings and the age and history of Tarrington Court.
- The works have been done to a high standard with natural and matching materials and will match the wall and arch at the Vine.
- The works when complete will improve the aesthetics of the locality compared with the previous situation.
- There is no evidence that an access existed here historically.

1. Site Description and Proposal

1.1 The site lies in the south western corner of Tarrington village adjoining but outside of the defined settlement as identified by the Unitary Development Plan. The curtilage is enclosed by unclassified road 66207 to the north, unclassified road 66209 to the west and unclassified road 66208 to the east. Tarrington Court itself is a late 16th Century/early 17th Century timber frame farmhouse under a pitched tiled roof. Immediately south of which is a detached Victorian coach house converted to a garage at some stage in the mid-20th Century and constructed from traditional Herefordshire red brick under a pitched tiled roof. South of which is a former cider house with attached hop kilns dating to early 19th Century, constructed from timber frame with brick infill and a mixture of tiled and slated roofs. Both Tarrington Court and the cider house and hop kilns are individually Grade II listed. The cider house and hop kilns are now used as offices in connection with the applicant's business. The properties as a whole are set within spacious landscaped ground with a single vehicular access off unclassified road 66208 to the east which is also designated as a public right of way ref:TR8. The majority of the curtilage is defined by a stone wall varying in height between a metre and two metres.

1.2 Planning and Listed Building Consent is sought for three separate proposals. These are as follows:

1. Retention of works already carried out to the stone boundary wall running along the northern boundary of the curtilage including the introduction of a pedestrian access in

place of the existing vehicular access through the construction of a stone wall incorporating an arch over the door. Also proposed is the continued increased height of the wall along the remainder of the frontage to tie in with the remnants of the existing wall in the north western corner.

2. Conversion of the first floor of the former coach house to one bedroomed flat to be occupied by staff.
3. Construction of a detached three bay stable block constructed from brick with oak timber frame under a pitched tiled roof to be sited on land east of the dwelling.

2. Policies

2.1 Planning Policy Guidance Notes:

PPG15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007:

| | | |
|------|---|--|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| S7 | - | Natural and historic heritage |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| H7 | - | Housing in the countryside outside settlements |
| HBA1 | - | Alterations and extensions to listed buildings |
| HBA3 | - | Change of use of listed buildings |
| HBA4 | - | Setting of listed buildings |

3. Planning History

- 3.1 Extensive history for alterations both to the principal dwelling, outbuildings and development within the curtilage but the two most recent applications of note are:

CE2008/1388/F - Replace gateway at entrance, the repair of gates and pedestrian gate to side. Approved 23 July 2008.

CE2008/1389/L - Close up existing driveway at entrance, build archway wall and pedestrian gate, reinstate wall to original height, alter gateway at entrance B. Listed Building Consent Approved 23 July 2008 (alterations to close up existing entrance and build archway were removed from the Listed Building application).

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

4.2 Traffic Manager: No objections.

4.3 Conservation Manager:

Boundary wall and arch feature

The existing wall would appear to date from the 18th / early 19th century due to its stone construction. It forms the curtilage of the house and would appear adjacent to the gate to have been at some point an animal pen or storage area as it loops round to enclose a small area of land. Indeed the 1st edition Ordnance Survey map shows that this area appears to be part of a substantial farmyard with a number of buildings all of which have now been removed. Adjacent to the lane, which leads up to Tarrington Common, the wall has been retained at its original height with a coping detail. However once it turns onto school road the top section of the wall appears to have been removed and no coping detail has been formed which allows it to continue to slowly decay. The issue to consider therefore is should this element of wall be reinstated to its presumed original height. This can be gauged from the surviving element of wall and it would be assumed that it would follow the contours down the site at the same height. Therefore given the height of the wall is known and that a matching stone, coping detail and mortar are available we believe that it would be appropriate to reinstate the wall to its original height and design. This should enhance the presence to the roadside and given the uplift in height is relatively minimal would not have a detrimental impact on the setting of Tarrington Court or the surrounding area.

With regards to the gateway this is a more balanced judgement and should be looked at with regards to the overall landscaping of this area of the site. Unfortunately the landscape is not mentioned in the Survey of Historic Parks and Gardens in Herefordshire. Previous to the installation of this gateway there was a substantial tarmaced road, which led up to the house. This was detrimental to the setting of the listed building. The current owner took this up as part of a general review of the landscaping. Whilst this did not need consent it was most welcomed. The issue then to resolve was the scale of the access within this frontage to the property. Given the current lack of documentary and physical evidence it is unclear whether this was the original access to the court although we suspect that it was not. The landscaped original approach to the house would appear to have been located further east in front of the principal elevation. Evidence for this compartmentalisation can be seen on the 1st edition OS map which shows 2 parallel lines running between the house and school lane. One of these can still be seen on current maps. These linear features are what would be expected for the gardens / landscapes of the time of construction where the access was designed to frame the approach to the house and impress guests and residents. The current gateway access would therefore appear to be a secondary access relating to the use of the now demolished farm buildings. Evidence for this can also be seen in the lack of fine entrance piers / features. As the status of the building changed and the various ideas of landscape gardening changed over time the accesses moved and for a time this became the primary access. However there was no upgrade in its design status and it retained the character of a farmyard access.

Given the continued evolution of the building and that the entrance no longer relates to its original use we do not believe that it was necessary to be retained in its existing form. However the idea of an access from this point needs to be retained so that the evolution of the site can be understood and appreciated. The raising of the wall over the gate is a satisfactory form and given that our concerns about the height have been addressed so that it flows through more comfortably we would not object to this feature. Given that this is a secondary access we do not believe that it needs the fine mouldings / detailing that can be

found to other properties within the street and therefore the proportions detailing and finish would be in keeping with the overall character of this element of the proposal.

We believe that there would also be a major enhancement to the public realm with the removal of the tarmaced area and the landscaping of this site. This would benefit both the setting of Tarrington Court and the wider local area. We therefore believe that an appropriate scheme has been arrived at which would on balance preserve the character of both the listed wall and the setting of Tarrington Court and would support this element of the application.

Conversion of coach house

We believe that the building is capable of being converted and in principle therefore support this scheme. Minor amendments are recommended including changing the dormers so as only one is full sized so as to give the appearance of a loading bay for the coach house along with further information on the detailing. The building does not need symmetrical elements and an attempt to introduce this would be detrimental to the buildings character.

Proposed stables

The positioning of this building is acceptable. However further clarification on the setting down of the stable block into the ground is required in order to reduce its overall impact and maintain its subservience within the complex. It will also require a number of design changes including changing the upper gable elements to weatherboarding, using windows in the gables rather than a rooflight, slightly reducing the height of the building by reducing the span, increasing the size of both the posts and the bracing and removing the large projecting pediment with the clock and instead have a smaller gabled element, which could still sit comfortably within the roof and substantially reduce the mass of the building and still contain the clock.

4.4 Public Rights of Way Manager: No objections.

5. Representations

5.1 Tarrington Parish Council:

With regard to the stable block and the conversion of the hay loft, the Parish Council has no objections, provided that sympathetic materials are used for the stable block and the sewerage system has the capacity for the additional connection from the hay loft.

With regard to the archway, the Parish Council does have objections, for the following reasons:

1. The wording of the application is misleading as regards the building works that have recently taken place. The archway and door did not exist until 2008 when they were built without planning permission. This archway is shown on the application as 'existing'.
2. No reasonable justification has been given for the replacement of the original gate by a door and archway. The style of the archway is not in keeping with the rural nature of the local area.
3. There is no evidence to show that the wall was ever higher than it is now and we enclose photographs to show that the wall as it stands at present is in fact in keeping with the style of other boundary walls in the village.

4. The Parish Council does not consider that the applicant has justified the reasons for raising the height of the wall and again we stress that it would be out of character with most of the stone walls in the village.
5. The original wall and gate form part of the curtilage of a Grade II Listed Building and should not be modified in any way.

The Parish Council does not consider this part of the application to be acceptable and therefore recommends that the application be refused.

5.2 Five letters/e-mails of objection have been received to the planning and listed Building Consent from Robert and Veronica Hodges of Ro-Onica, Tarrington, M Wessell and Dr R Naylor of Aspen Cottage, Tarrington and John Pearce. The main points raised are:

1. The archway has a gothic style that adversely affect the setting and views of the property and is not suitable for this period of house which originally was a farmhouse.
2. The raising of the height of the boundary wall is stated as needed for security reasons yet the property is now in the National Gardens Book and open to the public.
3. The previous opening and five-bar gate complemented the house, the proposals detract from the property.
4. The wall and proposed arch detract from the historic and architectural heritage of the listed building.
5. The arch and wall are contrary to Policies HBA4 and HBA8 of the Unitary Development Plan and guidance contained in PPG15.
6. The application for a wall and arch are retrospective.
7. There is no evidence to show that the wall ever continued at the higher height as is now proposed.
8. There are other means of providing privacy such as a fence with roses and honeysuckle or a native hedge.
9. The proposed stable block will be an over development of the site and spoil the main entrance to Tarrington Court.
10. The stable block may cause pollution of local water courses.

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

6. Officer's Appraisal

6.1 The applications comprise three separate elements:

1. The retention of arch and increase in height of existing stone boundary wall,
2. Conversion of first floor of coach house to one bedroom staff accommodation, and
3. Construction of stable block.

Retention of stone arch and pedestrian gate and increase in height of the existing boundary stone wall.

6.2 This application is part retrospective is so much as the previous vehicular access has been closed off through the construction of a stone wall incorporating a stone arch over a new pedestrian door. This is perhaps the most locally controversial element of the applications and has generated objections from local residents and the Parish Council.

- 6.3 Firstly, there is no objection the closure of the existing vehicular access and its change into a pedestrian access only. The works to achieve the archway over the pedestrian access through increasing the height of the stone wall, in isolation, would be unacceptable. However, once the wall is continued at an increased height to tie in with the existing height as is proposed, it is considered that this will form an acceptable boundary treatment and preserve the setting of the listed property. Public views of the listed property will still be available over the wall and from the public footpath that runs through part of the curtilage. The existing arch is constructed to a high standard using matching materials and traditional construction methods and this quality is to be maintained for the remainder of the wall including the use of matching coping. The wall in its own right as a boundary feature and its compatibility with the principal listed buildings and their setting is therefore acceptable.
- 6.4 Also of note are the Conservation Manager's comments, which are detailed in Paragraph 4.3. The Conservation Manager has examined in some detail the acceptability of the arch and works to the wall with the conclusion being that they will preserve the character of both the listed wall and the setting of Tarrington Court and therefore they also raise no objection to these elements.

Conversion of first floor of coach house to one bedroom flat:

- 6.5 The coach house is now occupied as a garage with the first floor largely being unused other than ancillary storage. Adequate space exists within the roof to accommodate a modest one bedroom flat and the principle of the works and the use as staff accommodation subject to a restriction tying the accommodation to the principal dwelling is acceptable. Light is being achieved through rooflights on the rear (west) elevation with two dormers proposed on the front elevation, access has been achieved by way of new stable steps off the northern gable. The works are in keeping with the character and appearance of the building.

Erection of stables:

- 6.6 The scale and proportions of the stables are designed to reflect the scale of the adjacent coach house. The siting will ensure the levels can also be lower so as the stables are viewed as a secondary element on the principal approach to the group of buildings as suggested by the Conservation Manager. The materials will also harmonise with the coach house, this being traditional red brick with weather-boarded gables and a clay tile roof.
- 6.7 The applicants have agreed to reduce the height of the stables through reducing its span with a slightly shallower pitch and design changes have also been agreed to simplify its appearance. The stable building will harmonise with the existing listed buildings and preserve their setting.
- 6.8 The proposals as a whole are considered acceptable in accordance with Policies HBA1 relating to alterations to listed buildings and HBA4 relating to setting of listed buildings in particular.

Planning Permission – CE2009/0555/F

RECOMMENDATION

That planning permission be granted subject to the following conditions

1. The proposed works to the northern boundary wall shall be completed in accordance with the approved plans within 6 months of the date of this planning permission or in accordance with a timescale to be agreed in writing with the local planning authority within one month of the date of this permission.

Reason: To ensure the completion of the wall in order to safeguard its character and appearance and the setting of Tarrington Court and comply with Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

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. F13 (Restriction on separate sale).

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 and HBA4 of Herefordshire Unitary Development Plan.

4. I18 (Scheme of foul drainage disposal).

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

5. 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.

6. 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.

7. 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.

8. L03 (No drainage run-off to public 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.

Informatives:

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

Listed Building Consent – CE2009/0556/L

RECOMMENDATION

That listed building consent be granted subject to the following conditions

- 1. **The proposal works to the northern boundary wall shall be completed in accordance with the approved plans within 6 months of the date of this listed building consent or in accordance with a timescale to be agreed in writing with the local planning authority within one month of the date of this permission.**

Reason: To ensure the completion of the wall in order to safeguard its character and appearance and the setting of Tarrington Court and comply with Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

- 2. **D02 (Approval of details).**

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 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:

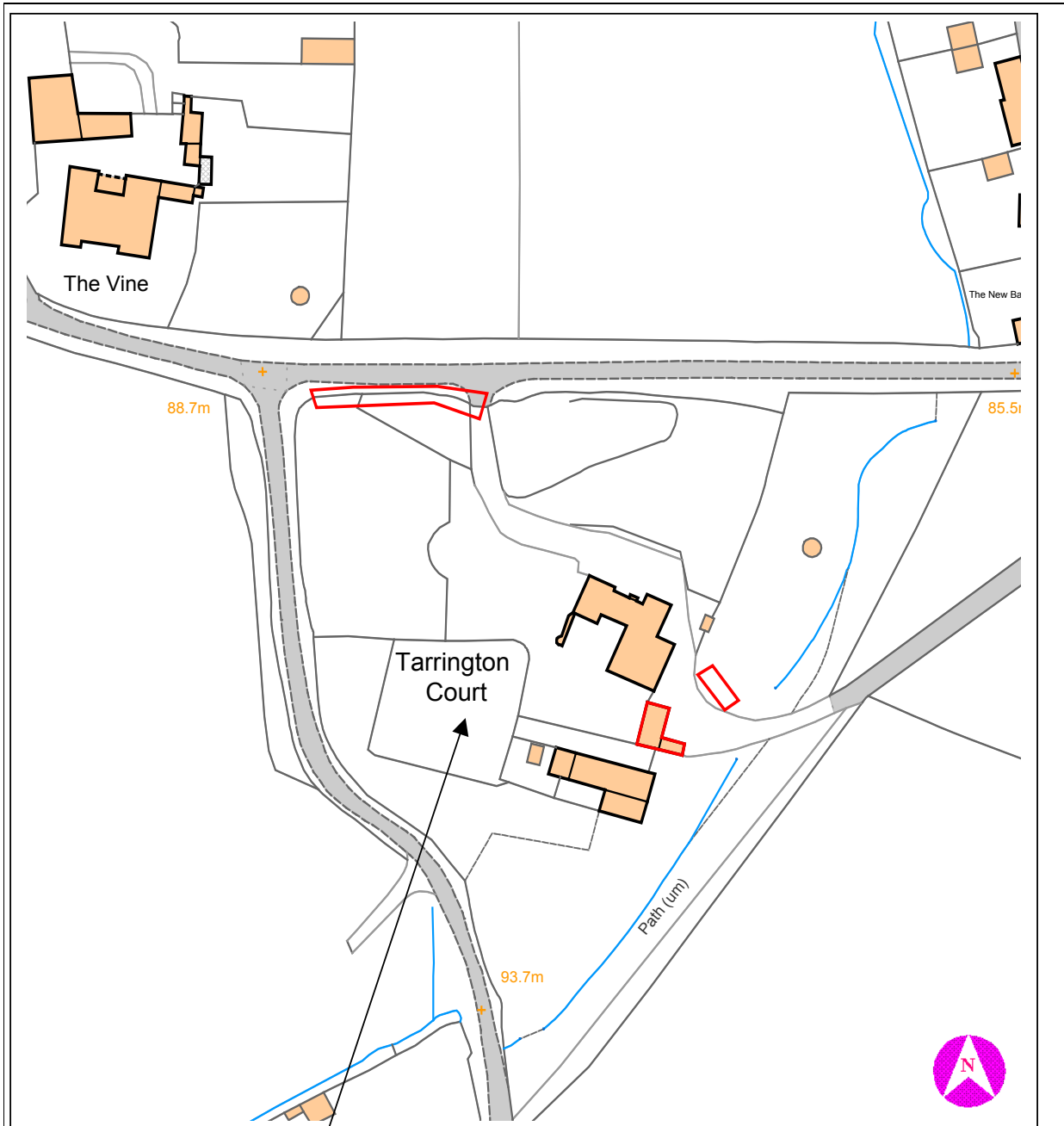
Notes:

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Background Papers

Internal departmental consultation replies.

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



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APPLICATION NOS: DCCE2009/0555/F & DCCE2009/0556/L

SCALE: 1 : 1250

SITE ADDRESS: Tarrington Court, Tarrington, Hereford, Herefordshire, HR1 4EX

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

7 DCCW2009/0384/F - CHANGE OF USE OF BARNES TO 2 NOS HOUSES AT UPPER HILL FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PH

For: Ms. G. Bulmer per Mr. A. Priddle, Advance Planning & Architecture Ltd, Haywood Lodge, Haywood, Hereford, HR2 9RU

Date Received: 26 February 2009 **Ward: Credenhill** **Grid Ref: 47627, 40369**
Expiry Date: 23 April 2009
 Local Member: Councillor RI Matthews

Introduction

This application was deferred for a Committee Site visit which took place on 9 June 2009.

At the site visit Members were advised of the additional information received from the Traffic Manager which is printed below, confirming that the junction of the bridleway with the unclassified road was acceptable to take the increase in traffic.

Traffic Manager (additional comments):

Although the site does not achieve full DMRB visibility standards (90m), it achieves adequate eastward visibility (2.4 x 45m) to meet Manual for Streets requirements for 30mph, which is what a speed survey over one week indicated the 85%ile speeds are. The visibility to the west achieves full standards.

The traffic flows on the lane are around 12 vehicles per hour each way in the peak, and the Manual for Streets is considered relevant on lightly trafficked rural roads, which I would consider this to be (ie only one vehicle every 5 minutes) as the likelihood of conflicting vehicles is low.

Approaching drivers have good visibility of any emerging vehicles, around 80m and significantly in excess of the stopping sight distance of 45m.

There is no personal injury accident at the access, which currently serves 5 properties.

Appeal inspectors are recognising the MfS methodology for stopping sight distances, and consequent lower visibility requirements, on streets and lightly trafficked roads, and even some very heavily trafficked main distributor roads.

The previous report is reproduced below.

1. Site Description and Proposal

1.1 Upper Hill Barns are located on the eastern side of the unmade bridleway that joins the unclassified 73022 road that joins Breinton Road in the Parish of Breinton. The barns form a

range of buildings south of the former farm house at Upper Hill Farm. The farm house is presently subject of a spot listing application.

- 1.2 The proposal is to convert the barns into two dwellings. Barn 1 is L-shaped and incorporates five bedrooms, kitchen, dining room, lounge, library, office and ancillary bathrooms. Garaging is also incorporated within the conversion. Barn 2 lies south of Barn 1 and comprises four bedrooms with lounge, kitchen and dining room. Garaging is provided with a new three bay garage. Both conversions have elements of full height rooms to complement the character of the buildings.

2. Policies

2.1 National:

| | | |
|-------|---|---|
| PPS1 | - | Delivering Sustainable Development |
| PPS3 | - | Housing |
| PPS7 | - | Sustainable Development in Rural Areas |
| PPS9 | - | Bio-diversity and Geological Conservation |
| PPG15 | - | Planning and the Historic Environment |

2.2 Herefordshire Unitary Development Plan 2007:

| | | |
|--------------|---|--|
| Policy S1 | - | Sustainable Development |
| Policy S2 | - | Development Requirements |
| Policy S3 | - | Housing |
| Policy S7 | - | Natural and Historic Heritage |
| Policy DR1 | - | Design |
| Policy DR5 | - | Planning Obligations |
| Policy DR6 | - | Water Resources |
| Policy DR7 | - | Flood Risk |
| Policy H7 | - | Housing in the Countryside Outside Settlements |
| Policy H14 | - | Re-using Previously Developed Land and Buildings |
| Policy H15 | - | Density |
| Policy H16 | - | Car Parking |
| Policy T11 | - | Parking Provision |
| Policy HBA12 | - | Re-use of Rural Buildings |
| Policy HBA13 | - | Re-use of Rural Buildings for Residential Purposes |

2.3 Supplementary Planning Documents:

Re-use and Adaptation of Rural Buildings
Planning Obligations

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: Make no comment as private drainage facility is proposed.

Internal Council Advice

- 4.2 Traffic Manager: Whilst visibility in an easterly direction at the junction of the access lane with U73022 is below standard, the access track currently serves five dwellings and the farm and there is no injury accident record at the location over the last five years. Visibility to the west is good. There will also be the loss of possible farm traffic upon redevelopment of the barns. Cutting back of the roadside hedge to the post and wire fence, as shown on the drawings, will improve the visibility and whilst setting back of the boundary fence to introduce a visibility splay is desirable, it is noted that this would be outside the applicant's control.

The U73022 is lightly trafficked single track to the east of the site, with average speeds of around 30mph and any vehicle emerging will be visible to approaching traffic at a distance significantly greater than the relevant stopping sight distance for this speed. Full eastward visibility for drivers of emerging vehicles will be gained as they emerge from the access.

- 4.3 Conservation Manager: There appears to be a high level of uncertainty as to exactly what works will be required to the timber framing on both barns. I am concerned by the amount of rebuilding that may be necessary therefore I would request drawings of the timber framing as existing and a schedule of repairs identifying the works required at this stage. Any further works identified as necessary following further investigation to be agreed in writing prior to commencing. Any alterations to the West Range wall stabilisation also to be agreed in writing prior to commencing.

The drawings for the proposed bat lofts are not sufficiently detailed to assess their impact. For instance I note that one of the lofts appears to have rooflights. I am also concerned by the amount of space that is being given over to the bat lofts as this will reduce the amount of open spaces within the barns, therefore entailing a loss of their character.

The proposed landscaping scheme is too domesticated - an approach which preserves the farmyard character of the outside spaces is required.

- 4.4 Conservation Manager (Ecology): I visited the site earlier in the month and have received the Phase I Habitat Survey and the Bat Emergence Survey reports by Worcestershire Wildlife Consultancy dated December 2007 and August 2008 respectively. I note the presence of Brown long-eared and common pipistrelle bats roosting in the buildings. Evidence of nesting birds is also present. I was concerned that bat lofts had not been shown on the architectural drawings and requested that this information be submitted. I have also discussed the site with the ecological consultants and am satisfied that the provision of bat lofts in both barns will be appropriate. Further enhancement measures for bats (bat tubes, boxes and or adapted weather-boarding) as well as mitigation measures for nesting birds will need to be incorporated into the new garage as well as around the site.

With reference to the drawings submitted on 17 March, although it is not clear, I note that the bat loft in House 2 is not the full width of the building. I recommend that it is made the full width of the building and that a single roof light could be "boxed in" to provide light in the corridor below. It is Natural England that will issue the EPS licence for the development to proceed, provided that there is sufficient mitigation for the bats. The landscaping scheme should include planting of native species along boundaries and adjacent to bat access points. Conditions recommended.

- 4.5 Public Rights of Way Manager: Raises no objection subject to a condition to ensure suitable re-surfacing material is used on the bridleway.
- 4.6 Children and Young People's Services, Open Space/Recreation and Community Services: All identify an impact and therefore request contributions in accordance with Supplementary Planning Document - Planning Obligations. However the agent has confirmed that his clients propose to commence work within 12 months of the date of approval, therefore the commencement period will be reduced to 12 months. This is in accordance with the Cabinet decision to suspend S.106 payments for development of five dwellings or less.

5. Representations

- 5.1 Breinton Parish Council: In principle, the Parish Council has no objections to the conversion of these barns into two dwellings and the designs have been carefully conceived to be sympathetic to the barns which they replace.

However, there are considerable concerns about access, water levels and drainage.

The access road is substandard and is in such a condition that even the waste collection vehicles refuse to use it. These two properties would increase the access usage by at least 40%. The road is not owned by the applicant. The Parish Council would object to these two properties being built without the access road being brought to a satisfactory standard and would request a condition that BEFORE ANY BUILDING WORK TAKES PLACE, the access road is brought up to the standard as outlined in the application, with any necessary alterations to the plans to improve drainage as requested below. (This would, of course, mean that any ownership, permission and maintenance details would have to be addressed by the two parties prior to commencement of work). Despite some assurance from the architect that Highways have been consulted, there is doubt that the splay onto the highway is sufficient, bearing in mind that this is a de-restricted road, wide enough only for one vehicle and near a bend.

The area is already prone to standing water and it is queried whether the water table is indeed 1.4m. It is thought that it is higher than this and the actual situation needs to be investigated, especially since 400mm piping needs to be used. The ditch on the side of the access road will take water to the Council's maintained highway, but water already gathers at the entrance to the access road. More drainage work will need to be done in the highway to address this problem.

The soakaways border property owned by someone else, in an area already prone to flooding. The increased concrete footprint will exacerbate this problem.

The waste provision is queried at being sufficient for 13 people only. These two large properties at any time could easily accommodate more than this.

The S106 contribution is totally inadequate. The Highways contribution needs to be increased to address the drainage situation on the road in the area, which affects other areas in Breinton. Furthermore, it is thought reasonable that a contribution should be made to complete the improvement work to the whole length of Green Lane and to the path to King's Acre Road known as Church Walk.

- 5.2 Ramblers Association: This development does not appear to have any impact upon the adjacent Public Rights of Way, Breinton BT9, however we ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

I would request that consultation is taken with the Public Rights of Way with regard to the upgrading of the private drive, along which the bridleway is routed, to ensure the finished surface is suitable for the equestrian needs.

- 5.3 Four letters of representation have been received, the main points raised are:-

1. Matters that need to be addressed are the surface of the lane and drainage. Both are in an awful condition and need to be done prior to work commencing on site.
2. The owner of the lane and land either side has not been consulted on improvements or indeed any consents for works.
3. The conversions will improve the area but have concerns regarding the high water table and therefore the impact on drainage.
4. The junction of the lane with the road is inadequate with no speed limits.
5. Concerns over future maintenance costs of the lane.

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 range of barns lie to the west of Hereford City in the Parish of Breinton. The removal of the steel framed barns adjacent will reveal an attractive range of brick and timber framed buildings that are worthy of retention through conversion. A marketing exercise was undertaken in 2008 for a potential employment reuse. There were no viewings, offers or positive responses to the marketing campaign. Policy therefore allows conversion to residential development to be considered.
- 6.2 The scheme submitted is the result of extensive discussion with Officers of the Council and seeks to retain the two main timber framed barns together with the single storey brick cattle byre on the western side abutting the lane. The spatial divisions proposed complement the character of the buildings and is fully supported. Conditions will need to be imposed to ensure a full schedule of repair for the timber framed buildings. The new garage for Barn No. 2 is well sited adjacent to a mature hedge.
- 6.3 Both barns will be accessed on the lane to the west which is also a bridleway. This lane is in a very poor state of repair with substantial potholes. A full schedule of repair and upgrading is proposed, the final finish for which will be subject to consultation to ensure no detrimental impact for users of the bridleway. Furthermore due to the very poor state of the lane, it will be recommended that the improvements are undertaken prior to any other works commencing on site. Whilst the owner of the lane has not reached an agreement with the applicant, the relevant certificate was submitted and served for the planning application.

Although concerns have been raised regarding drainage, a package treatment works is proposed with drainage by means of a spreader system into the adjoining paddock.

- 6.4 Finally appropriate wildlife surveys have been undertaken and assessed by the Council's Ecologist who is satisfied that subject to amendments to the bat loft that the proposal is acceptable.
- 6.5 The proposal is therefore considered to comply with the main thrust of policy contained in the Herefordshire Unitary Development Plan and guidance from PPS7.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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. **D08 (Repairs to external brickwork).**

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan.

4. **D09 (Details of rooflights).**

Reason: To ensure that the rooflights are of an appropriate form and minimise the potential disruption to the appearance and continuity of the roofs in the interests of the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan.

5. **D10 (Specification of guttering and downpipes).**

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan.

6. **D11 (Repairs to match existing).**

Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan.

7. D12 (Repairs in situ).

Reason: To ensure that the integrity of the building of local interest is preserved to ensure compliance with Policy HBA13 of Herefordshire Unitary Development Plan.

8. Prior to any works commencing a full timber frame repair schedule shall be submitted for approval in writing of the local planning authority and the repairs undertaken in accordance with the approved specification.

Reason: To ensure that the integrity of the building of local interest is preserved to ensure compliance with Policy HBA13 of Herefordshire Unitary Development Plan.

9. F14 (Removal of permitted development rights).

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

10. 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.

11. 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.

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

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

13. The specification for works to the surface of bridleway BT9, providing private vehicle access to the site, must be submitted for written approval by the highway authority and the planning authority before any work commences.

Reason: To comply with Policy T6 of the Herefordshire Unitary Development Plan.

14. Prior to the commencement of any other works on site, the access lane between the site and the unclassified 73022 road shall be repaired and improved. This work shall be in accordance with details which have been submitted to and approved in writing by the local planning authority.

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.

15. 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.

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. I19 (Drainage in accordance with approved plans).

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

18. K4 (Nature Conservation - Implementation).

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

Informatives:

- 1. HN05 - Works within the highway.
- 2. HN10 - No drainage to discharge to highway.
- 3. N19 - Avoidance of doubt - Approved Plans.
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

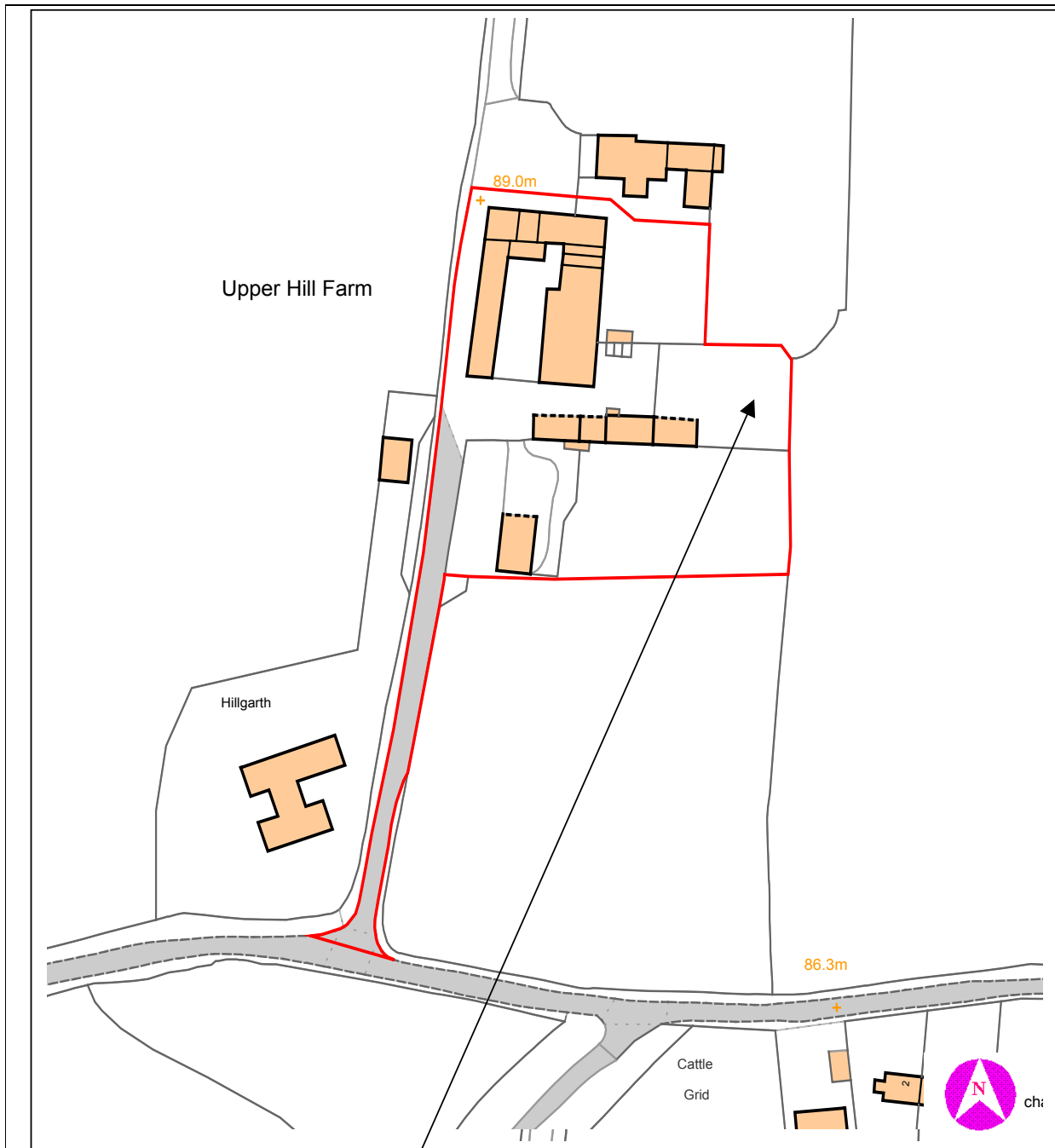
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0384/F

SCALE : 1 : 1250

SITE ADDRESS : Upper Hill Farm, Breinton, Hereford, Herefordshire, HR4 7PH

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

8 DCCW2009/0575/F - PROVISION OF ONE DUNG MIDDEN AS A REPLACEMENT FOR THOSE PREVIOUSLY APPROVED UNDER APPLICATION DCCW2008/0335/F AT WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF

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

Date Received: 23 March 2009

Ward: Credenhill

Grid Ref: 48541, 39252

Expiry Date: 18 May 2009

Local Member: Councillor RI Matthews

Introduction

This planning application was deferred for a Committee Site Visit which took place on Tuesday 9 June 2009.

The agents have now confirmed that the external walls of the dung midden will be painted a dark green colour to reduce its impact within the landscape. Accordingly an additional condition has been added to the recommendation for clarification.

The previous report is reproduced below.

1. Site Description and Proposal

- 1.1 Warham Court Farm, Breinton is located on the northern side of the unclassified 73023 road approximately 1 kilometre west of the edge of Hereford City.
- 1.2 Nos. 1 and 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 This retrospective planning application is to retain one dung midden to store cattle waste from the recently built development. It is located between existing buildings to the east and the new clean water pond recently approved (DCCW2008/2647/F). The dimensions are 54 metres long x 18 metres wide. Pre-cast concrete walls are proposed on three sides and are approximately 2.4 metres high. The design of the dung midden ensures that waste water follows back towards the building and collected in a tank for dispersal under Defra Regulations.

2. Policies

2.1 National:

PPS7 - Sustainable Development in Rural Areas

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

2.2 Herefordshire Unitary Development Plan 2007:

| | | |
|-------------|---|---|
| Policy DR1 | - | Design |
| Policy DR2 | - | Land Use and Activity |
| Policy DR4 | - | Environment |
| Policy DR6 | - | Water Retention |
| Policy DR7 | - | Flood Risk |
| Policy E13 | - | Agricultural and Forestry Development |
| Policy E16 | - | Intensive Livestock Units |
| Policy LA2 | - | Landscape Character and Areas Least Resilient to Change |
| Policy LA6 | - | Landscaping Schemes |
| Policy HBA4 | - | Setting of Listed Buildings |

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 DCCW2008/0335/F Two new sheep/feed barns for beef cattle, new straw barn and new silage barn. Approved 14 May 2008.
- 3.4 DCCW2008/2647/F The construction of a clean water attenuation pond for the recycling of storm water. Approved 4 March 2009.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency: Comments awaited.
- 4.2 Natural England: No objection – “It is our view that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the important interest features of the River Wye SAC, or any of the special scientific interest features of the River Wye Site of Special Scientific Interest (SSI). Roof covering would be preferable.”

Internal Council Advice

- 4.3 Traffic Manager: No objections.
- 4.4 Conservation Manager (Historic Buildings): The proposed dung midden is located well away from the listed building and screened by agricultural buildings, therefore there will be no detrimental impact on the setting of the listed building. No objection.
- 4.5 Conservation Manager (Landscape): I can confirm that I am satisfied that the existing approved scheme of landscaping at Warham Court Farm will be sufficient to mitigate the impact of the proposed dung midden. Particularly as enhanced landscaping was submitted and agreed (see my e-mail of 23/3/09) I feel that adequate future provision of soft landscaping is established.

- 4.6 Head of Environmental Health and Trading Standards: After viewing the application and taking into account distance to the nearest property, I am satisfied that the proposed development is unlikely to cause any Environmental Health issues to people living in the vicinity as long as the applicant abides by the correct codes of practice pertinent to this development.

5. Representations

- 5.1 Breinton Parish Council: We the undersigned represent Breinton Parish Council as the only councillors who have no declared interest in the above planning application. We have initiated this letter ourselves due to the absence of our clerk, who is away on holiday.

We object to the new dung midden at Warham Court Farm for which retrospective planning permission is being sought. The amended site plan shows a single large dung midden, which has already been constructed without planning permission.

For this reason we do not feel that this application in its correct form would comply with the Council's UDP Policies E13 and E16.

Please note that no drainage plans are provided with this application.

There has been a limited amount of landscaping, however the amended plans shows that all the landscaping that was hitherto agreed has now been removed. Perhaps your own Senior Landscape Officer will recall his comments dated 8 February 2009:

"I would also draw your attention to my comments concerning the visibility of the site from the west .. the western boundary is ill-defined and particularly visible from a number of vantage points ... we should seek to ensure that planting extended into land in the applicant's ownership to bring about an extensive improvement in the general character and condition of the landscape; I believe this approach to be in line with both policies in the Herefordshire UDP and the recent 'Development Contributions' SPD."

Our concern is that if matters continue in this way it will set a precedent for any retrospective planning applications in the future, which other developers may then see as an opportunity to exploit.

All this is very confusing for our constituents. As public servants, I'm sure you will share our concern over this matter. Their perception of how we conduct ourselves is key; it is vital that both councils are seen to behave correctly and with consistency.

- 5.2 One letter of objection has been received from Mr. & Mrs. Morawiecki, Warham Farmhouse, Breinton, Hereford, HR4 7PE. The main points raised are:

1. The boundary of the development is now sprawling out of line with the original building line into open countryside and clearly visible from neighbouring households, roads and public footpaths. The proposal is therefore contrary to Policies E13 and E16 of the Herefordshire Unitary Development Plan.
2. It would be difficult to landscape due to the position of the adjoining pond.

3. Removal of the dung to field to the north means that farm vehicles have to go past three farm buildings, therefore it would be better located elsewhere.
4. No drainage plans are provided and therefore it could lead to the contamination of the adjacent storm water pond.
5. Plans do not show any landscaping which has been previously agreed.

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 developments at Warham Court Farm were approved in May 2008 and included the provision of two dung middens alongside two of the cattle buildings. These dung middens each measured 26 metres x 13 metres. During the construction of the buildings the applicant decided that it would be more efficient to have one dung midden hence this new planning application. The new dung midden is located further away from the nearest dwellings and Members will note that the Environmental Health Officer does not consider that there will be an impact on nearby property.
- 6.2 Concern has been expressed regarding potential pollution of the adjacent clean water pond. However the development is constructed to ensure that all liquid run-off falls back towards the buildings and is collected in a holding tank before dispersal in accordance with the Defra Code of Practice.
- 6.3 Natural England have indicated a desire to have the dung midden covered to prevent dilution of the nutrients due to rainwater run-off. However this is being collected, there is a substantial cost implication and a building to cover the dung midden could be intrusive in the landscape.
- 6.4 The landscaping of the clean water pond has not been removed with this planning application. However to ensure that it is planted in the event that the clean water pond is not constructed a suitable condition will be recommended. Having regard to the advice of the Conservation Manager, there should not be an unacceptable impact on the landscape.
- 6.5 Finally, the dung midden is located within the complex at Warham Court Farm and therefore fully complies with Policy E13 'Agriculture and Forestry Development'.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The landscaping scheme approved under reference DCCW2008/2647/F shall be implemented in the next planting season following the date of this planning permission.**

Reason: In order to safeguard the amenity of the area and to ensure that the development conforms to Policies DR1 and LA5 of the Herefordshire Unitary Development Plan.

- 2. The external surface of the dung midden walls hereby approved shall be painted dark green (RAL 6003) within three months of the date of this permission unless otherwise agreed in writing by the local planning authority. The walls shall thereafter be maintained in accordance with the approved colour.

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 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.

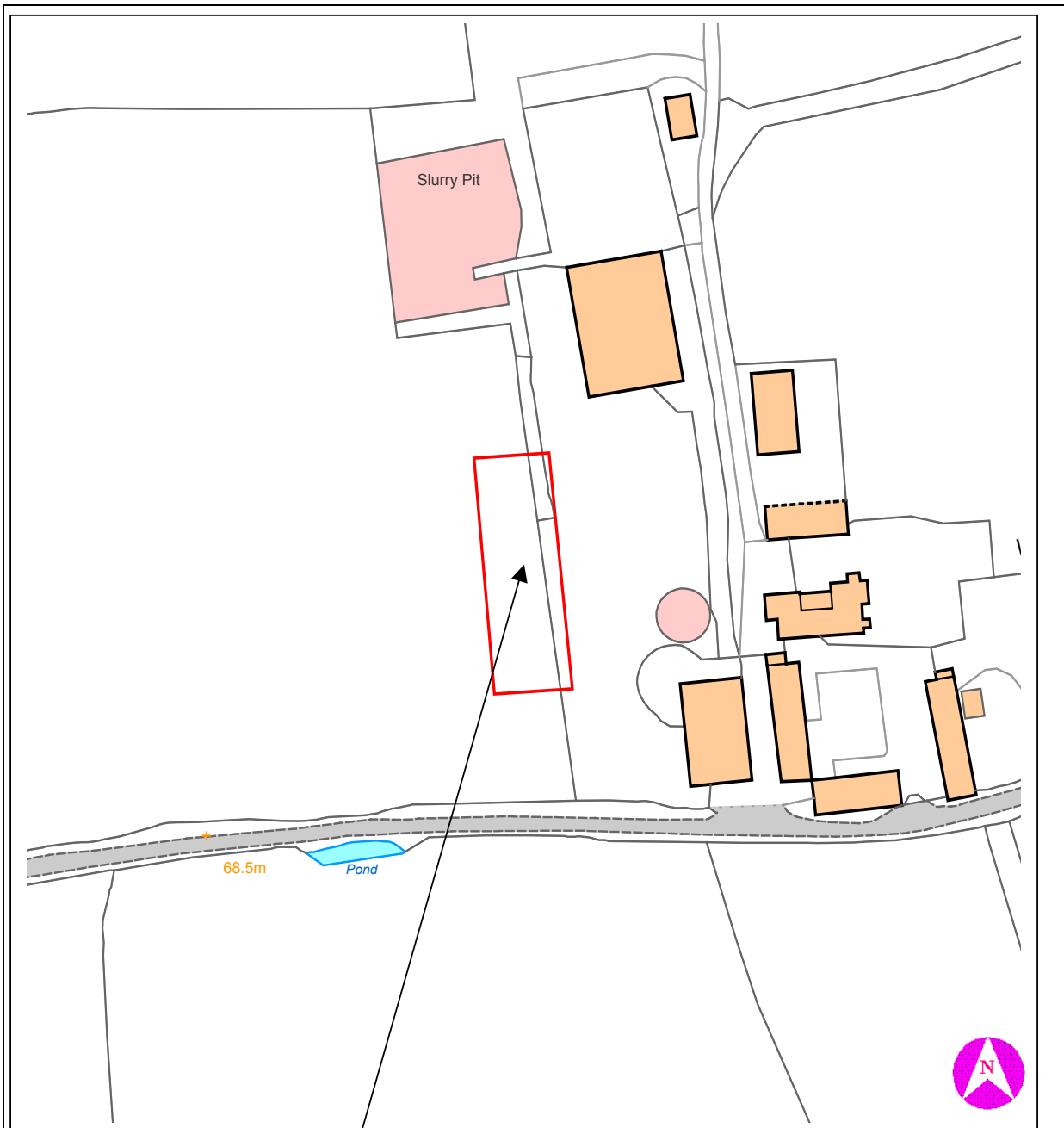
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0575/F

SCALE : 1 : 1250

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

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

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

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

Date Received: 10 June 2008

Ward: Hollington

Grid Ref: 55372, 33019

Expiry Date: 5 August 2008

Local Member: Councillor GFM Dawe

Introduction

This application was reported to the meeting on 7 January 2009 when determination was deferred in order for a site visit to be held. This took place on 20 January 2009. The application was then considered at the meeting on 4 February 2009 when the determination was deferred for further negotiations.

Since that time there have been a number of meetings during which revised proposals were discussed. The result is that a revised proposal has been submitted which changes the design approach.

1. Site Description and Proposal

- 1.1 This site is located on the north side of the Class III road that runs northeast from Little Dewchurch towards Holme Lacy.
- 1.2 Pricketts Place is a detached cottage that is constructed in natural stone with a slate roof. It is a two storey building with to the rear a single storey lean-to in similar materials. The accommodation comprises kitchen, dining, lounge and bathroom to the ground floor with three bedrooms above. In addition there are two sheds attached to the cottage.
- 1.3 This application is for alterations and extensions. Since the application was last presented the design has been completely re-configured. It is now a part two part single storey structure directly attached to the rear of the cottage and with its roof lines parallel. The existing lean-to is raised to two stories to provide a link at first floor. There would in addition be a two storey extension to the west gable end of the existing cottage. The new accommodation would provide kitchen/breakfast room, dining hall, lounge on the ground floor with two bedrooms above. The materials proposed are stone and natural slate.

2. Policies

2.1 National Planning Policy:

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

2.2 Herefordshire Unitary Development Plan 2007:

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

3. Planning History

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

4. Consultation SummaryStatutory Consultations

4.1 Ramblers Association: No objection.

Internal Council Advice

4.2 Traffic Manager: No objection subject to conditions.

4.3 Public Rights of Way Manager: No objection.

5. Representations

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

- The cottage is a simple 19th Century two bedroom structure.
- The accommodation is limited and some of the structure is in poor condition.
- The gross floor is 80 Sq m, the lean-to is 21 sq m and the annexe 35 sq m.
- The property was purchased in 2007 prior to which enquiries were made to as to the feasibility of a substantial extension.
- There have been ongoing discussions with Officers with respect to the proposals from 2007 and since the Committee meeting in February.
- The scheme has been based around a requirement to provide a family home in a peaceful location following an illness in the family and to provide space for an ageing relative.
- The existing cottage requires substantial extension to meet these needs and is based on retaining the cottage largely unaltered.
- The design solution revisits that of the very first proposal. The west extension attains a visual subservience and the rear extensions maximise space whilst maintaining the identity of the cottage.
- The materials and detailing are to echo those existing.
- It concludes that the existing cottage is too small and requires a viable use to prevent greater disrepair. Although seemingly large the extension can be comfortably accommodated.

5.2 Holme Lacy Parish Council: The Parish Council cannot see any objection to these plans. The front elevation will remain the same so the view from the road will remain unchanged.

The applicant is not trying to make this property massively bigger. The Parish Council feels the applicant has made every effort over the past months to comply with suggestions from the Planning Department.

- 5.3 Ballingham, Bolstone and Hentland Group Parish Council: The Parish Council would like to reiterate its support for this application. Although there is a considerable increase in the size of the dwelling the amended plans are sympathetic to the style of the original cottage and will provide much needed living space for the occupants. Having visited the site the Council also notes that the property is not in a prominent position on the approach road.
- 5.4 On the basis of previous proposals, six letters have been received in support of the proposal. No additional letters have been received following re-consultation on this current revision.

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

6. Officer's Appraisal

- 6.1 The site is in a relatively isolated location in an attractive area of countryside. Indeed the boundary of the Wye Valley AONB is on the opposite side of the road and there is a special wildlife site adjoining to the north (Lower Bolstone Wood).
- 6.2 The cottage is primarily two storeys but with a rear single storey lean-to and is built in stone with a slate roof. It is small and there have been no previous extensions. The original cottage has a floor area of some 102 sq m. Attached to the rear of the cottage is a further structure of some 35 sq m. This is described by the agent as an annex but the submitted survey plans note it as a shed and it does not appear to have formed part of the living accommodation.
- 6.3 The proposal has been completely reconfigured since the application was considered at the February meeting. Members will recall that the previous scheme was in the form of a separate building with a link to the existing cottage. Subsequent to the February Sub-Committee there were a number of meetings with the applicant in which the discussions centred on achieving a suitable extension both in terms of the parameters of policy and the provision of accommodation to meet the applicants requirements. It was agreed that in order to reduce the building size the concept of the linked extension would be abandoned to be replaced by a more conventional form of extension. In these discussions it was emphasised that size and scale of the extension was fundamental and the minimum aim should be to not more than double the size of the cottage.
- 6.4 The current scheme would provide approximately 160 sq m of additional floor space. This compares with the 102 sq m that exists. This is a reduction of some 20 sq m from the previously considered proposal.
- 6.5 The most relevant policy is H18 which allows for extensions to dwellings so long as the original building remains the dominant feature; the proposal is in keeping with the character of the existing in terms of scale, mass, siting, detailed design and materials; the proposal would not be cramped and would not have an adverse impact on neighbouring property and the level of parking is appropriate.

6.6 The cottage has not previously been extended and it is an attractive structure, although it is not particularly prominent in the landscape. It is typical of the Herefordshire vernacular style of which there are probably relatively few remaining unaltered examples. However the existing dwelling is small and the accommodation is limited. As Policy H18 makes clear there is no objection in principle to extending the property. However the criteria to this policy do impose limitations on the size and design of any extension. Indeed the preamble to the policy advises that in rural areas extensions to the traditionally smaller dwellings should be modest in scale so as to ensure this provision of this type of accommodation is continued. The recent discussions have considered in detail the level and size of the accommodation. It is acknowledged that the scheme in terms of its particular design is not overly excessive in terms of the sizes of the individual rooms.

6.7 Whilst efforts have been made to reduce the size, it is the relationship to the size of the very modest existing cottage that your officers consider causes a conflict with policy. On this basis the proposal does not comply with Policy H18. The extension would more than double the size of the existing building and, whilst the major part is to the rear it would dominate this small cottage.

RECOMMENDATION

That planning permission is refused for the following reason:

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

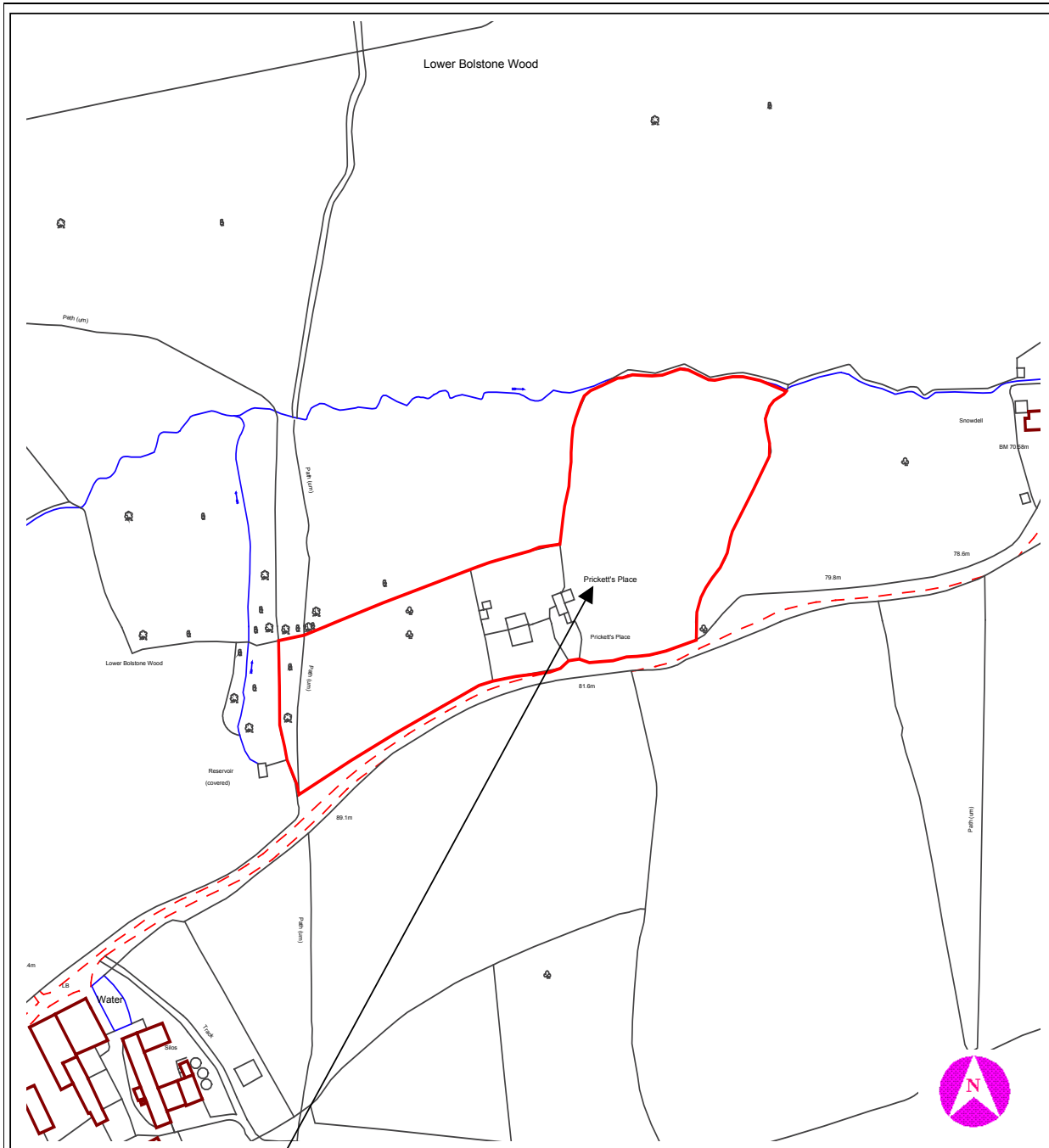
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/1533/F

SCALE : 1 : 2500

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

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Further information on the subject of this report is available from Mr. M. Willmont on 01432 260756

10 DCCE2009/0786/F - PROPOSED NEW DWELLING AT LAND TO THE REAR OF 78 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ

For: Mr. & Mrs. J. Griffith per FDH Ltd, First Floor, 43 High Street, Lydney, Gloucestershire, GL15 5DD

Date Received: 14 April 2009

Ward: Tupsley

Grid Ref: 53062, 39130

Expiry Date: 9 June 2009

Local Members: Councillors MD Lloyd-Hayes, AP Taylor and WJ Walling

1. Site Description and Proposal

- 1.1 No. 78 lies on the southern side of Hampton Park Road (B4224) directly opposite the junction with Old Eign Hill which runs to the north. The existing dwelling is a detached two storey brick and pitched tiled roof property with access directly off Hampton Park Road leading to a parking area to the front and spacious mature garden to the rear. The frontage of the curtilage is enclosed by a low stone wall and the eastern and western boundaries to the rear garden enclosed by a mixture of mature hedging and mature trees. Levels fall away southwards from Hampton Park Road both within and surrounding the site. Beyond the application site to the south is a steep drop in levels which leads down to the River Wye. Further detached properties lie immediately east and west of the existing dwelling and west of the application site is a detached bungalow and east is a modest dwelling, both constructed as backland development over the last fifteen years or so.
- 1.2 The site lies within Hampton Park Conservation Area and lies adjacent to the River Wye which is designated as a Site of Special Scientific Interest, a Special Area of Conservation, a Site of Importance for Nature Conservation and a Flood Plain Flood Zones 2 and 3.
- 1.3 Planning permission is sought for the construction of a detached three bedroom two storey dwelling with attached three bay garage and further bedroom/play room above within the rear garden of 78 Hampton Park Road. A new vehicular access and driveway will be created along the eastern boundary of the curtilage to serve the dwelling .

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

| | | |
|-----|---|-------------------------------|
| S1 | - | Sustainable developments |
| S2 | - | Development requirements |
| S3 | - | Housing |
| S7 | - | Natural and historic heritage |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR5 | - | Planning obligations |

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

| | | |
|------|---|--|
| DR7 | - | Flood risk |
| H1 | - | Hereford and the market towns: settlement boundaries and established residential areas |
| H13 | - | Sustainable residential design |
| H14 | - | Re-using previously developed land and buildings |
| H15 | - | Density |
| H16 | - | Car parking |
| NC1 | - | Biodiversity and development |
| NC2 | - | Sites of international importance |
| NC3 | - | Sites of national importance |
| NC4 | - | Sites of local importance |
| HBA6 | - | New development within conservation areas |
| CF2 | - | Foul drainage |

3. Planning History

- 3.1 DCCE2006/3301/F - Proposed new detached dwelling with garage and access. Withdrawn 30 November 2006.
- 3.2 DCCE2005/3324/F - New 4 bedroom detached house, detached garage and access. Withdrawn 6 December 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water:
Welsh Water have no comment to make on the drainage as private drainage facilities are proposed. The proposed development site is however crossed by a rising main and therefore no development shall be permitted within the safety zone either side of the rising main.

Internal Council Advice

- 4.2 Traffic Manager:
No objection subject to the completion of a Section 106 Agreement to maintain control over neighbouring land including the garden wall required to achieve visibility for the new access. Without the legal agreement the development will be recommended for refusal on the grounds of inadequate visibility.
- 4.3 Conservation Manager:
The proposed building has resolved all the conservation issues with regards to the design and is now in keeping with the context of the conservation area and the surrounding new buildings. Substantial infill developments have taken place in the surrounding part of this area and the setting of Litley Court has been lost and we therefore believe the proposal would be acceptable. It is recommended that clay rather than concrete tiles are used for the roof.
- 4.4 Children and Young People Services Manager:
The educational facilities provided for the development are North Hereford City Early Years, Hampton Dene Primary School, St Paul's CE Primary School, Bishop of Hereford Bluecoat School and Hereford City Youth. As deficiencies in capacity and provision exists within pre-

school, primary, secondary, post 16, youth and special education sectors an educational contribution is required if the development is not commenced within 12 months of any planning approval.

4.5 Building Control Manager:

The applicant should be advised that a Welsh Water foul sewer rising main runs through the site.

4.6 Conservation Manager - Ecology: No comments received.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Two letters of objection have been received from Mr J.P. Wright, The Orangery, 9 Litley Court and Mark Broad of 88 Hampton Park Road. The main points raised are:

1. The plans indicate the dwelling would be constructed within 2 to 3 metres of the mutual boundary and will overlook our property.
2. There is a significant change in levels between the site and the neighbouring property which will substantially increase the impact and degree of overlooking.
3. The plans are misleading as there are no mature trees between the respective boundaries in this part of the site.
4. The proposed dwelling will overwhelm 9 Litley Court.
5. Other recent developments were required to be of a Victorian design and not front the River Wye and it seems incongruous to permit a design as proposed facing the River Wye.
6. The proposed private sewage treatment system will generate noise and smells being located on the boundary between the proposed site and our property.
7. Relocating the proposed dwelling from the narrowest part of the site away from Litley Court would reduce the impact on our property and achieve a less intrusive option.
8. The development will increase pressure of further infill plots along Hampton Park Road.
9. The development will increase hardstanding causing additional surface water flooding.
10. Gardens should be preserved and not built on in this way.

5.3 The applicants have provided in support of the application a Design and Access Statement, draft legal agreement in relation to the access, an ecological survey from 2005 and a full topographical and arboricultural survey. These documents will be considered in the assessment of the application.

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

6. Officer's Appraisal

6.1 The proposed site for the dwelling falls within the garden accompanying No. 78 Hampton Park Road. The existing garden is of generous size extending around 80 metres before a steep drop in levels down to the River Wye. The existing garden is therefore considered sufficiently large to accommodate a new detached dwelling with appropriate parking, manoeuvring space and amenity along with retaining a commensurate area of garden for the existing dwelling.

- 6.2 In terms of the character of the area, a number of backland and tandem style developments have taken place to the rear of properties along Hampton Park Road over the last 10 years or so including developments immediately east and west of the application site. It is therefore not considered that a further dwelling on this particular site will detract from the immediate character of the area, which is also a Conservation Area. This view is supported by the Conservation Manager who raises no objection to this proposal in principle.
- 6.3 The siting of the dwelling will ensure a satisfactory standard of amenity will be achieved for both the new dwelling and 78 Hampton Park Road. The siting in relation to the juxtaposition with neighbouring dwellings east and west will also ensure there will be no harmful impact on their amenity.
- 6.4 The scale and mass of the dwelling is undoubtedly large but this must be viewed in context. Whilst there are relatively small properties either side of the site, the general character of the wider area is large properties set within large gardens. The scale and mass of the dwelling is not considered disproportionately large nor appear cramped for the site and will satisfactorily assimilate into the site and surroundings, which contain a number of semi-mature and mature trees. The only open aspect will be from a southerly direction where the development will be viewed in the context of mature trees and rising ground levels beyond. The design has been enhanced to incorporate additional architectural detailing in keeping with the character and quality of the conservation area. The mass of the roof has been also reduced through the introduction of double hips. The design and materials are considered acceptable subject to the use of high quality natural materials as recommended by the Conservation Manager.
- 6.5 One of the immediate neighbours has objected raising concerns regarding the impact of the dwelling on their amenity. The application site is approximately 2 metres higher than the site levels of the adjoining property to the east, which will exacerbate the impact of the development when viewed from their property. However, the development is sufficiently far away so as not to be unacceptably overbearing and will have minimal impact on sunlight and daylight due to the presence of existing trees along the boundary. The only windows facing the objector's property are at ground floor window and the room above the garage. In respect of the former, the existing boundary treatment will prevent overlooking and any overlooking from the room above the garage will be at an oblique angle. As such, it is not considered the development will have any harmful impact on the amenity of the neighbouring properties.
- 6.6 A new access is proposed directly off Hampton Park Road running along the eastern boundary of the curtilage. The Traffic Manager raises no objection to this subject to a Section 106 Agreement requiring the visibility splay to be safeguarded which crosses third party land to the east. The new access is proposed between existing mature trees along the frontage which can all be safeguarded subject to sympathetic construction techniques being used. The Section 106 Agreement is in the process of being finalised and the neighbouring property is party to the completion of this agreement. Elsewhere, a safe access drive and adequate parking and manoeuvring space is proposed within the site. The creation of the new access will have some impact in terms of additional noise on the amenity of neighbouring dwellings but due to existing boundary screening and scale of the development, the impact will be minimal.
- 6.7 A private drainage system is proposed and percolation tests have been carried out to assess its acceptability. Whilst this is located close to the neighbouring boundary, modern sewage

treatment plants are designed to generate little or no noise or fumes. Nevertheless, there may be scope to connect to the rising main drain which policy CF2 identifies as being the most appropriate form of drainage and therefore a condition is recommended requiring that this option be fully explored before consideration and approval is given to a private drainage system.

- 6.8 With regard to Section 106 requirements, the applicant is currently considering the acceptance of a 12 month commencement requirement in accordance with the current Section 106 policy. A further update will be provided on this matter at Committee. The ecological report is now several years out of date but it did not reveal the presence of any protected species at the time. The report also recommends the creation and retention of an undisturbed area near the River Wye and its embankment. The requirement for further surveys and ecological mitigation/enhancement can be controlled by condition.
- 6.9 The proposed construction of a dwelling on the site in question is considered acceptable in principle in terms of the character of the area and relationship with neighbouring properties. The scale, design and materials will be compatible with the site and immediate surroundings and will preserve the character and appearance of the conservation area. Therefore, subject to the completion of a Section 106 Agreement relating to visibility splays for the access the proposal is considered acceptable.

RECOMMENDATION

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure the safeguarding of visibility splays at the access and any additional matters and terms as he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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. **F07 (Domestic use only of garage).**
Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.
 4. **F15 (No windows in side elevation of extension).**

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

5. 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.

6. G04 (Protection of trees/hedgerows that are to be retained).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

7. H03 (Visibility splays).

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

8. 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.

9. H09 (Driveway gradient).

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

10. 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

11. 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.

12. 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.

13. F05 (Restriction on hours of use (industrial)).

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

14. I14 (Scheme of foul drainage disposal).

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

15. 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 H18 of Herefordshire Unitary Development Plan.

16. K4 (Nature conservation – implementation).

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

Informatives:

- 1. HN05 - Works within the highway.
- 2. HN10 - No drainage to discharge to highway.
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 4. N19 - Avoidance of doubt - Approved Plans.

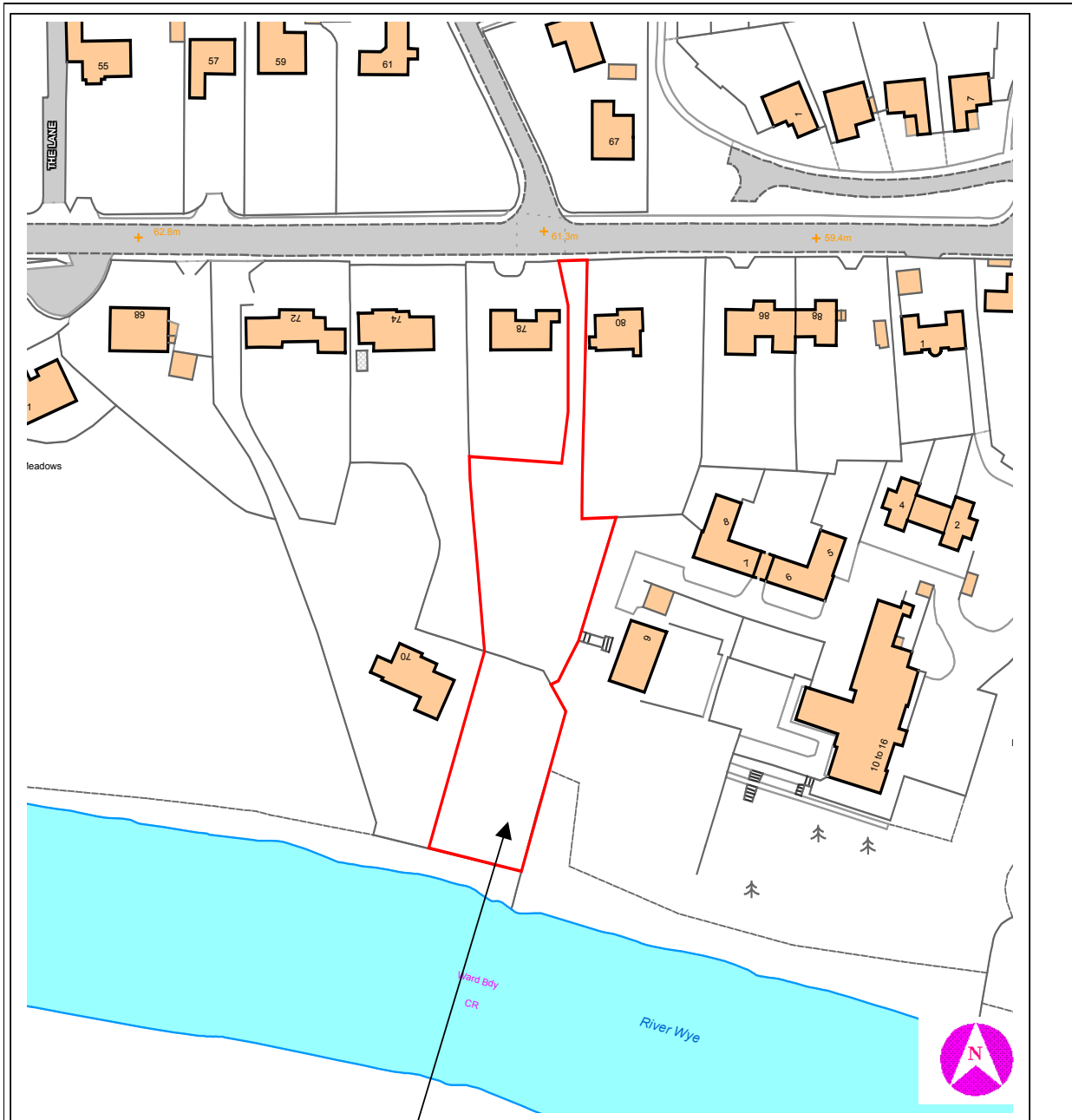
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2009/0786/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of 78 Hampton Park Road, Hereford, Herefordshire, HR1 1TJ

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

11 DCCE2009/0935/F - ALTERATIONS TO DWELLING TO INCLUDE A TWO-STOREY EXTENSION AND ATTACHED GARAGE AT 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

For: Mr. D. Quine per Mr. P.S. Hackett, Dunhampton Cottage, Hatfield, Leominster, Herefordshire, HR6 OSE

Date Received: 5 May 2009

Ward: Aylestone

Grid Ref: 52360, 41751

Expiry Date: 30 June 2009

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

1.1 No. 175 Aylestone Hill is a two-storey detached dwelling with two small lean-to to the rear and a detached single garage situated on the western side of A465 (known as Aylestone Hill) on the north eastern fringes of Hereford City. Immediately north is a detached bungalow (No. 177a) with a further detached dwelling (No. 173) to the south. The site falls within the designated Aylestone Hill Conservation Area.

1.2 Planning permission was granted last year (DCCE2008/1168/F) for the demolition of the existing rear additions and the detached garage and the construction of a two storey rear extension and a new garage. Also proposed was the construction of a porch to the front elevation of the property, but given its size, planning permission was not required. This application seeks planning permission for an amendment of the previously approved scheme. The amendment being:

- a) Change of the roof design of the two storey element from a single gable to two smaller gables;
- b) Change of the openings arrangement and windows design at ground floor and first floor of the proposed extension; and
- c) Change of the external facing materials of the proposed extension to timber boarding instead of the rendered finish.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

- H18 - Alterations and extensions
- HBA6 - New development within conservation areas

3. Planning History

3.1 DCCE2008/1168/F - Two storey and single storey extensions. Approved 23 June 2008.

- 3.2 DCCE2005/0248/F - Two storey extension to provide double garage and study with two bedrooms over. Pitched roof over existing kitchen. Appeal dismissed 10 October 2005.
- 3.3 DCCE2004/2489/F - Single storey and two storey extension, new pitched roof over existing extension. Application withdrawn 4 October 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objections.
- 4.3 Conservation Manager: The proposal would be acceptable as they would have a minimal impact on the character of the conservation area. Timber boarding buildings can be found in the area and given that it would not impact upon the vistas from Aylestone Hill the proposal would be acceptable. Boarding, slates, rainwater goods and joinery details are subject to approval.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 One letter of objection has been received from Mr. J.R. and Mrs. M.O. Jenkins, 177a Aylestone Hill, Hereford. The main points raised are:
- The new design is overall approximately an increase of 40% in volume above the eaves line. Also having the two gable ends instead of the previous single gable and a higher guttering line than the previous design. All this together will have a massive negative visual impact on our property.
 - The proposed new rear windows would overlook directly into our property. The large diamond shaped windows, although set at an apparently higher level are, in our opinion, an unattractive addition to the appearance of the property as they appear over-sized and are not in keeping with the original house design. We would appreciate that these windows were reduced in size by being cut down to the top half of the diamond shapes resulting in triangular windows.
 - The plan shows the finish as stained wooden boarding which we feel is neither in keeping with the original building nor the 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 It is noted that the principle for the construction of a two-storey extension to the rear of the property has already been established by the extant planning permission. Therefore, the main issue for the consideration of this application is whether the amendment would have

unacceptable impact on the visual and residential amenity in relation to the property itself and the neighbouring properties.

- 6.2 The proposal mainly relates to the modification of the roof design and the external appearance of the proposed extension and does not involve the change of the overall footprint of the approved extension. From a design point of view, the alteration to the roof design from a larger single gable into two smaller gables is acceptable in this instance. The reduction of the roof volume and the lower ridgeline would minimise its bulky appearance and allow the extension to be visually subservient to the main property. The use of the timber boarding finish for the new extension is, in this instance, also acceptable. The proposed extension is located to the rear of the property and as such this extension would not be readily visible from public vantage points. In this context, it is not considered that the extension would appear incongruous or out of keeping with the character of the dwelling. In addition, the extension would not impact upon the vistas from Aylestone Hill and therefore it will have minimal impact on the character and appearance of the Conservation Area.
- 6.3 With regard to residential amenity, the proximity of the proposed extension and the window openings to the rear has caused some concern but the existing relationship between the property and the neighbouring bungalow (No. 177a) is such that there is already overlooking of the neighbour's garden. The introduction of an additional opening at first floor to the rear will mean that the proposed extension may have a further impact on the amenity of the neighbour's property. However, a sectional plan has been submitted showing that the position of the new windows will be placed 1.7m above the normal eye-level. In this context, it is considered the height is sufficient to ensure that the overlooking impact is not so significant. A condition is recommended should permission be approved to restrict new first floor openings to be placed in the rear elevation so as to safeguard the neighbour's amenity. Furthermore, the proposed extension is located in an acute angle to the southeast at a distance of more than 9 metres to the neighbour's living room window. A flat roofed garage is also found in between the proposed extension and the neighbour's bungalow. In this context, it is not considered that the extension would dominate the view of their living room window result in any unacceptable overbearing impact.
- 6.4 In summary, the concerns of the objectors are acknowledged but it is considered that the effect on privacy and amenity would not be significant and sufficient to warrant refusal in this instance. On balance, the proposal in this revised form would not prove detrimental to the residential amenity of the neighbouring properties or the visual amenity of the locality and the conservation area. The proposal is considered acceptable in accordance with relevant planning policies and therefore the amendment is 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. 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. F07 (Domestic use only of garage).

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 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.

Informatives:

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

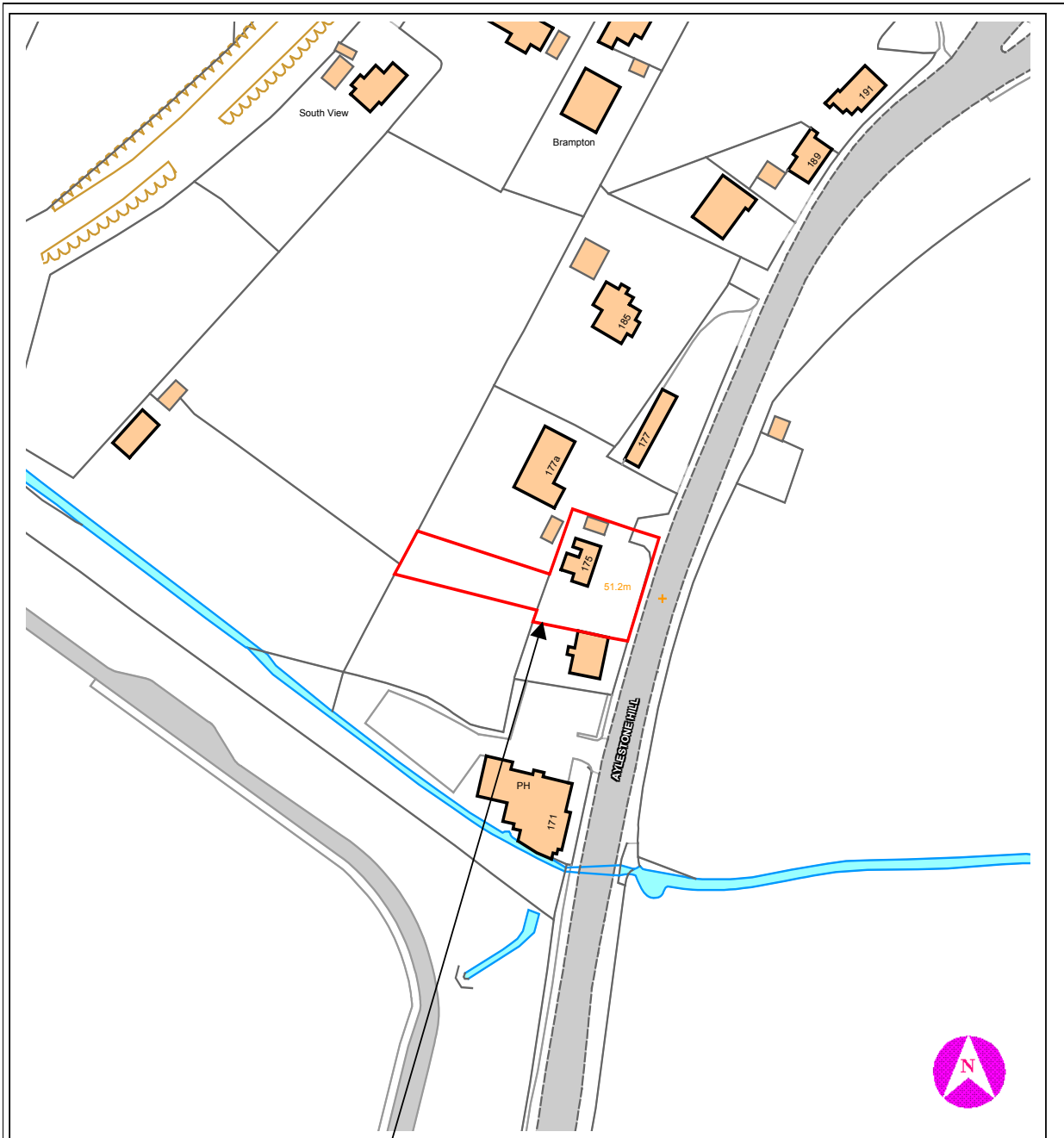
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2009/0935/F

SCALE : 1 : 1250

SITE ADDRESS : 175 Aylestone Hill, Hereford, Herefordshire, HR1 1JJ

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Further information on the subject of this report is available from Mr. B. Wai-Ching Lin on 01432 261949

